HOUSE OF REPRESENTATIVES—*Thursday, June 21, 1973*

The House met at 12 o'clock noon.

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

Search me, O God, and know my heart; try me and know my thoughts; and see if there be any wicked way in me and lead me in the way everlasting.—Psalms 139: 23, 24.

Almighty Father, who has searched us and known us, and art acquainted with all our ways, grant that we may go forth into this new day truehearted and wholehearted, faithful and loyal, eager to do Thy will and ready to serve our country with all our being.

We yield ourselves humbly to the leading of Thy holy spirit and pray that Thou wilt move through us to turn darkness to dawning, and dawning to noonday bright, that Thy great kingdom may come on Earth, the kingdom of love and light.

In the spirit of Him who said, "Seek first the kingdom of God"—we pray. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

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

H.J. Res. 499. Joint resolution providing for an extension of the term of the Commission on the Bankruptcy Law of the United States, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 7200) entitled "An act to amend the Railroad Retirement Act of 1937 and the Railroad Retirement Tax Act to revise certain eligibility conditions for annuities; to change the railroad retirement tax rates; and to amend the Interstate Commerce Act in order to improve the procedures pertaining to certain rate adjustments for carriers subject to part I of the act, and for other purposes, disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HATHAWAY, Mr. PELL, Mr. NELSON, Mr. HUGHES, Mr. MONDALE, Mr. SCHWEIKER, Mr. TAFT, Mr. BEALL, Mr. LONG, Mr. BENNETT, Mr. MAGNUSON, Mr. PASTORE, Mr. HARTKE, and Mr. GRIFFIN to be the conferees on the part of the Senate.

NEW HAMPSHIRE'S DISTINGUISHED SENATOR NORRIS COTTON

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

Mr. WYMAN. Mr. Speaker, it was with a deep sense of loss that I learned this morning that New Hampshire's outstanding Senator NORRIS COTTON has announced his retirement when his present term expires.

Serving 28 years in the Congress of the United States—8 in the House and 20 in the Senate—NORRIS COTTON has done far more than ably represent New Hampshire in Washington. In a world that often seems topsy-turvy, when one crisis follows hard upon another and deliberation is replaced by reaction, NORRIS COTTON has been there, with thoughtful Yankee commonsense, to counsel caution and advise foresight. In many ways NORRIS COTTON has brought New Hampshire to Washington, and the Nation has benefited.

NORRIS COTTON's achievements—chairman of the Senate Republican Conference, first on the Commerce Committee and third on Appropriations—bespeak the respect of his colleagues, but do not fully give the measure of the man. Above all, NORRIS COTTON is a man of dignity, who has brought a sense of perspective to the U.S. Senate that has seldom been matched.

A man of honor, straightforward in his manner, and with a sense of humility which tempers all his actions, NORRIS COTTON is truly a Senator's Senator.

END PLOWSHARE

(Mr. RONCALIO of Wyoming asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RONCALIO of Wyoming. Mr. Speaker members of the Joint Committee on Atomic Energy have been invited to the White House today for signing ceremonies of the SALT Agreement with Soviet leader Brezhnev and President Nixon. I am also committed to leave for Texas this afternoon for the Cibolo project irrigation and reclamation hearings on a firm commitment to my chairman, "BIZZ" JOHNSON, and colleague, ABE KAZEN of Laredo, Tex., and I, therefore, find that it will be very improbable that I will be here to offer my amendment to H.R. 8662 which would take $3 million from Plowshare and apply it to thermonuclear research.

Mr. Speaker, I have no illusions about the success of this amendment, but I do think that as each year passes the case against Plowshare gets stronger and stronger. There is then, in support of my amendment, the material which will follow, and which I hope all Members will consider to put a permanent end to Plowshare research one of these years. We already have the assurance from the able Chairman of the Atomic Energy Commission, Dixy Lee Ray, that the wagon wheel program is as "dead as a doornail." All we need now is to terminate any other programs that make no tested, proven, objective contribution to our energy crunch and get on full speed with those research and experimental programs and projects that can help us out of our present dilemma. Plowshare is not one of these potentials; thermonuclear research is.

MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS CLIMATE OF ECONOMIC UNCERTAINTY CAUSES FOOD PRICE RISES

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

Mr. O'NEILL. Mr. Speaker, the Agriculture Department has reported that supermarket prices are going to average 12 percent higher this year—even with the new 60-day freeze.

Six weeks ago, the Department was talking about a 9-percent increase for the year. Now, it is saying that the prices would climb even higher than 12 percent without the freeze.

In addition, the Department reports that food production may not be as great this year at it had thought. The climate seems to have hurt crops, and I mean the climate of economic uncertainty—not the weather.

After President Nixon prematurely lifted phase II controls last January, inflation started to run rampant. No one knew what to expect. Farmers, particularly, did not know if the President would institute price controls on raw farm products. His selective freeze on meats only made them more suspicious. Instead of taking firm, prompt action as Congress urged, President Nixon dragged his feet. He waited until June before he imposed new controls and announced which items would be controlled.

The upshot of all this confusion has been delayed planting, higher prices for the consumer, and relatively little benefit for any segment of the economy.

This shows once again the state of economic chaos this Natior. is suffering under President Nixon's economic policies—or lack of them.

NORRIS COTTON: A DISTINGUISHED CAREER COMING TO A CLOSE

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

Mr. CLEVELAND. Mr. Speaker, my distinguished colleague and friend from New Hampshire, Senator NORRIS COTTON, today announced his decision to retire

at the end of his term on January 3, 1975. Thus an immensely constructive political career, spanning 25 years in the House and Senate, is drawing to a close. The senior Senator's departure will remove from service to New Hampshire and the Nation one of the true statesmen of our time. With skill, energy, and wit, NORRIS COTTON has been an authentic voice for progressive conservatism. I deeply regret that the close working relationship I have enjoyed with him is coming to an end.

I respect and admire the reasons the Senator has eloquently given for his difficult decision. A statesmen to the end, he has timed his decision to allow the people of New Hampshire the fullest opportunity to weigh the merits of those who seek to succeed him.

No immediate response can give due tribute to a public figure of his stature. His contribution can only be appreciated in historical perspective. But for those who can draw a useful lesson from his reflections on his decision to retire, I will submit the message from NORRIS COTTON to his New Hampshire constituents at a later point in the RECORD.

OBSCENITY AND THE SUPREME COURT

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

Mr. KEATING. Mr. Speaker, this morning the U.S. Supreme Court revealed some landmark decisions in the area of obscenity.

While the five decisions are long and there are dissenting views the Court held in part:

First. Obscene material is not speech entitled to first amendment protection.

Second. The basic guidelines for the trier of fact must be:

(a) Whether "the average person, applying contemporary community standards" would find that the work, taken as a whole, appeals to the prurient interest . . . (b) whether the work depicts or describes, in a potently offensive way, sexual conduct specifically defined by the applicable State law, and (c) whether the work, taken as a whole, lacks serious literary, artistic, poetic, or scientific value. If a State obscenity law is thus limited, first amendment values are adequately protected by ultimate independant appellate review of constitutional claims when necessary.

Third. The test of "utterly without redeeming social value" is rejected as a constitutional standard.

Fourth. The jury may measure the essentially factual issues of prurient appeal and patent offensiveness by the standard that prevails in the forum community, and need not employ a "national standard."

I believe this decision will go a long way in cleaning up the environment.

AMENDING RAILROAD RETIREMENT ACT OF 1937

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 7357) to amend section 5(l)(1) of the Railroad Retirement Act of 1937 to simplify administration of the act; and to amend section 226(e) of the Social Security Act to extend kidney disease medicare coverage to railroad employees, their spouses, and their dependent children; and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Strike out all after the enacting clause and insert: That section 3(e) of the Railroad Retirement Act of 1937 is amended by striking out the word "and" after clause (ix) in the second paragraph thereof and inserting after the semicolon in clause (x) in such second paragraph the following new clauses:

" '(xi) years of coverage as defined in section 215(a) of the Social Security Act for an employee who has been awarded an annuity under section 2 of this Act shall be determined only on the basis of his wages and self-employment income credited under the Social Security Act through the later of December 31, 1971, or December 31 of the year preceding the year in which his annuity began to accrue; and (xii) in determining increment months for the purpose of a delayed retirement increase, section 303(w)(2)(B)(ii) of the Social Security Act shall be deemed to read as follows: "such individual was not entitled to an old-age insurance benefit";'."

SEC. 2. Section 5(l)(1) of the Railroad Retirement Act of 1937 is amended—

(1) by striking out from clause (ii) "shall not be adopted after such death by other than a stepparent, grandparent, aunt, uncle, brother, or sister;";

(2) by striking out from such clause (ii) "age eighteen" and inserting in lieu thereof "age twenty-two or before the close of the eighty-fourth month following the month in which his most recent entitlement to an annuity under section 5(c) of this Act terminated because he ceased to be under such a disability";

(3) by striking from the third sentence thereof "202(d)(3) or (4)" and inserting in lieu thereof "202(d)(3), (4), or (9)";

(4) by adding immediately after the seventh sentence thereof the following new sentence: "A child whose entitlement to an annuity under section 5(c) of this Act was terminated because he ceased to be disabled as provided in clause (ii) of this paragraph and who becomes again disabled as provided in such clause (ii), may become reentitled to an annuity on the basis of such disability upon his application for such reentitlement."; and

(5) by adding the following new paragraph at the end thereof:

"A child who attains age twenty-two at a time when he is a full-time student (as defined in subparagraph (A) of paragraph 7 of section 202(d) of the Social Security Act and without the application of subparagraph (B) of such paragraph) but has not (at such time) completed the requirements for, or received, a degree from a four-year college or university shall be deemed (for purposes of determining whether his entitlement to an annuity under this section has terminated under subsection (j) and for purposes of determining his initial entitlement to such an annuity) not to have attained such age until the first day of the first month following the end of the quarter or semester in which he is enrolled at such time (or, if the educational institution in which he is enrolled is not operated on a quarter or semester system, until the first day of the first month following the completion of the course in which he is so enrolled or until the first day of the third month beginning after such time, whichever first occurs)."

SEC. 3. Section 226(e) of the Social Security Act is amended—

(1) by inserting "or would be fully or currently insured if his service as an employee (as defined in the Railroad Retirement Act of 1937) after December 31, 1936, were included in the term 'employment' as defined in this Act" after "(as such terms are defined in section 214 of this Act)" in 2(A) thereof;

(2) by inserting "or an annuity under the Railroad Retirement Act of 1937" after "monthly insurance benefits under title II of this Act" in 2(B) thereof;

(3) by inserting "or would be fully or currently insured if his service as an employee (as defined in the Railroad Retirement Act of 1937) after December 31, 1936, were included in the term 'employment' as defined in this Act" after "fully or currently insured" in 2(C) thereof; and

(4) by inserting "or an annuity under the Railroad Retirement Act of 1937" after "monthly insurance benefits under title II of this Act" in 2(D) thereof.

SEC. 4. (a) The provisions of this Act, except the provisions of section 1, shall be effective as of the date the corresponding provisions of Public Law 92-603 are effective. The provisions of clauses (xi) and (xii), which are added by section 1 of this Act, shall be effective as follows: clause (xi) shall be effective with respect to calendar years after 1971 for annuities accruing after December 1972; and clause (xii) shall be effective as of the date the delayed retirement provision of Public Law 92-603 is effective.

(b) Any child (1) whose entitlement to an annuity under section 5(c) of the Railroad Retirement Act was terminated by reason of his adoption prior to the enactment of this Act, and (2) who, except for such adoption, would be entitled to an annuity under such section for a month after the month in which this Act is enacted, may, upon filing application for an annuity under the Railroad Retirement Act after the date of enactment of this Act, become reentitled to such annuity; except that no child shall, by reason of the enactment of this Act, become reentitled to such annuity for any month prior to the effective date of the relevant amendments made by this Act to section 5(l)(1)(ii) of the Railroad Retirement Act.

Amend the title so as to read: "An Act to amend sections 3(e) and 5(l)(1) of the Railroad Retirement Act of 1937 to simplify administration of the Act; and to amend section 226(e) of the Social Security Act to extend kidney disease medicare coverage to railroad employees, their spouses, and their dependent children; and for other purposes."

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

There was no objection.

Mr. STAGGERS. Mr. Speaker, the House passed H.R. 7357 without dissent on May 31. The bill contains technical amendments to the Railroad Retirement Act of 1937. These amendments are designed to simplify the administration of the act and to bring them into conformity with the Social Security Act.

After the House passed H.R. 7357, the Railroad Retirement Board, with concurrence from the Office of Management and Budget, asked that an additional amendment be added. This amendment

would modify a technical change made last year under which the Board is relieved of the necessity of considering postretirement earnings in determining the amount that would be paid to an individual under the provisions of the law which guarantees railroad retirement benefits 10 percent higher than would be paid under the Social Security Act.

The management and labor organizations affected concur in the amendment, the Retirement Board and the Office of Management and Budget approve, and no additional costs are involved.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 252]

Ashbrook	Davis, Ga.	McCormack
Ashley	Diggs	McKinney
Badillo	Esch	Parris
Barrett	Fisher	Patman
Biaggi	Giaimo	Rarick
Blatnik	Gonzalez	Rooney, N.Y.
Breaux	Gray	St Germain
Brown, Calif.	Gubser	Sandman
Burke, Calif.	Harsha	Seiberling
Carey, N.Y.	Heckler, Mass.	Stokes
Chisholm	Heinz	Talcott
Clark	Holifield	Thompson, N.J.
Clawson, Del	Howard	Tiernan
Conyers	Kazen	Whitehurst
Danielson	Kuykendall	Widnall

The SPEAKER. On this rollcall 388 Members have recorded their presence by electronic device, a quorum.

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

APPOINTMENT OF CONFEREES ON H.R. 7528, NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AUTHORIZATION, 1974

Mr. TEAGUE of Texas. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7528) to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Texas? The Chair hears none, and appoints the following conferees: Messrs. TEAGUE of Texas, HECHLER of West Virginia, FUQUA, SYMINGTON, MOSHER, BELL, and WYDLER.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE REPORT ON LABOR-HEW APPROPRIATIONS, 1974

Mr. FLOOD. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on the bill making appropriations for the Departments of Labor and Health, Education, and Welfare and related agencies for fiscal year ending June 30, 1974, and for other purposes.

Mr. MICHEL reserved all points of order on the bill.

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

There was no objection.

LEGAL SERVICES CORPORATION ACT

Mr. HAWKINS. 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. 7824) to establish a Legal Services Corporation, and for other purposes.

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. 7824, with Mr. ECKHARDT in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from California (Mr. HAWKINS) will be recognized for 1 hour, and the gentleman from Minnesota (Mr. QUIE) will be recognized for 1 hour.

The Chair recognizes the gentleman from California.

Mr. HAWKINS. Mr. Chairman, I yield 6 minutes to the gentleman from Kentucky (Mr. PERKINS), the chairman of the Committee on Education and Labor.

Mr. PERKINS. Mr. Chairman, I rise in support of the legislation.

First, let me thank my colleague and the distinguished chairman of the subcommittee, the gentleman from California (Mr. HAWKINS), for calling on me at the outset.

I am very much in favor of establishing the Legal Services Corporation. I have always felt that the legal services program of the Office of Economic Opportunity was one of the most valuable and effective programs established under the Economic Opportunity Act. Today we have an opportunity to give permanent life to a workable and valuable program.

Today we have before us a bill to establish an independent Legal Services Corporation. Mr. Chairman, let me stress a few fundamental points about this legislation. First, it is the product of a genuine bipartisan effort to produce a bill acceptable to all parties. Second, as in any compromise, by its very nature, it is subject to criticism from all sides. Third, and probably most importantly, the bill contains numerous provisions, safeguards and restrictions to insure that the program is responsibly and professionally administered, accountable to the public, and limited in its scope of permissible activities.

The committee bill carefully circumscribes the permissible activities of the Corporation, its programs and its employees to insure that many of the abuses alleged to have occurred under the existing structure of Legal Services are corrected. Any involvement in political activity is prohibited. Any activity to provide voters or prospective voters with transportation to the polls, or in registration activities, are strictly prohibited. Any activity which is in violation of an outstanding injunction is strictly prohibited. Legal Services must refrain from participation in, and encouragement of others to participate in, rioting, civil disobedience, picketing, boycotting, or striking. Neither the Corporation nor any program supported by the Corporation may contribute or make available funds, personnel, or equipment to any political party, political association, or candidate for elected or party office. The Corporation is forbidden from lobbying before any legislative body, although personnel of the Corporation would be allowed to testify if specifically asked to do so by such body. No funds of the Corporation may be used to support training programs for the advocacy of particular public policies, or to support training programs which encourage political activities, labor or antilabor activities, boycotts, picketing, strikes and demonstrations. No funds may be used to organize, assist to organize, or the encouragement to organize by any group. Attorneys, however, may provide appropriate legal assistance to groups of eligible clients under conditions authorized by the Corporation. As in the existing program, all criminal cases are banned.

To make sure that the local communities maintain control over the program, the legislation requires that one-half of the membership must be attorneys authorized to practice in the highest court of the State. In filling such attorney positions, at the local level, the Corporation must consult with the local bar association and give consideration to qualified local attorneys for such staff positions. Furthermore, Mr. Chairman, every State must have a nine-member advisory council, appointed by the Governor, whose function is to notify the Corporation of any violations of the statute or rules or regulations promulgated pursuant to the statute.

Mr. Chairman, as I mentioned before, every compromise is subject to criticism, and I am sure that there will be amendments offered to this bill, and on each of these the House will work its will, but I am convinced that the bill reported by the committee represents a genuine bipartisan effort to present this body with the best possible legislation, and in my judgment it should be supported.

In the committee I offered an amend-

ment which would have required the corporation to employ staff attorneys from among those recommended by the local bar associations. Such recommendations would not, of course, have to be limited to residents of the local area, though they would have to be admitted to practice in the State.

I offered this amendment in committee because in the congressional district which I represent, many of the local attorneys have expressed interest in being part of the Legal Services organization. I have great confidence in the attorneys who comprise the local bar associations. Attorneys are better able to judge other attorneys. In setting up this Corporation, to be subsidized by the Government, we would be well advised to establish the closest possible contacts for it at the local level. We need to give the Corporation grassroots support. To my way of thinking, the best way of giving grassroots support to this Corporation is for the local communities, the local bar associations, to become involved and to become committed. When that happens you are going to have better attorneys representing the poor throughout this country.

Mr. Chairman, my amendment was defeated in committee, but I am hopeful that we may be able to get that amendment, or one like it, accepted today. It will give tremendous strength to the Corporation. The Corporation is set up to insure representation to the poor. To do so adequately, it must have balance. It must not be seized as a tool of either the left or the right. Close involvement of the local bar will insure balance and stability to the program and help it better serve the poor people of this country.

Mr. Chairman, the legal services program has been an outstanding program. I do not have any quarrel with the present Legal Services program. It has worked wonderfully well. There have been mistakes made, but by and large it has been a good program in the Appalachian section of the United States. There have been a few instances of misconduct and sometimes poor judgment was exercised, but by and large the Legal Services program has served the poor.

Mr. Chairman, by encouraging the participation of local attorneys in this program, you are going to have more and better service for the poor people.

I believe that this is legislation that we can all support.

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

Mr. HAWKINS. Mr. Chairman, I yield 1 additional minute to the gentleman from Kentucky.

Mr. PERKINS. I know that during the debate on this bill there is likely to be a lot of emotionalism. The subject of legal services is something that seems to excite the emotions of many people.

However, I believe that this is a good bill. I can support the bill, whether my amendment is adopted or defeated, and I can support it enthusiastically.

My only motive in offering the amendment is to make a better piece of legislation, and to give the legislation grassroots support, to give it greater support through America and to insure that it will become a part of every community in America.

Mr. QUIE. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. BELL).

Mr. BELL. Mr. Chairman, I rise in firm support to H.R. 7824, the Legal Services Corporation Act.

If the courts are to be available to every American in reality as they are in theory, we must provide legal assistance to those citizens who cannot otherwise afford it.

There can be no controversy whatever about this legislation if this Congress is truly committed to the principle of equal justice under law for every citizen of the United States.

Legal assistance is not a luxury.

For the poor person especially, it can spell the difference between the despair arising from inequitable and unfair treatment by other citizens or the institutions of our society, and the well-being arising from the vindication of an individual's rights.

Some controversy surrounds this legislation because of the very small number of cases which have drawn unfavorable attention to the legal services program. Perhaps some lapses in judgment are inevitable in the life of any law firm with over 2,500 lawyers.

That is extremely unfortunate, because the vast majority of legal services lawyers are among the most dedicated, concerned and responsible citizens this Nation has ever produced.

And the legal services program has certainly been one of the most successful Federal social programs ever.

It is a program which America can be proud of, because it actually helps implement our very highest national ideals and our Constitution.

It is crucial that every Member of this House realizes that a legal services attorney can accomplish nothing by himself; the lawyer can prevail only when a judge in a court of law is persuaded by his argument and agrees with his point of view, or when a majority of the Members of a legislative body which has heard a legal aid lawyer's testimony decides to enact a law based on it.

The exaggerated fears over the activities of legal services attorneys have always struck me as totally disproportionate to the actual powers such attorneys have.

Whatever the validity of those fears, however, H.R. 7824 contains extensive safeguards against any possible abuses.

Legal services attorneys are prohibited from engaging in political activity, strikes, boycotts, and picketing, and they are at all times bound by the canons of ethics and the code of professional responsibility of the American Bar Association.

This is responsible and moderate legislation.

We owe it to the poor, and we owe it to our own faith in our system of government.

I strongly urge that we approve it.

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

Mr. HAWKINS. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Chairman, this is the fourth time I have appeared in the well of the House in support of this program, three times in support of bills, and once in support of a conference report. Each time the bill has become more accommodating to the position of the administration. We initiated the bill with 100 sponsors on both sides of the aisle at the request of all of the major bar associations in the United States, at the urging of the Ash Commission set up by President Nixon, at the urging of the President himself, at the urging of the Judicial Council of the United States, the Chief Justice of the United States Supreme Court, and with an almost unified opinion that it was necessary to insulate the legal services program from political pressure without isolating it from the needs of the poor clients it should represent.

The House has passed legislation creating this corporation, on two separate occasions the bills, and on a third occasion the conference report, by substantial margins each time. Each time we have had to come back to the well of the House and argue for another bill or another conference report, each one weakened, and each one tailored to meet objections of this administration, objections which initially we thought simply went to the composition of the board of directors, objections which we thought we met when we changed and actually what I would say capitulated to the White House with regard to that composition.

We are again here today with a compromise bill, a bill which again this time initiated in the White House with the proposals of the administration, which was sent to the House where we sat down again with the same people on the other side of the aisle who had negotiated the other two agreements, and with which they, incidentally, kept faith, and we negotiated again. We made concessions again—those of us who wanted a stronger, more independent legal services program.

We passed a bill in the committee by a vote of 32 to 3. That was the vote on the motion to recommit. The vote on passage I think was unanimous. It was a voice vote. We passed a bill which again we thought was a compromise bill, which would pass, which the President would sign, and which would finally provide some certainty to a Legal Services Corporation.

But evidently the White House had second thoughts, because we heard after we passed the legislation from the committee, with the support of the gentlemen and gentlewomen on the other side, that this was not satisfactory to the White House, and they wanted still more amendments and they wanted still more

retreat by those of us who felt we needed a strong, independent Legal Services Corporation, and the White House is indeed proposing through the Members on the other side it seems to me changes which seriously jeopardize the ability of the individual lawyer to represent his client.

I think it is necessary to make some concessions about this bill. Let us be very frank, and as some people say, let me make myself perfectly clear. This program has not been free of controversy. This program has not been perfect. There have been some mistakes, there have been some overzealous representatives.

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

Mr. HAWKINS. Mr. Chairman, I yield the gentleman from Washington 5 additional minutes.

Mr. MEEDS. But on balance, Mr. Chairman, this has been a fantastically successful program. I think we ought to realize as a legislative body that this program will never be free of controversy. Indeed I would be frightened if it were free of controversy, because that would mean it was really not doing the job which it was intended to do.

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

Mr. MEEDS. I yield briefly to the gentleman from Michigan.

Mr. CONYERS. I just want to ask the gentleman to explain further the remarks he made about the fact that after agreement had been reached by both parties apparently the White House or someone else who has some legislative control had changed his mind.

Mr. MEEDS. I wish I could explain to the gentleman what happened. I do not know what happened, I have to say that.

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

Mr. MEEDS. I yield to the gentleman from Indiana very briefly.

Mr. DENNIS. I thank the gentleman for yielding.

I think I am in the position a great many Members are. We are sympathetic with giving legal services to the poor and we were not so sympathetic to bringing about social reform in the guise of giving legal services. In view of that fact why is there no provision in this bill, and there is not so far as I can see, to limit or restrict the class action, particularly, to cases where we have a legitimate case for an individual client rather than a sort of social experiment which really ought to be tried here on this floor rather than through a legal proceeding?

Mr. MEEDS. In a system which is imperfect, reform is always necessary, I will tell the gentleman. I will not yield further.

I will simply say we have a good system but it is still somewhat imperfect and therefore it is necessary to reform it and keep reforming it.

It is not the intention of this bill to reform the system but it is the purpose of this bill to provide access to the courts for the poor, and that is absolutely essential if they are to have the full scope of citizenship in this Nation.

I also want to point out that we are going to have controversy with this legislation, and in this respect I think that which was said by Mr. Carlucci, who was the former Director of the OEO when this program was proposed, is very apropos. He said:

> It is an act of great self-confidence for a government to make resources available for testing the legality of governmental practices. We have written laws and created Government agencies that provide food for people who are hungry, homes for people who are homeless, and jobs for people who are unemployed.
>
> Consequently, a lawyer who is going to represent poor people is inevitably going to be an advocate for them against governmental agencies. It is to shield legal services from the repercussions generated by suits of this kind as well as those generated by action against private interests that the President proposes creation of an independent Legal Services Corporation.

So, let us never expect it to be noncontroversial. It will always be necessary, as long as we seek change in this country by evolution and not revolution, that this program be controversial. In the absence of a program such as this, it seems to me that the poor are deprived of approximately one-third of what means operational government representation to government for them.

Despite the concurrence of all that, we need this program, despite what we thought was an agreement with the others that we would get this program as it came from the committee, we are now told that the independence of this proposal is to be threatened by some amendments. Mr. Chairman, I intend to oppose further amendments. I intend to live by the bargain that I thought was made. I intend to try and see that an independent Legal Services Corporation emerges from this House of Representatives which will provide effective representation for the poor in the courts of this Nation.

Mr. QUIE. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, I have had, and have, mixed emotions regarding legal services.

I am not insensitive to the need for legal services to the poor. Like most lawyers in our small towns and medium-size cities I have spent a good part of my life giving legal services to the poor, from time to time, in the course of my practice of the law. This sort of informal legal aid is an honorable and long-time part of the tradition of the legal profession.

These informal services—although very widespread—may be insufficient to meet the problem. Perhaps more formalized, but privately financed, legal aid is not sufficient. Even so, serious questions remain whether the Federal Government rather than private, local, and State agencies should meet this need; and whether, if the Federal Government is to take action, there may not be better methods than the Legal Services Corporation approach which is embodied in this bill.

Indeed, one of the best provisions in the pending measure is that providing for the study of other methods—such as judicare, a voucher system, revenue sharing, contracting with law firms, and so on.

Logic and prudence would seem to suggest, however, that such a study might well precede the establishment of a new, expensive, and far-reaching system, rather than following as an apparent afterthought when that system is being established.

The fundamental problem in this matter is one of philosophy and approach.

The rich—so long as there are any rich—will always be able to afford legal services. If this bill becomes law the poor will have such services furnished to them at the public expense. What happens to the man of the middle class, the taxpaying and tax-providing millions who are neither rich nor poor?

Some of them, under a measure we passed here the other day, may be provided for under union contracts at the expense of their employer. But who will take care of the merchant on Main Street, the unorganized worker, the self-employed, the people performing personal or professional services, the farming population?

What of the small private employer, or the local governmental unit, against whom some action is brought under this bill by self-described "lawyers for the poor," backed by the full resources of the Treasury of the United States—a treasury made up for the most part, in many cases, of funds collected from the very defendant involved, and from those sharing his general interests and outlook in life?

This question—which is not rhetorical but, on the contrary, quite real—goes, I submit, to the fundamental problem posed by the pending legislation.

Assistance with the personal and individual legal problems of the poor, is one thing. It is easy to sympathize with the idea of legal aid in such fields as landlord and tenant, vendor and purchaser, master and servant—to use the old legal phraseology—and domestic relations, for example. Likewise with respect to the criminal law which, however, is a field not covered by this legislation.

It is much less easy to sympathize with using the taxpayers' money to finance far-reaching class actions brought by liberal or radical young lawyers, and sometimes designed far less to aid any individual client than to bring about alleged social reforms of their own preference, measures which the duly elected representatives of the people have never seen fit to initiate.

Is it to be believed, for one moment, for example, that the Congress would have intentionally passed a law for the purpose of financing a lawsuit which would invalidate the welfare residence requirements of the several States?

If important policy decisions of this kind are to be made, should not the leg-

islative branch under our system, be the place to make them?

One valid test of the philosophy and intentions of the advocates of this bill is to take note of the committee actions.

The bill, in the first place, was not sent to the Judiciary Committee in the jurisdicition of which it plainly lies, but to the Committee on Education and Labor.

What did that distinguished Committee do?

First. It took a bill so drawn as to at least attempt to confine its benefits to the poor by means of a financial test of eligibility, and redrew the eligibility standards in such broad and generalized terms that only the conscience of the administrators can determine who will qualify.

Second. It took a bill which provided for citizens' suits to see to it that the statute was followed in the law's administration, and removed the section providing for these actions.

Third. It took a bill designed to discourage frivolous appeals at public expense and watered down the language imposing these restrictions.

Fourth. It took a bill which forbade political activity by legal services lawyers and effectively emasculated these provisions.

Fifth. It took a bill which restricted so-called training in political advocacy and substantially weakened these restrictions.

Sixth. It reported out a bill which provides nothing whatsoever to restrict the harassment of so-called and sometimes politically motivated "class actions," which have caused so much of the criticism of legal services.

It took various other similarly oriented actions. It did all this without holding committee hearings.

Under these circumstances it is not unfair to wonder how much the sponsors of this measure are dedicated to the protection of the legal rights of the poor; and how much they are interested in using the measure as a vehicle to push for their own favored social reforms—reforms many of which lack sufficient public support to be enacted into law on their own merits.

And under these circumstances it is not too much for those of us who are sympathetic to legal aid, but skeptical of this social approach, to withhold any vote of approval on our part for a better bill, upon another day.

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

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

Mr MEEDS. Is the gentleman telling us that the taxpayers' money is not well spent in class actions?

Mr. DENNIS. I would not suggest that one should never use a class action, but I would suggest that there should be some effort made to restrict that type of action. It might be difficult to draft a satisfactory provision—but I am afraid the committee has not tried to draft it, so far as I can see—a provision to restrict that type of action to a legitimate lawsuit where an individual client has some right he wants to assert, rather than employing this type of action as a back door method to achieving alleged and questionable so called social reform.

Mr. HAWKINS. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana (Mr. LONG).

Mr. LONG of Louisiana. Mr. Chairman, 7 or 8 years ago I had the opportunity and the privilege to serve as Assistant Director of the Office of Economic Opportunity when it was first organized. I spent 1 year there. I look back at that service, 7 years later, and I do it in many instances with a great deal of concern over the direction in which the programs went which were originated by that office. I look back at my service there also with an overriding pride as to what was accomplished for the poor people of America by the programs which were instituted at that time.

One that I think has been very successful but which, was subject in a number of instances to abuse, was the legal services program. I have studied the program since the legislation has been under consideration, and it appears to me that it is perhaps an effective and a good compromise.

Mr. Chairman, it was surprising to me that I found a syndicated columnist by the name of James K. Kilpatrick, with whom often I do not agree, who pretty well supports the situation in language with which I do agree. This article appeared in the Washington Star-News on Monday, June 4, 1973.

Mr. Kilpatrick said as follows:

The legal services bill just reported in the House is a product of compromise, which in politics is no bad thing. The bill contains more safeguards than the liberals really wanted, but it is not quite as restricted as some of us on the conservative side had wished. With a little common sense all around, it should do the job that needs to be done.

Mr. Kilpatrick continues as follows:

That job is immensely important. No concept in our political system ranks higher than the concept of equal justice under law. It is tied directly to another great principle, that ours is a government of law, not of men. In actual practice, these precepts contain more myth than reality, but we have a responsibility, nonetheless, to strive in these directions.

Quoting down further in Mr. Kilpatrick's column of June 4, he said as follows:

Most of the criticism that has been hurled at the Neighborhood Legal Services in recent years has resulted from overzealousness, ranging into radicalism, on the part of high-flying young lawyers. The bill contains several provisions intended to clip their wings.

The CHAIRMAN. The time of the gentleman from Louisiana (Mr. LONG) has expired.

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

Mr. LONG of Louisiana. Mr. Chairman, the article concludes as follows:

One of the great foundation stones of our philosophy is the rule of law. Take this away, and a civil society turns into a mob. But the "rule of law" becomes meaningless if it cannot be applied evenhandedly to rich and poor alike. This bill would not perfectly balance the scales of justice, but it would help; and in this imperfect world, that seems enough to ask.

Mr. QUIE. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BIESTER).

Mr. BIESTER. Mr. Chairman, I rise in support of the committee bill.

Mr. Chairman, after several years of exhaustive planning, compromise, debate, and numerous setbacks, a balanced and workable legal services bill has now come to the floor.

Neither proponents nor critics of the legal services program are completely satisfied with the bill as reported out of committee. Looking at the bill as it is now written—the result of lengthy and detailed deliberation—I believe H.R. 7824 can provide the kind of basic and effective legal services which those of us who were original proponents of an independent Legal Services Corporation have worked for.

Legal services has, in the past, made great strides in bringing the poor the basic justice denied them either as a result of ignorance of their rights under the law or financial inability to procure the legal assistance to effectuate those rights.

In evaluating the performance of legal services over the past several years, we must weigh its strengths and weaknesses. The bill before us seeks to build upon the past successes of legal services and learn from its mistakes. In so doing, it attempts to reconcile differences and for moderate extremes. I believe H.R. 7824 has achieved an acceptable balance.

The General Accounting Office, in its recent evaluation of the program, substantiated the effectiveness of legal services in meeting the legal needs of the poor. The study indicated that, contrary to many of the allegations directed to them by critics, the program attorneys are overburdened with satisfying the commonplace legal problems faced by so many lower income citizens. Rather than spending their time reforming laws they find discriminatory against the poor through class action and test-case litigation, these attorneys are preoccupied with day-to-day problems involving housing, domestic relations, consumer affairs, and employment. This is as it should be. Furthermore, the GAO analysis indicates that the attorneys are quite successful in the cases they do handle, and the clients, in turn, are very satisfied with the representation they receive. The competence of these lawyers is underscored by the record of 72 percent favorable decisions—with 12 percent lost and 16 percent settled out of court—and agreement by the presiding judges that the lawyers are well-prepared and effective in presenting their cases.

There is a widely shared concern that the proposed Legal Services Corporation be established with sufficient provisions to assure accountability and to prevent abuses. A number of serious deficiencies in the Legal Services program as it has operated under the Office of Economic

Opportunity were discussed in the GAO report. According to it, a fundamental problem underlying many of the controversies surrounding Legal Services could be traced to the lack of sufficient program objectives and direction from OEO. Regrettably, some legal services attorneys have been faced with conflicts of interest and have experienced political interference due in large part to Legal Services presence within the OEO structure.

Legal Services began as an ambitious undertaking. With a tremendous need to fulfill and a lack of satisfactory guidance in the way the problem was approached, it should not really be that surprising that legal services was susceptible to abuse. Because its deficiencies were recognized as a definite problem, National Legal Services Corporation legislation, designed to correct these weaknesses, was introduced and considered in the last Congress and has again come before us for approval.

The concern for providing adequate safeguards is understandable in light of some of the past experiences with Legal Services under OEO, but it is most evident from a reading of the bill that the committee members have gone to great lengths to draw up a bill which assures an accountable Legal Services program.

The bill provides for a number of inputs and checks at various levels of implementation of the program from those individuals and groups most concerned about the organization and operation of Legal Services. I would like to enumerate those aspects of H.R. 7824 which serve to provide protection against excesses and abuses.

The President appoints every member of the Corporation's Board of Directors;

The Senate must approve each of the appointments;

The President and Congress oversee operations through the budgetary and appropriations processes;

The Corporation is required to submit a yearly report to the President and Congress;

The General Accounting Office will audit the Corporation and each of its programs;

Each Governor may submit comments and recommendations on the awarding of contracts within his State:

Each Governor may appoint an advisory council to oversee Legal Services operations within his State;

Attorneys must be included as at least one-half the membership of the various National, State and local governing boards which are organized to deliver services;

Program attorneys are bound by the professional code of the American Bar Association;

Program attorneys must be licensed to practice in the State in which they are serving; and

Local bar associations can offer recommendations on filling staff attorney positions.

In addition, specific restrictions are set forth which would prevent program attorneys from involving themselves, during the course of their work, in nonprofessional activities—including voter registration and political activity which many consider an inappropriate involvement for federally funded attorneys. These prohibitions extend to influencing clients as well from participating in political or any illegal activities.

Legislative or administrative advocacy which is not client-oriented is strictly prohibited. While the Corporation concept seeks to remove political pressures from without, we also want to avoid political activity within legal services. Any lobbying efforts should stem only from actual representation of a client. "Self-starting" lobbying from within the Corporation would only serve to open Legal Services to attack from outside, defeating the primary objective of Legal Services which must be defending the rights of the poor.

One of the most controversial aspects of some legal services work in some areas has been so-called legal activism. The bill squarely meets this objection by prohibiting the use of any funds for non-client-related activities and community organizing efforts. As with other prohibitions, the Corporation is authorized to insure compliance with these regulations and is empowered to terminate financial support to those recipients who fail to comply.

In considering amendments to this bill, I would caution my colleagues regarding the establishment of a double standard within the legal profession. By unfairly attempting to restrict the scope of his activities, we would in effect be saying to the legal services attorney that his independence and responsiveness in representing an indigent client is not the same as that of a private lawyer receiving a fee. Can we make such a differentiation in the lawyer-client relationship? Can we legislate differences in the standards applicable in pursuing what should be the same rights under law?

The purpose of Legal Services has been to give a voice, an assertion of legal rights to those who have traditionally been denied them. To restrict unnecessarily the legal services given the poor beyond those which are now performed by lawyers for the affluent and middle class undermine the social purpose of the Legal Services program. If we are to be true to our belief in equity under the law, the role of the poor client's lawyer must have the same flexibility exercised by other lawyers.

Several references are made in the bill to the legal services attorneys' protection of "the best interests of their clients" and "responsibilities and obligations under the Canons of Ethics Code of Professional Responsibility of the American Bar Association." These passages read as they should in commiting legal services lawyers to the full and faithful execution of their legal obligations. It can be no other way. Efforts to compromise the professional responsibilities of the attorneys is also an attempt to discourage the lawyers from assuming controversial cases, the kinds of cases which may, for instance, question the actions of those who exert power or influence in the community. Handling a client's every legal problem, controversial or not, is the duty of every attorney. An unreasonable weakening of the program as a whole will also have a deleterious effect on its ability to provide services in even the most routine of matters. Despite instances of overzealousness and excesses, Legal Services has been successful—it has been effective—because the attorneys have resisted attempts to compromise their commitment to protect the rights of the poor. If, in the name of preventing abuses, we so restrict the ability of the program attorney to be effective, we will have discouraged the capable young lawyer from ever getting involved in Legal Services and will undermine the overall quality of the entire Legal Services effort.

I believe the prohibitions and safeguards contained in the bill before us can adequately answer the legitimate concerns many of us have that Legal Services sticks to doing the job intended of it—assuring equal justice to the poor. We must take care, however, that in seeking to prevent potential abuses with well-meaning, politically appealing amendments we are not, in reality, crippling the legal services program so that it cannot operate effectively.

The gentleman from Louisiana (Mr. LONG) has quoted James Kilpatrick in a recent column in support of the committee bill. I believe his words are thoughtful and persuasive. Mr. Kilpatrick went on to say, "the possibility of abuses is a poor excuse for killing the bill." As amendments are considered to H.R. 7824, I hope my colleagues will keep this thought in mind.

Mr. QUIE. Mr. Chairman, I yield 5 minutes to the gentleman from Nevada (Mr. TOWELL).

Mr. TOWELL of Nevada. Mr. Chairman, I fully support the Legal Services Corporation bill under discussion today. The need for such a program is unquestioned. I think perhaps it would be beneficial if we thought back to the original concept under which this country was founded.

Two hundred years ago on the birth of this great country, every citizen was secure in his right to equal justice under the law. And, lest we forget, this right has been jealously guarded throughout our history. Mr. Chairman, some men fought hard and, I suppose, compromised and worked long hours through the night developing a fine system of laws and government under which any man could have his day in court.

I believe that because of economic conditions that exist in our Nation today, we can no longer assure equal justice under the law to all people. As we have progressed economically, we seem to have developed some vast differences between economic standards.

We are now at a point in our history where there is a large number of our citizens who do not have funds and do not have available to them their day in court like the rest of us do. Everyone on this floor can afford an attorney, but there is a large group of fellow Americans that cannot afford legal services. To me, the Legal Services Corporation bill can bring our whole society a little more into balance, a balance we have

lost during the last 100 years. I would urge my colleagues on both sides of the aisle who may have some differences and some concern because there have been instances where the service has been abused to weigh the total benefit to all of our society and vote in favor of the committee bill this afternoon.

Please realize that if we continue in the manner we are working in today with this type of service not being available to the poor, we will further divide our country so that a chasm will widen which could, in my opinion, in the years ahead tear our country completely apart.

I think this bill will help to bring us together and move us forward in a positive manner toward a very basic concept where we all have equal rights under the law.

Mr. STEIGER of Wisconsin. Will the gentleman yield?

Mr. TOWELL of Nevada. I yield to the gentleman.

Mr. STEIGER of Wisconsin. Mr. Chairman, I want to commend the distinguished gentleman from Nevada. In the brief time those of us on the committee have had time to watch him he has grown in stature and leadership.

He has made an excellent statement, and I am grateful to him not only for his views on this difficult issue but both in the committee and here on the floor he has lent a hand in support of those principles that he so very strongly believes in He is an excellent Member of this House and in an excellent position on the Committee on Education and Labor.

Mr. KEATING. Will the gentleman yield?

Mr. TOWELL of Nevada. I yield to the gentleman from Ohio.

Mr. KEATING. I would like to direct my question to the gentleman from Wisconsin, if I may, on your time to find out why this matter was handled in the Committee on Education and Labor rather than the Committee on the Judiciary.

Mr. STEIGER of Wisconsin. Will the gentleman yield?

Mr. TOWELL of Nevada. I yield to the gentleman.

Mr. STEIGER of Wisconsin. Knowing the extraordinary workload of the Committee on the Judiciary and its inability to deal effectively with so many knotty legal issues, perhaps it was wise that that decision was made.

That does not answer the question, though. The reason, may I say to the gentleman from Ohio, is simple. The legal services program was established as an amendment to the Economic Opportunity Act of 1965 and it came to the floor as a part of that package and was adopted by the House. Thus the jurisdiction over this program continues to remain in the Committee on Education and Labor.

Mr. KEATING. Will the gentleman from Nevada yield further?

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

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

Mr. TOWELL of Nevada. I yield to the gentleman from Ohio.

Mr. KEATING. If the gentleman will yield further, it is my understanding that the OEO did come under the Committee on Education and Labor, and that was the inception of the legal services program.

However, this is a separate bill which is not part of the OEO, as I understand it. That was my question as to why it was not discussed in the Committee on the Judiciary, which should have jurisdiction over all these matters.

Mr. STEIGER of Wisconsin. I believe that the answer is that jurisdiction was established in 1965, but perhaps the gentleman from Ohio might well direct his question to the Parliamentarian. I would say that I did introduce a bill which specifically made it an amendment to the Economic Opportunity Act, and it is for that reason that it went to the Committee on Education and Labor.

Mr. KEATING. Mr. Chairman, if the gentleman will yield still further, I would be remiss if I did not recognize the fine work the gentleman from Wisconsin (Mr. STEIGER) has done for so many years in this area. However, I have always thought that it should be in the jurisdiction of the Committee on the Judiciary.

Mr. HAWKINS. Mr. Chairman, I yield 3 minutes to the gentlewoman from Hawaii (Mrs. MINK).

Mrs. MINK. Mr. Chairman, I rise today in support of the bill H.R. 7824, the legislation to establish a Legal Services Corporation

Most of us who have worked and labored in the Committee on Education and Labor with respect to OEO programs, of course, were very deeply disappointed last year when the legal services concept did not win administration approval after our efforts in the conference committee.

I would like to take this opportunity to commend the chairman of our subcommittee, the gentleman from California, the Honorable AUGUSTUS HAWKINS, for his persistence in bringing this matter before the House so as to give this House an opportunity to decide whether it is really committed to the idea of providing legal services to persons who are unable to afford this kind of assistance.

I have never been an advocate of the idea of establishing an independent corporation for this purpose of providing legal services to our poor. I arrived at that judgment quite some time ago not only because of many questions with regard to the Postal Service Corporation—and I voted against that—but I have always felt that the legislative branch needed to have some means of oversight, over a program as important as this.

However, I am also equally aware of the realities controlling this legislation, and because I am firmly committed to the thought that the program is essential and needs to be continued for the benefit of the poor in our country. Accordingly I am prepared today to give this legislation my wholehearted and full support.

I think that the Congress has acted wisely in the past, and so has the Committee on Education and Labor, in reporting this bill again this year. We have made many compromises on a number of important points. While we are not all satisfied with all of the provisions of the bill, I do believe that it preserves the essential concept of the program which was started under the auspices of the OEO.

It will give the independent body the opportunity to operate the legal services for the benefit of the poor without interference and intervention by the administrative branch; equally true with regard to the legislative branch. I think the goals of the legislation will work to make it possible for the poor to have justice in this country, and prove that the rule of law is not merely an opportunity for the rich who can afford legal counsel, but an opportunity which this great country affords every individual regardless of their financial status.

The essence of law is that justice must be equal and must be made available to all citizens. There is no law if there is no such principle.

This bill, H.R. 7824, makes an effort to continue the basic protection of the law to the poor as has been available under the OEO legal services program.

In the spirit of urgency, as I said, and in the spirit of compromise, I urge that the passage of this bill be overwhelming on the part of the House.

Mr. QUIE. Mr. Chairman, I yield 5 minutes to the gentleman from Arizona (Mr. CONLAN).

Mr. CONLAN. Mr. Chairman, I rise in opposition to the bill as written and reported by the Committee on Education and Labor.

As the gentleman from Ohio (Mr. KEATING) just asked the gentleman from Wisconsin (Mr. STEIGER) as to how did the bill get into the Committee on Education and Labor, let me say that it was deliberately sent into the Committee on Education and Labor rather than to the Committee on the Judiciary because the makeup of the Committee on Education and Labor is quite different than the Committee on the Judiciary.

Furthermore, if it had been sent to the Committee on the Judiciary and gone to the Senate, confirmation of the 11-member board would have been in the Senate Committee on the Judiciary and not in the Senate Education Committee.

If one looks at the makeup of the committees, one can understand why. This bill in its subcommittee and full committee received no hearings; there was no testimony; no witnesses were invited from anywhere. It was to be greased through the full committee and then sent over to the Senate.

When we talk about this bill, I think we need to talk about its wording, not only the weaknesses in the bill but some of the weaknesses in the staff attorney system and the inequities in the financing. I will probably go into those later, Mr. Chairman.

The bill has no prohibition or requirement that attorneys be admitted to practice law in the State where they are practicing. The prohibitions against riots, boycotts, and strikes are not comprehensive and do not close these loopholes as the administration bill did.

The provision for citizen suits was stricken in the subcommittee and the committee.

The lobbying provisions are in no way closed, as they should have been and would have been in the original version submitted by the administration.

The provisions against grass roots lobbying are completely negated by both the wording of the bill as it came out of committee, as well as by the committee intent expressed in the report.

Client eligibility was completely stricken from the bill. Any type of schedule of fees or minimum guidelines to keep attorneys from soliciting clients was stricken from the bill. Those committee prohibitions are not as tight and as sound safeguards as they were in the original administration bill.

The limitations on political activities are nowhere near what they should have been in the original administration bill.

The prohibition against frivolous appeals was deleted from the bill.

The area of authorizing attorneys to move in the area of criminal representation—civil suits relating to both prison conditions and the distribution of ideological literature within the prisons—these provisions have been gutted from the bill as was the provision in the administration bill to prohibit these attorneys—young attorneys in many instances—from practicing in States when they are not admitted.

The juvenile representation provisions in the bill have been extraordinarily weakened. The problem not only goes to that, it goes to the whole philosophy here of a government staff attorney system. Attorneys are free to pick which clients and which causes. There are guaranteed salaries for staff attorneys. But there are no economic restraints, costs, and incentives for clients or attorneys. It is a closed panel system. The poor are denied the freedom to choose an attorney.

We passed a bill (H.R. 77) last week granting union members the right to pick attorneys. Why cannot the poor pick their attorneys? There is no choice in the subordinate poor man's attorney-client relationship, and the attorneys themselves are free, having no economic restraints upon them, to concentrate on high-impact cases, appeals, class actions, to become the cutting edge of social change.

Mr. Chairman, the committee bill as it came out of committee was ramrodded through. It is a very atrocious bill and has none of the significant safeguards of the bill that was submitted by the administration. In fact, they stripped and gutted the entire original bill that had these safeguards. Nowhere was there any opportunity to talk about alternative systems of giving justice to the poor, of giving grants to each State, or letting State legislatures, local bar associations, or the State supreme courts work a system of bringing a clear client-lawyer situation to bear.

Today we are faced with the choice of piecemealing amendments to the bill. Many of those amendments are cosmetic in nature and are not substantive. Consequently, Mr. Chairman, I am going to have to offer a substitute bill approximating quite closely the bill as originally introduced by the administration. I would urge its support, and, failing that, urge a "no" vote on the bill.

Mr. Chairman, I yield myself 8 minutes.

Mr. HAWKINS. Mr. Chairman, I would not want the House to believe that the previous Speaker was truthful in saying that no hearings were held on this bill and that the bill was ramrodded through the subcommittee of which I am chairman.

This is not a new bill. The matter has been before this House for several years. In 1971 the House approved a bill similar in character but even stronger than the provisions of the present proposal. The bill was again passed in 1972, and we have almost the same bill in the identical shape before us now with many more restrictions added by the subcommittee. So the bill has had many hearings in the past.

In addition to that the subcommittee did hold regional hearings this year in New York, in Boston in Los Angeles, in Detroit, and in Washington, D.C.

I think one of the difficulties is that the administration bill was not introduced until May 15. We had waited several months for the administration bill and did include the administration in all of the conferences and in all of the hearings; but the bill which was before the committee Members, which was known as the administration bill, was not introduced, for whatever reason the Members may wish to speculate, until May 15.

In the steps leading to the reporting of this bill, I want to assure Members, we have sought to avoid conflicts which in the past have resulted in a veto, but the bill in the Committee on Education and Labor was so overwhelmingly supported by both sides that its final passage was approved on a voice vote after a motion to recommit to the subcommittee was defeated by a rollcall vote of 3 to 32. That certainly does not indicate something was ramrodded through the Committee.

Much of the criticism and the attacks on legal services are being directed against legal services attorneys because it is said they fight causes and not real legal issues and that they engage in political activities and that they encourage civil disturbances and that they encourage economic reprisals against the system and that they are overzealous in bringing suits against public officials.

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

Mr. HAWKINS. I yield to the chairman of the full committee, the gentleman from Kentucky.

Mr. PERKINS. Mr. Chairman, I want to take this opportunity to commend the distinguished gentleman from California, the chairman of the subcommittee (Mr. HAWKINS), for his untiring efforts in behalf of this legislation and in behalf of all the programs under the Economic Opportunity Act. He has worked diligently for several months in behalf of this legislation and has done an excellent job. I think he deserves the compliment of all the Members in this Chamber. He has assumed the great responsibility and the problem we are having presently with the Economic Opportunity Act is to keep the programs alive and to see that they are funded, the on going programs that are already authorized through next year, and no one has done a better job in that connection than the gentleman from California (Mr. HAWKINS).

Mr. HAWKINS. Mr. Chairman, I thank our distinguished chairman for those remarks.

I was discussing the abuses which have been alleged.

Mr. Howard Phillips, Acting Director of the Office of Economic Opportunity, who has the responsibility to deal with such abuses was invited to testify before the committee. He has had the responsibility to deal with these abuses not only in his present position but also in his previous positon with the Office of Economic Opportunity in charge of program review. His accountability both as Acting Director and before that as head of the program review rates him to be a weak administrator, a fanatic ideologist, and a pernicious opponent of legal procedures.

The testimony of Mr. Robert W. Meserve, president of the American Bar Association, before the Subcommittee on Equal Opportunities is highly relevant. Let me quote from Mr. Meserve:

> We have all heard the outcry against law enforcement activities of poverty lawyers who according to the criticisms neglect the legitimate needs of clients in order to pursue their own agenda of social and political reform.

A look at the record may help to put that criticism in better perspective.

The Office of Economic Opportunity has released statistics that indicate that the program is currently serving approximately 1 million clients per year. The breakdown of representation indicates that approximately 42 percent of the matters involve domestic relations, 18 percent deal with consumer and job-rated problems, 10.5 percent are housing problems, 9 percent involve Government welfare programs, and 20 percent are juvenile offenses and other miscellaneous matters. These statistics would seem to accurately reflect the legal problems experienced by the poor and the areas where assistance is most needed. Statistics also indicate that 83 percent of the matters handled by legal services lawyers are disposed of without litigation.

I am sure that the president of the American Bar Association would not be reflecting any radical ideas or any particular ideology in urging that these

lawyers do not really have any time left to engage in all of the awful experiments and reforms, as someone would tend to imply.

Nevertheless, the committee proceeded to protect and to introduce safeguards into the program to make restrictions and limitations that reach potential abuses without contravening the code of professional responsibility of the attorney-client relationship. These limiting provisions are on political activity, outside practice, encouraging others to participate in rioting, civil disturbances, picketing, boycott or strikes, employment and numerous others.

Strong supervision, monitoring and controls are provided in the powers vested in the corporation; in addition to that, grantee agencies, and State advisory councils, and in the final analysis, in this Congress is reserved the power to appoint, to amend and through the appropriation route to control the activities of this program.

All of this is in marked contrast to the current operation of legal services under the destructive leadership of Mr. Howard Phillips. Because of uncertainties, month by month funding if at all, the inability to retain personnel or to assist new clients, the program has been brought to a standstill.

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

Mr. HAWKINS. Mr. Chairman, I yield myself 3 additional minutes.

The present administration of OEO-legal services can be characterized as lawlessness by a court-declared unlawful acting director who is engaged in defense of the law, lobbying against legal services for the poor.

Mr. Phillips is currently engaged in supplying to Members of this House, and to the public, certain horrible examples of alleged abuses in legal services to the poor which are grossly unsubstantiated, highly misleading, and a reflection on his own inability to properly administer the program.

We have reason to suspect the material which he is giving to certain Members, when Members are getting into the operation of programs 2,000 and 3,000 miles away from their own particular congressional districts.

I call on the Congress to bring a halt to this continuing violation of the law by a Federal administrator, by early enactment of a legal services bill which will remove the program from its present chaotic state to a status independent of ruthless political persuasions.

Last week, the President, in Illinois at the Dirksen Center, I think, raised two salient points which I think we should take very seriously. He said:

> It would be a tragedy if we allowed the mistakes of a few to obscure the virtues of most.

The other point I think he made is entirely relevant and I think most important to this Congress, in which he pleaded for the cooperation of the Congress with the executive branch.

Mr. Chairman, I want to assure the members the Subcommittee on Equal Opportunities have sought this cooperation and we thought we had it. We have at all times cooperated with the administration on this bill, and I think the vote will indicate, at least before we reported this bill to the floor, that we had a reasonable basis of cooperation.

I hope it will be that. I hope it will continue in the spirit in which the President has enunciated his spirit of cooperation with this body.

I think this is the first real test of whether or not his statement, his philosophy, his substance or whether or not it is something which is not going to be implemented by his supporters and others in this body.

Those of us in this House who are not either to the right or to the left on this issue, but who believe in fairness and social justice under our system, and in the system itself, can proceed to carry this issue ahead by the adoption of this bill, which I can assure the Members is a bill which has been thoroughly balanced on both sides.

Mr. QUIE. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. LANDGREBE).

Mr. LANDGREBE. Mr. Chairman, I rise to express my concern about this bill and the action we are taking today.

What we are talking about here is legislation specifically designed to divide the American people into warring classes. Legal services financed by the Federal Government are to be provided to the have-nots so that they may engage in battle with the "haves."

Historically the American people have been united by common value and customs—respect for the principles of human freedom and for the rights of each person as an individual—which cut across such arbitrary class distinctions as "rich" and "poor." For the Federal Government to attempt to divide the American people into hostile classes is not social progress, as many proponents of legal services legislation are suggesting. It is, rather, another milestone on the road to social destruction.

But even if one agreed with the concept of providing legal services to the poor at the expense of the taxpayer, there is every reason to believe that H.R. 7824 will not accomplish this end. The abuses of the legal services program administered since 1965 by the Office of Economic Opportunity—OEO—have been voluminously documented in recent weeks by many Members of Congress. Among other things, there have been numerous cases of complete disregard on the part of legal services lawyers of the actual legal problems of poor people. Instead these lawyers have spent their time and the taxpayer's money filing "class action" suits designed to promote a variety of socialist-leftist causes; all in the name of the "poor," of course.

Last week, just to cite one example, a lady from California stopped by my office to request that I actively oppose legal services legislation. This woman is an American Indian and related some shocking stories of total disregard for the legal problems of American Indians on the part of the lawyers of the Indian division of the legal services program in California. Instead of helping the Indian people with their legal difficulties, they busied themselves with filing class action suits on behalf of Indians as a "class." Often this was done over the protest of the Indian people involved, who asked that their particular legal problems be dealt with.

Thus we see that even if one is concerned with actually helping the poor with their legal problems, a Federal legal services program is not the answer. The poor go on suffering, while slick, young activist lawyers go about fomenting rebellion and revolution at the taxpayer's expense.

I ask: How long can any institution, even this great U.S. Government, survive while picking up the tab for its own destruction?

Nethertheless, the original version of H.R. 7824, as drawn up and approved by the President, did have safeguards against many of the abuses so evident in the OEO legal services program—until the Committee on Education and Labor got hold of it. It was introduced on May 15, being sponsored by Mr. QUIE, Mr. PERKINS, Mr. STEIGER of Wisconsin, Mr. ESHLEMAN, Mr. ERLENBORN, Mr. DELLENBACK, Mr. ESCH, Mr. HANSEN of Idaho, Mr. FORSYTHE, and Mr. TOWELL of Nevada. It was rushed through the Subcommittee on Equal Opportunities and reported by the full committee on May 24.

No hearings whatsoever were held. Almost all of the safeguards against various political abuses were removed, and yet, when I offered the President's original bill as a substitute in the full committee, every single member who sponsored the President's bill voted against it. Why? Had they not read their own bill?

Did these honorable gentlemen not really want a bill with safeguards? If so, why did they sponsor the original version of H.R. 7824?

In light of all this, I think each and every one of us ought to take a serious and honest look at what we are doing here today. Are we really concerned with providing legal services to the poor? Or are we simply perpetuating a program forcing the American taxpayer to finance rebellion, revolution, and ultimately his own destruction?

Now I freely admit that I am skeptical of the whole concept of federally financed legal services programs, and will no doubt on final passage vote against even the President's bill. However, at least his bill makes an attempt at establishing a program that would help the poor while prohibiting gross political abuses. It seems, therefore, that the President's bill ought to be the absolute maximum that anyone could support, except those who are actually committed to the destruction of American principles and values and to the transformation of a free America into a socialist state.

Mr. Chairman, I have spoken on this floor regarding a number of pieces of legislation in the last few weeks, and I have suffered defeat repetitiously. On this one bill I hope that the Members will listen to me and we will defeat this Legal Services Act promulgated by the committee.

Mr. HAWKINS. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL of Maryland. Mr. Chairman, I thank the distinguished chairman of the subcommittee for yielding this time to me.

Mr. Chairman, the Office of Economic Opportunity's legal services provided an admirable example of a positive agent of social reform—an example well worth noting here. While in existence, legal services eliminated welfare's "man-in-the-house" rule and residency requirement. They granted tenants in public and private housing substantial new rights in dealing with housing problems. Minimum justice for migrants and farmworkers was obtained by reducing illegal border crossings and requiring enforcement of minimum wage legislation. They were also successful in forcing the Department of Agriculture to feed hungry people as the law requires.

To gain political and social equality, the poor in this country face a long and hard struggle. Like the OEO's legal servics, the proposed Legal Services Corporation could be a vital instrument in securing this equality. But to act successfully on behalf of the poor and oppressed, the Legal Services Corporation must be vested with real strength and a little more autonomy. We have before us an amendment which threatens to destroy the stronger aspects of legal servics in its transition from OEO to an independent corporation. If you want a Legal Services Corporation that can truly serve those in need, you must oppose it.

This amendment proposes a prohibition on legislative or administrative advocacy on behalf of the client. These restrictions would compromise the necessary professional independence of a lawyer to represent his or her client. Influencing the passage or defeat of any legislation by Congress or by any legislative body has traditionally been a legitimate function of an attorney for his or her client. This right must be preserved.

Suppose a case arises where the exercise of legislative or administrative advocacy might be in the best interests of a client. A restriction of these activities would thus deny the client these services, and he or she would suffer from inadequate representation. By restricting legislative or administrative advocacy, this amendment would undoubtedly place a Legal Services lawyer at a disadvantage. A private attorney would not be restricted in the same way a legal services lawyer would be, so that a client with a private attorney would be in a more advantagous position than one represented by a legal services lawyer. If we are trying to establish a system of legal aid that will benefit the poor client, then this amendment will defeat that purpose.

One can argue that the poor are underrepresented despite their numbers because of their inability and lack of training to take advantage of the system. This weakness must be compensated by a program of zealous advocacy to curcumvent the oppression and injustice imposed by a democratic majority. A strong Legal Services Corporation can provide this type of advocacy. This amendment will strip the program of its abilities to do this.

I urge you to vote against this.

Mr. Chairman, I am the former director of the antipoverty program in the city of Baltimore. In 1966 I attempted to establish a free legal services project for the poor.

In order to establish that project, we had to get the approval of the Baltimore City Council. The philosophical and political ideas of that council in Baltimore City ranged from extreme left to extreme right. It took us 1 year to get free legal services for the poor in Baltimore City.

Mr. Chairman, nameless, unreasoning fears delayed the establishment of a free legal services program in Baltimore City for 1 year, the same kind of nameless and unreasoning fears that are being articulated in this House today.

I am able to report to my colleagues, with great pleasure, that every single member of the Baltimore City Council, the president of the council, and the mayor of the city have contacted me urging support for this particular bill.

Mr. Chairman, I heard, to my astonishment, one of my colleagues state that giving free legal services to the poor would further divide the Nation. The exact opposite of that has taken place. In my city and in other cities, where we have legal services to the poor, people have been brought together, primarily because the poor recognize that the instrument of law is now available to them and there is no need for this hostility, anger, and frustration to be directed toward another class.

I think that this House would fail to meet its responsibility to 25 million Americans plus who are in poverty if it does not pass this particular bill. I would further argue that those who fight against the bill are really the persons who are instigating the climate which will engender class hostility in this Nation, and God knows we do not need any more of that.

Mr. Chairman, I urge that the committee bill be adopted as it is written.

Mr. QUIE. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, I rise in support of the committee bill.

I serve on the Committee on Education and Labor, and last year was a member of the conference committee that was working on a similar bill for the creation of a Legal Services Corporation.

At that time there were deep differences between us on the committee as to the structure of the corporation. We had a very difficult time trying to resolve those differences.

Principally, the concern of many of us on the Republican side of the committee was to see that the corporation would be subject to the control that would be exercised by a board responsible to the President, rather than one that would be responsible to client groups, attorney groups, bar associations and others outside the Government. We fought for that principle.

This year no such fight was necessary, because when the administration sent the bill to the Congress it had the composition of a board that was responsive to the President, namely, all of the members of the board appointed by the President.

In a spirit of compromise and hoping to get a Legal Services Corporation bill, the objections to control by a board appointed by the President were not raised.

We have before us a bill fashioned in a way that the administration was demanding last year. So other objections are raised now. Principally those I hear raised are things accomplished by the committee in a spirit of compromise some of which I think greatly enhance the bill and the strength that we would want to have in such a bill.

The fact is that those who object to the changes made in the committee and say they would prefer to have the substitute bill are in fact those who want no legal services program at all. It would be interesting to see, if the substitute that is offered is adopted, how many of those who vote for the substitute will vote for the passage of the bill.

Let us talk about one or two of these changes from the administration bill to the bill now before us reported by the committee.

Really, in my opinion, none of the restrictions on legal practice proposed by the administration have been eliminated. Some have been modified. To the extent that they have been modified I think they reflect the concern expressed in the President's message on the professional integrity of the program. In just about every case the committee retained the prohibition or in some instances allowed the corporation to establish guidelines for certain professional activities. It must be remembered that these guidelines are to be promulgated by a corporation whose board of directors is completely appointed by the President. So I do not see how we should be concerned that the board of directors will not act in a responsible manner.

The administration bill contained no conflict-of-interest provisions. In an effort to strengthen the bill the committee has barred members of the board from participating in actions which benefit the member or any firm or organization with which he is associated.

The administration bill stated that employees of the program should refrain from participation in, and encouragement of others to participate in a series of prescribed activities. The committee bill modified these prohibitions with the phrase "while engage in the activities carried on by the corporation or by a recipient." The committee was guided by a clear statement in the President's message of May 11, "while engaged in legal assistance activities"—and I underline those words of the President—"while engaged in legal assistance activities attorneys would be barred from participating in political activities and from encouraging or participating in strikes, boycotts, picketing," and so forth.

There was an amendment in the com-

mittee that would have allowed the attorneys hired by the corporation or recipients to engage in these activities, namely, strikes, picketing, and so forth. I objected to that amendment and strongly resisted it, and it was rejected, and rightfully so, by the committee. It should not be our purpose to provide warm bodies for a picket line.

This bill will not allow that to occur. However, I do not believe we should tell an attorney engaged by a recipient that he cannot engage in a meat boycott. He may not want to buy expensive meat.

Mr. Chairman, I hope that the committee bill is sustained, and the substitute is rejected.

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

Mr. HAWKINS. Mr. Chairman, I reserve the balance of the time that our side has.

Mr. QUIE. Mr. Chairman, I yield 10 minutes to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, it is a pleasure to rise in support of the bill as reported by the Committee on Education and Labor. This legislation marks the culmination of a process that began 2 years ago when President Nixon declared:

In the long, uphill struggle to secure equal rights in America, the Federal program of legal services for the poor is a relative newcomer to the cause. Yet it has already become a workhorse in this effort, pulling briskly and tirelessly at the task as the Nation moves ahead.

* * * * *

Even though surrounded by controversy, this program can provide a most effective mechanism for settling differences and securing justice within the system and not on the streets. For many of our citizens, legal services has reaffirmed faith in our government of laws. However, if we are to preserve the strength of the program, we must make it immune to political pressures and make it a permanent part of our system of justice.

The concept proposed by the President—an independent National Legal Services Corporation—has been endorsed by every major element of the organized bar, and twice by the Congress. The legislation before the House today is a compromise bill, far more restrictive than either of the measures approved in the 92d Congress. Yet it maintains the essential elements of accountability to the public and professional integrity for the attorney, to insure the delivery of high quality legal services for the disadvantaged.

The committee has worked closely with designated administration officials to produce a viable bill. The longstanding question of the Board of Directors has been resolved: The President has been given complete authority to control appointments to the Board, and he has the additional power of naming the Chairman of the Board each year.

Respected columnist James J. Kilpatrick has praised the work of the committee:

The legal services bill just reported in the House is a product of compromise, which in politics is no bad thing. The bill contains more safeguards than the liberals really wanted, but it is not quite as restricted as some of us on the conservative side had wished. With a little common sense all around, it should do the job that needs to be done.

That job is immensely important. No concept in our political system ranks higher than the concept of equal justice under law. It is tied directly to another great principle, that ours is a government of law, not of men.

FEDERAL OVERSIGHT

While protecting the integrity of the program, a detailed monitoring procedure has been established. Each year, the Corporation must submit a full report of its activities to the President and Congress. The Corporation, and each of its recipients, must undergo an independent audit on an annual basis. In addition to these surveys, GAO is authorized to conduct such other studies as necessary. The Corporation itself must monitor all recipients to insure compliance with restrictions, and copies of such audits must be maintained for public inspection.

As with any other Federal program, the President and Congress continue to have detailed oversight powers through the budgetary and appropriations process. The full Presidential power to name the Board of Directors and Chairman of the Corporation will insure that the program is in tune with the concerns of the taxpaying public.

A KEY ROLE FOR THE STATES

To benefit from the experience of key officials at the State level, the Corporation is required to request the comments and recommendations of the Governor and the State bar association at least 30 days prior to awarding of any contract or grant to a program in that State.

Each State is authorized to have a nine-member advisory council appointed by the Governor. These councils are specifically charged with the duty of reporting any abuses in the program. They will provide a measure of continuing local involvement that previously has not been embodied in the program.

In additon, the Corporation is prohibited from taking any action which would abrogate the authority of a State to enforce the standards of professional responsibility which apply to attorneys. Regulation of the legal profession has traditionally been a matter best left to the States; this bill has been designed for consistency with that tradition.

PROFESSIONAL INTEGRITY OF THE PROGRAM

In proposing a National Legal Services Corporation, President Nixon said:

While it is important to insulate the corporate structure so that public funds can be properly channeled into the field, it is even more important that the lawyers on the receiving end be able to use the money ethically, wisely, and without unnecessary or encumbering restrictions.

The President specifically insisted that—

The lawyers in the program have full freedom to protect the best interests of their clients in keeping with the canons of ethics and the high standards of the legal profession.

The committee bill recognizes the importance of preserving both the attorney-clinet relationship and restrictions on practice which are written into the canons of ethics and code of professional responsibility. There is only one professional standard for attorneys, whether they be lawyers for the affluent or disadvantaged. The committee bill specifically refers to these high professional standards to insure that the integrity of the judicial process is maintained.

The importance of a professional standard is underscored by canon 3, ethical consideration (1):

Because of the fiduciary and personal character of the lawyer-client relationship and the inherently complex nature of our legal system, the public can better be assured of the requisite responsibility and competence if the practice of law is confined to those who are subject to the requirements and regulations imposed upon members of the legal profession.

In congressional testimony, the president of the American Bar Association, Robert W. Meserve stated:

Without that application of the code, in my opinion, the judicial system could not exist... the need for lawyers in a particularly competitive profession to be bound by rules as to what they can and cannot do and to live within those rules is integral to the whole system of justice which has developed in the United States of America.

While protecting the profession, the canons and code also protect the public. The committee bill specifically notes that legal services attorneys are not to engage in the persistent incitement of litigation or any other activity barred by the canons and code. These professional standards are designed to preclude activities inimical to the public interest. The disciplinary rules state that they are designed to:

Prohibit lawyers from seeking employment by improper overtures, from acting in cases of divided loyalties, and from submitting to the control of others in the exercise of his judgment. Moreover, a person who entrusts legal matters to a lawyer is protected by the attorney-client privilege and by the duty of the lawyer to hold inviolate the confidences and secrets of his client.

LEGISLATIVE ADVOCACY AT THE FEDERAL, STATE, AND LOCAL LEVEL

Consideration of legislative advocacy must be placed in the context of the program as it has operated to date. The focus of legal services attorneys has been on the individual problems of poor people. As HEW Under Secretary Frank Carlucci has noted:

Our reports indicate that approximately 18 percent of our cases are in the consumer area, some 9 percent deal with administrative problems, 11 percent with housing problems, 42 percent with family problems, and the remaining 20 percent deal with miscellaneous problems such as torts, juvenile problems, and school problems . . . We estimate that less than 1 percent of the cases that actually reach litigation are class action cases. So the idea that legal services lawyers are always engaged in class action is very misleading.

He also noted that the vast majority of legal services cases were settled out of court, but that 85 percent of the cases actually concluded in court by the program were won by legal services attorneys.

This pattern—focus on individual

problems, efforts to settle out of court, and high rate of success in court—was confirmed by a recent GAO study of selected projects.

The concentration on client-oriented matters was also confirmed by an Office of Legal Services—OLS—response to the GAO report, which found that 48 percent of the programs did not meet GAO's criteria for adequacy in law reform—an expenditure of 25 percent of a project's time and resources in this area. The OLS study supports the conclusion that one-half of the projects could be spending up to three-fourths of their time on activity other than law reform, while the other half spends less than one-quarter of their time on law reform.

The committee bill strengthens the individual client orientation of the program by banning legislative and administrative advocacy which is not client oriented. Such activity is to be further restricted through guidelines issued by the Corporation, whose Board of Directors is fully appointed by the President.

Support for client-oriented law reform has been expressed by the current Acting Associate Director for Legal Services, Laurence McCarty:

> Lest my position be misconstrued, let me say immediately that I am not in principle opposed to class actions, suits against the government, test case litigation, *legislative advocacy*, or any other kind of law reform. Properly considered, they are simply some of the tools which the conscientious attorney must employ on occasion in serving a particular client.

In most instances, client problems can be handled through advice, consultation, negotiation, and, if necessary, litigation. But in certain circumstances, lawyers are presented with unique problems which can best be handled through contact with a member of a legislature. Every Member of Congress, on a daily basis, receives numerous letters, phone calls, and personal visits from attorneys expressing their client's interests in a matter that requires a legislative solution. Social services regulations, veteran's benefits, relocation assistance, educational loans, and a host of other matters are typical problems which confront the poor as well as middle income citizens.

There are some who would amend the committee bill to prohibit contact on these matters with legislators at the State and Federal level. As a former member of the Wisconsin State Assembly, and as a Member of this body, I cannot understand the value of a prohibition of this type. I have found that the best way to obtain information on a given issue is to receive the views of an attorney who has a client with an interest in the matter. It is not a question of pressure, since under the committee bill the attorney is restricted to making necessary representations—pursuant to guidelines promulgated by the Corporation—in the course of providing legal assistance to an eligible client. It is simply a question of information and education.

Again, we must consider the professional obligations of a lawyer. The president of the American Bar Association has noted:

> Any limitation which would bar legislative activity on behalf of a client would violate the Code of Professional Responsibility.

William Klaus, chancellor of the Philadelphia Bar Association testified:

> Lawyers in almost every State, which has now adopted the Code of Professional Responsibility, are bound by it . . . (The Canons and Code) specifically state that representation before municipal, State, and National legislative bodies is part of the obligation of the lawyer if the due representations of his client will require it.

The committee bill strictly prohibits nonclient oriented lobbying, and provides for additional limitations to be established by the Corporation. To further restrict the ability of attorneys before Congress and State legislatures would be unwise. As the president of the Association of the Bar of the City of New York has stated:

> If lawyers for the poor are to be limited in the kinds of professional decisions they make, it will not be long before lawyers for the middle class are similarly limited . . . it is essential that Congress declare its unalterable commitment to the principle of professional independence for all members of the bar.

Mr. Chairman, the Committee on Education and Labor has recognized and responded to the desire of many Members and the administration for legislation that will prevent potential abuses in the legal aid program. The bill is designed to insure delivery of high quality legal services to those currently unable to afford such assistance. The safeguards and restrictions in the bill will guarantee that the program is professionally administered, accountable to the public, and strictly limited in the scope of permissible activities.

There is one other provision which deserves attention. Section 4(c) of the bill makes clear that members of the Board shall not, by reason of that position, be deemed officers or employees of the United States. Without section 4(c) the provisions of 18 U.S.C. 203, 205, and 207–09, which apply to officers and employees of the Federal Government, would presumably apply to such Board members and might be held to prohibit any such member, or his firm, from handling any legal matter involving the Federal Government.

Even the mere possibility of such an application would cause most practicing attorneys to decline an invitation to serve on the Board and would thus seriously impair the Corporation's ability to secure the services of qualified practicing attorneys on its board. Section 4(c) avoids this prospect by making clear that the cited provisions of title 18 do not apply to Board members. The public interest is still safeguarded against the kinds of abuse prohibited in those sections, however, by section 5(c) of the bill, which prohibits a Board member from participating in matters which directly benefit such member or his firm.

Mr. HAWKINS. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. PREYER).

Mr. PREYER. Mr. Chairman, I rise in support of the bill.

The law is a great institution and I think any of us who have had any connection with it ought to be proud of it. Once we get within the system of the law I think that system is as diligent and as fair in its treatment of the individual as any of our human institutions, as any the human mind has been able to devise. The great maxims of the law indicate this: "Justice delayed is justice denied." "For every wrong there is a remedy."

I think the law does a good job in trying to carry out these ideals, but the weak link in the system is getting access to the system. The law as an institution is not as readily available and as universally available to everyone as it should be. Too frequently, lower income Americans are denied access to our system of law. Today we have an opportunity to help remedy this injustice by passing the legislation before us. The legal services program has been regarded by many as one of the more successful efforts to reach the needs of America's poor. Despite its success, there has been some political problems, because of the location of the program within OEO. This bill represents a big step toward solving those problems.

The American Bar is changing a great deal in recent years. We are going into prepaid legal services, for example, and we are doing other things to try to make the law more readily accessible to everyone.

I know the reports of the unprofessional conduct on the part of some legal services attorneys. I only speak for North Carolina on this and I can say in North Carolina that has not taken place, that this program has been a success and it is strongly supported by our bar and by most of our people. I hope some examples of misconduct, and I hope they are only a few, will not obscure our goal of affording legal protection for all of our citizens.

I think this bill is a good compromise bill. There is no legislation I have run into yet that is perfect. I do not suppose this bill is, but in the words of the dean of the Duke Law School:

> H.R. 7824 is not a perfect bill but it is a reasonable compromise of competing views. It reflects the dominant theme that Legal Services should be out of politics and that lawyers representing poor people should behave in the same manner as any other lawyer representing a client.

Mr. Chairman, I strongly support this bill and urge its passage.

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

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

Mr. DENNIS. Mr. Chairman, I thank my distinguished friend for yielding.

I think the gentleman would agree with me, although he is supporting this measure, that this is not the only possible approach to any legal aid for the poor. There are a number of other methods which might be used which would give the man the money and let him choose a lawyer.

Mr. PREYER. There are other approaches.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield such time as he may

consume to the gentleman from Pennsylvania.

Mr. HEINZ. Mr. Chairman, championing the rights of America's underprivileged is the exclusive province of neither conservatives not liberals. It is both morally right and constitutionally correct. This is why over the last 7 years, the neighborhood legal service program is evidence that we guarantee the right to legal representation to those Americans who cannot pay the costs of their day in court.

Today's legislation, H.R. 7824, the Legal Services Corporation Act, would assure the continuation of a strong, independent legal services program responsive to the needs of low-income Americans. I am impressed by the broad-based support for this program. This support comes from religious organizations, newspapers, members of the legal profession, and most importantly from low-income citizens.

I include in the RECORD a letter I received from Mr. Robert Stokes, of Pittsburgh, and an editorial from the Pittsburgh Post-Gazette describing Mr. Stokes' activities as president of the local neighborhood legal services. Mr. Stokes is a distinguished attorney, described by the Post-Gazette as a conservative. But there is no question where he stands in championing the rights of the indigent through continuation of community legal services. What follows is the text of Mr. Stokes' letter and the editorial:

CLARTON, PA., *February 26, 1973.*

As you will recall, I have for several years served on the Board of Directors of the Neighborhood Legal Services program of Allegheny County and for the past two years have been its president. I believe it is very important that all of our citizens be given the opportunity to have their rights recognized and that the Legal Services programs have effectively provided this opportunity to hundreds of thousands of poor people.

The Allegheny County Legal Services program of thirty full-time staff attorneys is not nearly large enoguh to meet the basic needs for legal services of the County's low-income residents. Yet it appears that the program is in grave danger of being forced to curtail, if not terminate, its operations because of cut backs in funding.

Approximately 60% of the program's funding comes from OEO. The President has proposed that this funding continue through a public legal services corporation which he will ask Congress to create. From our past conversations, I know that you strongly support the creation of a legal services corporation which will insure the independence of legal services attorneys from political influence and permit full representation of the interests of the poor. It is important that such legislation be enacted as soon as possible because uncertainties as to the future of the Legal Services program will result in the more experienced attorneys going elsewhere.

Our most immediate problem, however—and the reason for this letter—is to request your help in securing the modification of proposed regulations of HEW that will drastically affect the Legal Services programs of Pennsylvania, including our Allegheny County program. For the remaining 40% of our funding we are dependent on a 75% match provided by HEW Title IV Social Service funds. These funds are provided under HEW regulations which presently list legal services as an optional social service which the State may provide. The proposed regulations (approved 2/13/73 and contained at p. 4608, F.R. Vol. 38, No. 32, 2/16/73) no longer list legal services as an optional social service for which Title IV funds may be used.

It is essential to our Allegheny County legal services program (as well as most Legal Services programs in Pennsylvania) that this proposed regulation does not take effect. We are hopeful that the regulation will be amended to again list legal services as an optional social service which the State may provide to all persons on welfare, including AFDC recipients. Alternatively, we request that general language be added to the regulations which would permit the State to use social services funds for any type of social services provided in the past. And as a last resort we ask that the regulation contain a grandfather clause protecting those Legal Services programs which are now using Title IV funds.

I can see no reason to exclude legal services as an optional social service. Its exclusion will not result in the substantial savings of Federal funds because presently only four states (Pennsylvania, Maryland, Georgia and Montana) receive Title IV funds for legal services and the total contribution by HEW for legal services is less than five million dollars per year. Also since legal services is an optional service, these funds are used only in those States which favor the expansion of legal services programs. In keeping with the Administration's philosophy that the States should be given more opportunity to decide how Federal funds are to be spent, the proposed regulations should be modified to give the States the opportunity to use social services funds for legal services.

I will appreciate your help in this matter. Incidentially, I am enclosing a very favorable editorial which appeared in the February 21st issue of the Pittsburgh Post-Gazette in support of legal services.

Sincerely,

ROBERT F. STOKES.

THE ASSAULT ON LEGAL SERVICES

Among the prime casualties of President Nixon's plan to dismantle the Office of Economic Opportunity apparently would be the controversial Legal Services program. Poverty lawyers in 300 communities throughout the nation have distinguished themselves by their zeal and championing the rights of the indigent and pressing for essential law reform.

Opponents of the Legal Services program contend that litigation in behalf of minority groups which hampers the functions of elected officials is undemocratic in that it contravenes the will of the majority. Most galling to enemies of the federal legal services program has been its success in challenging rulings of federal, state and local agencies which deprive the uninformed poor of basic rights.

President Nixon has assured supporters of the Legal Services program that he will shortly offer legislation calling for creation of a public corporation designed to carry on the functions of the agency without political interference. Believers in the Legal Services program would be less apprehensive if the President had not appointed a sworn enemy of the Legal Services program to preside over the summary liquidation of the OEO.

Howard J. Phillips, acting director of the OEO, has expressed his distaste for the wide-ranging activities of the nation's 2,500 poverty lawyers: "I think Legal Service is rotten and it will be destroyed."

In Allegheny County, Robert F. Stokes, president of the local Neighborhood Legal Services, has revealed his determination to fight dissolution of the legal services program. Mr. Stokes, Republican candidate for County Commissioner in 1971, is especially disturbed at rumors that the government may forbid local legal services agencies to use donated money as the local match for federal funds. The conservative Mr. Stokes, who regards the program as a means of drawing the disadvantaged back into the mainstream, remains skeptical that it can be reconstituted as an effective force once the OEO has been dissolved.

Not only is the right of the poorest citizen to contest an unjust governmental or business action a democratic safeguard, but the opportunity for legal redress is an indispensable safety valve for social discontent. A democratic means for the orderly expression of protest must not be casually discarded.

Mr. Chairman, I have had the opportunity to discuss legal services with individuals and groups, not only in my district and around southwestern Pennsylvania, but all across the State as well. In May, I outlined the need for the continuation of legal services in an address to the Philadelphia Young Lawyers Association. I was most gratified to find their strong support for this program designed to guarantee all citizens equality before the law.

Unfortunately, however, the man responsible for the last 5 months for administering legal services does not share this strong commitment to the legal services program. I offer here a quote attributed to Mr. Howard Phillips, Acting Director of the Office of Economic Opportunity:

Every country needs its Cato. Well, I'm going to be this country's Cato. Cato destroyed Carthage because it was rotten. I think legal services is rotten, and it will be destroyed.

Apparently, Mr. Phillips has misunderstood the marching orders of his Commander in Chief. When President Nixon announced his new domestic policy, he explained:

We must stop squandering our resources on programs that have failed. . . . We must concentrate on programs that will work.

I support the President's policy and I support the national legal services program, because it has worked. It is a proven success by whatever yardstick we use to measure it.

At its inception 7 years ago, its goal was bold and ambitious. The program's primary objective has been and remains equal access to justice for all Americans.

Every lawyer knows that in the complicated judicial and administrative system of America not having a lawyer means the lack of the use, protection, or advantage of the law and, indeed, often the victimization by others' use of the law. The volume of cases involving poor people in administrative agencies and in the courts, such as welfare departments, landlord/tenant courts and family courts, is of immense proportions. Yet, it has often been noted that very few of these people have the aid of lawyers.

Legal aid, for many years, valiantly tried to correct this deficiency, but legal aid lawyers generally become involved only after an individual is sued and the case is already in the courthouse. In order to extend legal services to the poor

and in order to prevent representation from occurring only after a person has been sued the idea evolved of locating law offices in neighborhoods to bring lawyers to the poor, rather than the poor having to seek legal assistance only after being sued.

The neighborhood law office has developed several functions over the past several years. The first is that of complete representation of a client. Just as a business or an individual will obtain a lawyer for a full range of his problems; that is, wills, taxes, estate planning, contracts, and so forth, so, too, should a low-income person have the advantage of obtaining a lawyer who would represent him in every facet of his legal problems. Those in poverty have, perhaps, an even greater need for total representation since their social, economic, and legal problems may be tightly interrelated. Providing a lawyer in the neighborhood for low-income people enables the cutting of the Gordian knot of legal entanglement and the solution of the entire range of the client's legal problems.

Another function of legal services is what could be termed "preventive law." A good lawyer's task is often to avoid going to court, rather than participating in litigation. But only if poor people come to lawyers at the beginning of their disputes with schools, social security, welfare department, landlords, and commercial establishments, and so forth, will a lawyer have the chance to settle the matter quickly, equitably, and without courtroom involvement.

Moreover, when a lawyer is in the neighborhood and is able to meet with concerned citizens, he can warn them of the pitfalls which may occur in purchasing products, in renting housing, or in dealing with administrative agencies. And, of course, when a person can readily turn to an attorney, he can seek advice as to whether to sign a particular legal document.

Another purpose of legal services is the recognition that poor people deal with many public institutions which from time-to-time may operate without regard for citizens' legal rights. Thus, school expulsions and disciplinary proceedings, welfare terminations and cutbacks, social agencies' refusal to accept applications, disputes with foster homes, problems with social security, medicare, medicaid, railroad retirement, unemployment insurance, veterans' benefits—all are areas where unrepresented people are too often at the mercy of administrative agencies. Sometimes these agencies, usually with no ill-intent, act capriciously in denying or reducing benefits, or in refusing to afford those with grievances anything approaching due process of law. In such cases the legal services attorney has been there to represent the poor, and in the vast majority of cases those attorneys have served their clients well.

And ultimately, the purpose of neighborhood legal services is to demonstrate to low-income citizens how to cope with our system of justice, and how to use that system to help extricate themselves from poverty.

As Federal programs go, legal service has been comparatively small, both in budget and personnel. But it has made the most of its limited resources. Through 850 storefront offices from Philadelphia to Micronesia, legal service attorneys represent some 1.2 million disadvantaged persons. On the average 95 percent of their caseload is devoted to the daily problems of individual clients in the area of employment, education, health, civil rights, family relations, and consumer protection. But besides attending to the daily needs of its clients, the Federal legal services program has won a number of important landmark cases with broad impact.

Quite predictably, the vigorous representation of indigent clients has interfered with the progress of the powerful. The reaction of the vested interests long accustomed to dealing with the poor on their own terms has been equally predictable. In America, where a federally financed program interferes with powerful people and powerful groups, the repercussions soon resound in the halls of Government. From the very beginning, reaction to the legal services program came swiftly in a series of political moves to restrict and redirect the program. The battle to maintain independence from political pressure has been continuous.

Critics typically combine an attack on the underlying philosophy of the program with vague accusations of misconduct, excessive professional zeal, and misplaced priorities on the part of legal service attorneys throughout the country.

Criticism centers in five principle areas:

First, critics claim that a disproportionate amount of resources are spent on what is loosely termed "law reform" or efforts to change the law on behalf of one social class—the poor.

Second, program attorneys have been characterized as "ideological vigilantees" who "exploit" clients to launch sweeping law reform actions, where the individual may be better served by a more limited solution to his problem within existing law.

Third, suits against Federal, State, and local agencies have angered many Government officials. It is unclear whether their objections are based on the notion that their activities are above the law, a belief that federally financed suits against State and local governments affront the principles of federalism, or an understandable distain for being on the losing end of lawsuits.

Fourth, objections have been directed at group representation and class action suits on behalf of large numbers of clients similarly affected by unlawful or discriminatory practices.

Fifth, critics contend that legal service attorneys have routinely engaged in activities beyond the program's congressional mandate, and the attorney-client relationship. They claim the program serves the voluntary poor, that resources have been squandered on "middle-class dropouts" in esoteric legal matters while "a destitute mother of five cannot get legal help with an eviction notice. They charge that attorneys regularly engage in partisan politics, protests, and peace demonstrations.

In most cases such charges are undocumented when made and remain unsubstantiated after further investigation. The isolated examples of impropriety that have been properly identified, reflect the individual poor judgment of a small number of the nearly 5,000 attorneys who have served in the program. They do not support a broad indictment of the national prorgam in general or any local project in particular.

An excellent illustration of the innuendo and rebuttal that has plagued legal services is the experience of the California rural legal assistance project—CRLA. The program's impressive record of legal victories against numerous State and local agencies on behalf of large poverty groups made it a likely target for political attack. The director of the California State poverty program, Lewis K. Uhler, issued a 283-page report, purportedly based on extensive investigation and several thousand pages of supporting documents, urging Washington to defund CRLA. Sounding themes echoed by legal service critics today, it accused CRLA attorneys of "a blatant indifference to the needs of the poor—and—a disposition to use their clients as ammunition in their efforts to wage ideological warfare." OEO's ultimate response was the appointment of a factfinding commission to investigate the charges, composed of three distinguished State Supreme Court justices: retired Chief Justice Robert Williamson of Maine, Justice Robert B. Lee of Colorado, and retired Chief Justice George R. Currie of Wisconsin.

The Commission held hearings throughout California. It heard the testimony of 165 witnesses, several more than once. It considered not only the specific accusations of the Uhler report, which numbered more than 120, but additional charges and complaints that were presented during the course of the hearing. The transcript of the proceedings is in excess of 5,000 pages.

While the California experience alone cannot refute the broad attacks on the national program, it does provide a useful basis for testing the credibility of current charges. First, the Uhler accusations against CRLA were similar, both in tone and content, to the charges now leveled at the entire national legal services program. Second, the charges against CRLA appeared—on their face, at least—to be the most serious and the most thoroughly researched and documented of any in the 7-year history of the program. Third, each of those charges—and, indeed, the entire CRLA program—was reviewed in fair, open, and comprehensive proceedings by an independent commission of jurists, whose impartiality and eminence gives particular credence to their findings.

The Commission's findings, set forth in a 400-page report bluntly disposed the charges against the program:

It should be emphasized that the complaints contained in the Uhler Report and the evidence adduced thereon do not, either taken separately or as a whole, furnish any

justification whatsoever for any finding of improper activities by CRLA. . . .

From the testimony of the witnesses, the exhibits received in evidence and the Commission's evaluation of the documents submitted in support of the charges in the [Uhler report], the Commission finds that the charges were totally irresponsible and without foundation.[1]

The Commission concluded with the finding that—

CRLA has been discharging its duty to provide legal assistance to the poor . . . in a highly competent, efficient, and exemplary manner. For that reason, it recommended that C.R.L.A. be "continued and refunded".[2]

To the specific charge that CRLA squandered its resources on "ideological ambulance chasing" the Commission concluded:

The overwhelming bulk of C.R.L.A.'s work is handling the routine problems of the poor, known in the parlance of legal assistance attorneys as "service" cases.

The report said:

In fiscal year 1968–69, CRLA handled 15,423 separate legal matters, a yearly average of 429 problems per attorney. . . .

The substantial portion of these matters did not involve litigation. Indeed, in 1969–70, only 8% of the 9,705 cases closed by CRLA attorneys involved a court proceeding, and only 13% an administrative hearing. . . .

As would be expected, the routine matters comprise a large percentage of the matters handled, 95–98% of the total number. Although no exact records are available as to the amount of time spent on the service cases, as opposed to impact cases, the director's estimate of 80% is reasonable.[3]

To the charge that CRLA was unresponsive to the demands of their clients, the investigation showed that rural farmworkers and others the program served supported its priorities. These groups consistently have urged that the lawyers give greater priority to cases in the areas of employment rights, education, civil rights, housing, welfare, and consumer problems, and less to traditional service cases, such as domestic relations and bankruptcy. As against a massive showing of clients' support for CRLA's innovative suits, there was hardly a word of criticism. It was those against whom the litigation was directed who most strongly questioned the litigation.[4]

Victory for legal services in California had its price. Much time, energy and Federal tax dollars was spent investigating unfounded and politically motivated charges. Pending accusations sapped the morale of the project. The energy and resources used in the program's defense were not available to serve the needs of the poor with customary vigor.

If the Federal coffers and the needs of the poor would permit, I believe a thorough factfinding investigation of each legal service project would exonerate the program nationally as the Williamson Commission has done in California, but this is not possible. Clearly, a better way must be found to protect the integrity of this valuable program, a way that will assure equality of representation for the poor. I believe this legislation, H.R. 7824, assures that the legal rights of low-income Americans will be the only concern of those attorneys serving in the legal services program.

I support the independence and integrity of a legal service corporation. I hope my colleagues will support them as well.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the committee bill.

I would like to attest to the successful legal aid services that have been provided under existing law in my congressional district. The lawyers of the Lake County and the Lake County Bar Association have indicated their strong support for the committee bill in the form in which it is presented here on the floor. I shall point out also that both the Illinois State Bar Association by a formal resolution, and the American Bar Association favor enactment of this bill (H.R. 7824). These organizations represent most of the lawyers whose views are of such significance on this issue. I intend to support their position—and to give my support to the principle of legal services for the poor. This is our best hope of moving forward toward the goal of equal justice under law.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. HUBER).

Mr. HUBER. Mr. Chairman, we have been hearing today the position that if we do not support this bill, we are opposed to the poor. Nothing, I am sure, could be further from the truth, even in the minds of those of us who are opposed to this piece of legislation. Why not also be accused of being against motherhood and the flag?

However, I fear we have almost done away with motherhood and the flag. The Supreme Court took care of motherhood in abortion, and the flag has been abused so much in the last 10 years, it is hard to recognize it. We are told this bill is a compromise between the committee's bill and the administrations bill. However, this compromise is being put upon the basis of whether we want to be shot or hung. Some of us do not particularly want to be in either one of these positions, so I have to rise in opposition to this bill.

I do not see the adequate safeguards in this measure which are needed to insure legal services are not going to be asked to advocate political causes.

I would like to remind my colleagues from the great State of Michigan, particularly those in the metropolitan areas, that it was brought to our attention that the Harvard Center for Law Education has been the guiding brains behind the civil suit in Detroit which calls for busing in the city and across district lines. This center at Harvard was the recipient of a $500,000 grant from the legal services. Now, if the legal services are going to finance the legal services behind a busing campaign forcing the busing of children, why do we not talk about that as one of the necessary reasons for supporting legal services?

Where do the poor have anything to do with this? As a matter of fact, the poor are pretty much opposed to being bused. The latest survey I have seen shows 80 percent of the people are opposed to busing. I wonder if this 80 percent would like to see their tax dollars being channeled into putting their kids on buses for busing across district lines? We do not talk about that. We say that the only thing we know about these abuses is that they are 2,000 or 3,000 miles away. They are not. They are in our own backyards.

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

Mr. HUBER. I do not have the time to yield now. I will yield if I have the time.

I would say that the citizens would rise up in wrath if they knew how their funds are being spent on some of these abuses. As a matter of fact, some of my colleagues on the other side of the aisle are sitting here today, because they reversed their positions on the busing issue. I am here, because I took a strong position against forced busing.

I think it is about time we looked at the total involvement here with the legal services. If it just dealt with helping the poor, I cannot see where there would be any opposition, but these abuses have crept in, which are really the problem.

We talk about Mr. Phillips, this great ogre. If he was such a great ogre, why was he not called before the committee and given a chance to tell his story?

I, as a freshman member of that committee, would have liked to hear him and see if he was lying before the committee.

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

Mr. HUBER. Mr. Chairman, I only have 3 minutes.

Mr. HAWKINS. Mr. Chairman, I will yield the gentleman additional time.

I yield 1 additional minute to the gentleman from Michigan.

The point has been raised that Mr. Phillips was not called to testify before the subcommittee.

Mr. HUBER. I said the full committee.

Mr. HAWKINS. Mr. Phillips, I am confident, would have been most willing to have been heard by the full committee and had every opportunity. He was called and did testify before the subcommittee. He has a standing invitation to testify before the committee, and certainly had every opportunity in all the hearings in which we have heard testimony.

Mr. Chairman, I do not want the Members to be given the idea that we did not wish to hear all sides of the question. The subcommittee certainly made every deliberate effort to have Mr. Phillips come before the committee.

Mr. HUBER. Mr. Chairman, I would

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[1] Williamson Report at p. 82.
[2] *Id.* at 88.
[3] *Id.* at 47.
[4] *Id.* at 56.

not argue with that, or with the distinguished chairman of the subcommittee, but I would like to point out that I only sat on the full committee not on the subcommittee. I did not have the opportunity of hearing Mr. Phillips. I have heard him accused repeatedly today, and I would have liked to have heard from him these many cases of abuse.

Mr. HAWKINS. Would the gentleman yield further?

Mr. HUBER. Mr. Chairman, will the gentleman from California yield additional time to me?

Mr. HAWKINS. Mr. Chairman, I believe the gentleman still has part of a minute.

Mr. HUBER. I believe I would like to get on with my inspired discussion.

May I have my 1 minute which I yielded?

Mr. HAWKINS. Has the minute been consumed?

The CHAIRMAN. The gentleman from Michigan has consumed 4 minutes.

Mr. HAWKINS. I believe the gentleman has consumed the minute which I yielded to him.

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota (Mr. QUIE).

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

Mr. QUIE. I yield to the gentleman from North Carolina.

Mr. MIZELL. I thank the gentleman from Minnesota for yielding.

Certainly I want to commend my colleague for calling to the attention of the House the litigation that OEO financed, calling for busing in Detroit. I assure the gentleman that I have an amendment which will insure that this type of litigation will not be financed by the taxpayers in the future. I hope the gentleman will support my amendment.

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

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

Mr. ROUSSELOT. So that we can clear this up once and for all, I should like to ask the gentleman in the well to comment on the subject of hearings. My understanding is that Mr. Phillips was heard by the subcommittee, and there were general hearings on the subject of OEO and so forth, but this specific legislation, as I understand it, did not have full hearings this year. Is that correct?

Mr. QUIE. This specific legislation did not have hearings this year.

Mr. ROUSSELOT. Is that not really the complaint many people have levied about this whole situation, that even those who advocate it admit it is highly complicated legislation and yet specific hearings this year were not held on this bill which is before us today. Is that correct?

Mr. QUIE. That is correct.

Mr. ROUSSELOT. I thank the gentleman for clarifying that, because the implication has been that there have been vast hearings on the subject of this specific legislation. Though there were hearings on the general subject of OEO, on which there have been extensive hearings, there have not been extensive hearings on this specific legislation, and I believe we should understand that.

I thank the gentleman for yielding.

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

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

Mr. DENNIS. In line with what has been said by our colleague from California, I should like to bring out the point I tried to make a moment ago, that one cannot equate this legislation or even the approach by way of the Legal Corporation with concern for legal services to the poor. There is revenue sharing. There is judicare. There is contracting of lawsuits. There are many proposals for providing funds and allowing the client to choose the attorney.

Had there been hearings on this legislation those avenues might have been explored and we might have some such alternative presented this afternoon.

Mr. QUIE. I would say to the gentleman that the Legal Services Corporation very definitely has a connection with our concern for the poor and giving legal services to them.

I do not know if revenue sharing or something like that would have come out of the hearings. I have had no one present a formal proposal to me on that at all, as the ranking minority member of the committee.

I feel that since the administration sent up a Legal Services Corporation proposal the committee tried to deal with the administration bill and not go on to something like revenue sharing. There was no member of the committee who suggested or recommended going to that approach.

It is my understanding from the committee that in the last Congress a Legal Services Corporation was up and there were extensive hearings at that time. We finally came up with a bill as a part of a package that was vetoed.

This year, as stated before, Howard Phillips was up before the committee and did testify. As the gentleman from California pointed out, that was prior to this legislation being sent up by the administration, and there were no hearings after the legislation was sent up, which was the point of the gentleman from California.

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

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

Mr. STEIGER of Wisconsin. I appreciate the gentleman yielding. I suggest that what we are doing is trying to split hairs here.

This bill per se was not heard in specific hearings, but I introduced legislation and the gentleman from Washington introduced legislation on which hearings were held. Frankly, those bills are not substantively that different from the bill now before us.

It seems to me that the House ought to be sure that when we get into that kind of controversy about hearings versus nonhearings the subject of legal services has been effectively and well heard before the Committee on Education and Labor. What is reflected in the committee report and in the bill, it seems to me, is the product not only of those hearings across the country, but also hearings the last year and the year before on this subject.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman from Minnesota (Mr. QUIE) yield?

Mr. QUIE. I yield to the gentleman from Michigan (Mr. WILLIAM D. FORD).

Mr. WILLIAM D. FORD. Mr. Chairman, the gentleman from Wisconsin (Mr. STEIGER) was a Member of the subcommittee that during the last Congress held hearings not only on his legislation and the legislation introduced by the gentleman from Washington, by myself, and others, but also the administration bill which was the predecessor of this year's administration bill. As a matter of fact, in addition to the hearings that were held here in Washington, we held field hearings where we heard from 62 witnesses in 9 full days, and we have volumes of testimony in which we examined at great detail almost every specific provision that is now found in this bill.

While there may be some difference in specific words and phrases, there is no misunderstanding on the part of any member surely of the Committee on Education and Labor about what the issues are which are involved in each of the several sections of what is now referred to as the "administration bill," and what we have come on the floor with represents a lot of compromises between the majority and minority sides, with a great deal of discussion of matters on which we had hearings going back over several years.

Mr. QUIE. Mr. Chairman, I think we have examined this feature long enough. We have it laid out in front of us now. Let me get on with my statement.

Mr. Chairman, it is my feeling that there needs to be some modification to H.R. 7824. I placed in the RECORD on Tuesday certain amendments which I propose to offer, so that those appeared in the RECORD that we saw yesterday, on page 20344. I wanted the Members to be able to see them, and I gave a brief explanation of the amendments. Those amendments, I believe, will bring this bill into the shape that will make it more acceptable.

Now, the President has indicated his support for the Legal Services Corporation. He made a statement on this on May 11, 1973, in respect to this legislation. We are going to be able to take a look at it when each of the annual appropriations comes about in the future.

Mr. Chairman, there are limitations and safeguards put on this program, and there will undoubtedly be debate this year on the limitations and safeguards put in the legislation.

Last Congress, the Members were so concerned about the makeup of the board that we never really got into the more important aspects of the bill sufficiently, and I am glad that the makeup of the board is no longer controversial and that we can now really address ourselves to the limitations on legal services attorneys.

Mr. Chairman, it is my feeling that there is some similarity between the corporations and the organizations which we call "recipient" in the legislation to a private law firm, and just as a private law firm puts limitations on an attorney, we are justified in putting some limitations in the legislation.

Mr. Chairman, there is a difference of opinion on that. I believe that the committee tried to use its best judgment on it. I, myself, come down on a different side on the question, for instance, of Legal Services attorneys being involved in rioting and civil disturbances and other illegal activities in their off-duty time.

I do not think they ought to do that. I come down differently on the question of political activities than the committee approach did in the off-duty time of the Legal Services attorneys, and I do not think they ought to be involved in the types of political activities which I mention in my amendment.

Mr. Chairman, I think the same thing is true of lobbying, that we ought to circumscribe the extent to which Legal Services attorneys can lobby. That is different than what is in the committee bill.

I would like also to lay out more clearly how they can provide legal representation before an executive agency of the Federal and State governments, or before a local governmental entity. I might say there that the reason why I have used the words, "local government entity," is that you do not have as clear a demarcation line between entities in the local government as we do on the State and Federal level, where the legislature on both sides is a separate branch of Government. On the local governmental level, the legislative bodies tend to be both administrative and legislative. That is the reason why I wrote the amendment in that way.

Mr. Chairman, it was also my feeling that if we were sure that everybody used good judgment, we really would not even have to worry about any limitation in the bill.

But that has been our problem. I tried to work out language to put some control over the way the boards of the local recipients were selected.

The CHAIRMAN. The time of the gentleman has expired.

Mr. QUIE. Mr. Chairman, I yield myself 2 additional minutes.

Mr. Chairman, I found that it was pretty difficult to do. Therefore I will offer an amendment instead to have the local boards made up of two-thirds attorneys. That will give us the best chance of good judgment being made on the part of the board.

Mr. Chairman, I believe the American people want to see that the poor have the same opportunity for legal assistance as the nonpoor. However, I do not believe they want to finance some of the activities the legal services have been engaged in in the past. Therefore some other amendments will be offered here on the floor of the House.

As far as organizations lobbying before legislatures in behalf of the poor, we constantly have the AFL–CIO and the ADA lawyers and the civil rights associations and the NAACP and countless others who have the interests of minority groups at heart and who can hire lawyers to make representations before legislative bodies. To the extent that legal services attorneys are involved in that, they are not providing the kinds of services we really intend to help the poor with the problems they might have, let us say, of evictions or that kind of a problem.

Mr. DEVINE. Will the gentleman yield?

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

Mr. DEVINE. The gentleman pointed out that lobbying was involved in this legislation. It is interesting to note I am advised there are some of these legal services attorneys lurking in the corridors of the Capitol now buttonholing Members about this legislation. Do you know whether they are here from as far as California to lobby Members on this legislation? And using public funds for the trip?

Mr. QUIE. No. I do not recognize them. As far as lobbying is concerned before the Congress or the State legislature, they would have to be requested by the legislative body or a committee or Member of Congress to come in and testify.

I yield to the gentleman from Michigan.

Mr. WILIAM D. FORD. I assume that Mr. Piller, the director of legal services, is up here. He was here on the hill very actively lobbying and he is presumably still on the payroll.

I agree with you there have been some abuses in the last 2 or 3 days. A good deal of the personnel used there has been to promote a lot of lobbying activities over here.

Mr. KEATING. Will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. KEATING. I want to ask a question of the gentleman from Minnesota in the well. Can a group such as the American Civil Liberties Union be compensated for legal work they do for the poor as a unit under this bill?

Mr. QUIE. No.

Mr. HAWKINS. Mr. Chairman, I yield to the gentleman from Massachusetts such time as he may use.

Mr. MOAKLEY. Mr. Chairman, one of my major concerns about the proposed termination of OEO has been the impending loss of its excellent legal services program. It would have meant that, that courageous experiment in social justice would be a thing of the past. And so would the storefront lawyers for the poor, who have represented the indigent in city slums, in old-age homes, and on Indian reservations.

Now I am hopeful that the present effort to establish an Independent Legal Services Corporation will insure the continuation of needed legal assistance to the disadvantaged of our country.

In this regard, the president of the Boston Legal Aid Society, Malcolm Perkins, has called to my attention certain remarks of my esteemed colleague from Florida (Mr. BAFALIS). These pertain to H.R. 7824, the Legal Service Corporation Act and appeared in the CONGRESSIONAL RECORD of May 31 on page 17509.

Mr. BAFALIS reported:

In Boston, Mass., we find the same basic comparison with basically the same results. There the private Legal Aid Society had a budget only 20 percent as large as the Government service, a staff only 25% as large and yet it managed to handle 75 percent more cases. In Boston, many members of the local bar regrettably would agree with an attorney from the private Legal Aid Society who views the Government project as "a collection of highly paid, indolent attorneys who are getting rich easily at the taxpayers' expense, while all the needy must bring their problems to the hard-working, low-paid attorneys of the Legal Aid Society."

I have been asked to clear up any possible inaccuracies about the relationship between the Boston Legal Aid Society and the federally funded OEO Boston legal assistance project. Mr. Perkins writes as follows, and I quote:

In fact the activities of the legal aid society and the legal assistance project in Boston are carried on under the same corporation and both work side-by-side to achieve the same ends.

The legal assistance project operates under a separate special board which includes many directors of the Legal Aid Society. If the legal assistance project should cease or seriously curtail its activities, the Legal Aid Society would find it impossible to fill the gap. I have made inquiries and feel sure that no member of the Legal Aid Society staff made these untrue remarks about the legal assistance project.

Second, it is stated that the Legal Aid Society with only 25 percent as large a staff as the legal assistance project handled 75 percent more cases.

And Mr. Perkins goes on to say that this fact is incorrect. He adds, and again I quote:

Last year the Legal Aid Society handled about 8,000 new cases and the legal assistance project about 13,000 new cases. Besides that, the figures for case loads do not tell the whole story because the legal assistance project, having the facilities and resources to do so, generally handles a higher proportion of protracted cases involving appeals.

Mr. Chairman, this letter attests to the fact that the Public Legal Services Operation in Boston is fulfilling a vital function in providing legal counsel and advice to thousands in need of it.

Mr. Perkins asserts that if the public legal assistance project were to cease or curtail its activities, the private Legal Aid Society would find it impossible to fill the gap.

In addition to this strong endorsement for a Legal Services Corporation by the Boston Legal Aid Society, I received just a few hours ago the following telegram from the Boston Bar Association:

The Boston Bar Association reiterates its support for a Legal Services Corporation which will provide funding to enable the Boston legal assistance project and other legal services programs in metropolitan Boston to provide full and adequate legal services to the poor on a fully professional basis including appropriate representation of the interests of clients in legislative matters, in accordance with the code of professional responsibility. John G. Brooks, president.

This is persuasive testimony, indeed, for the urgency and necessity of the passage of the present legislation.

Mr. HAWKINS. Mr. Chairman, I yield

such time as he may use to the gentleman from Missouri (Mr. CLAY).

Mr. CLAY. Mr. Chairman, I rise to address you on the merits of H.R. 7824, a bill to establish an independent Legal Services Corporation, and to urge passage of the bill as reported out of the Subcommittee on Equal Opportunities and the Committee on Education and Labor. The committee deserves high commendation for the thoroughness and speed with which it considered and recommended this important piece of legislation which should insure the continuation of quality legal services for the poor. Under the committee's bill, it is clear that the program will be free from political influence.

Above all else, this legislation provides for a free legal services program to be administered by an independent corporation supported by congressional appropriations. The Corporation is designed to insure that legal services will be provided free from the political pressures of State, local and Federal agencies, and that the program will provide high quality legal services for the poor.

In connection with the key factor of program political independence, there are a few points that must be made. The bill permits the Corporation to make grants to State and local governments for the purpose of providing legal services to the poor. This discretion is meant to be exercised only in situations where an area does not have a competent and politically independent legal services program that can provide legal aid to the poor. It is intended that the Corporation will not shift resources from current grantees of the legal services program in any substantial way.

The bill recognizes the success and value of the existing legal services program and hopes to continue and further its goals in an even better way. When this bill is enacted, prior to the actual establishment and functioning of the independent Corporation, there will be a transition period when the Department of Health, Education, and Welfare will administer the program. During this transition period, it is expected that any administrative regulations affecting the program will conform to the intent of Congress under this bill and will not in any way operate the program in a manner that is inconsistent with the provisions of this bill and congressional intentions thereunder. To the extent a lame duck Office of Economic Opportunity administration promulgates regulations that seek to change the program and that do not conform to the intent of this bill, such regulations are not to be followed by HEW or the new Corporation.

There is a provision in this bill, section 7(b)(3), which requires somewhat further elaboration. This section provides that private law firms which expend 75 percent or more of their resources and time litigating issues in the broad interests of a majority of the public or in the collective interests of the poor are not to be funded. This is not meant to affect current recipients such as the "back-up" centers which provide both research and litigation assistance in aid of the attorneys and clients of the legal services program. The provision is exclusively meant to cover lawyers and their firms which are private in nature—those firms which earn more than half their income through retainers and fees from clients. Unlike such private law firms, the backup centers are a vital part of the Government-funded legal services program and are to be continued in their present form and function.

Several provisions in this legislation relate to the way in which attorneys providing legal assistance to the poor engage in representation of their clients. It is my understanding, as an example, that there is to be no interference with the decision of an attorney and his or her client in taking an appeal.

Moreover, there are no prohibitions in this legislation on the representation of groups composed mainly of poor people. While a legal services attorney cannot organize a group, the attorney can fully represent a group of poor people or an organized group primarily comprised of poor. Such groups frequently help poor people to solve their own problems and, therefore, it is important that such groups have available to them the full range of legal services contemplated under this bill.

There is also no prohibition on advocacy before legislative and administrative bodies on behalf of a client or on the request of such bodies. In fact, it is expected that various legal services groups will engage in such advocacy and should be enabled to do so in a reasonable and economical fashion. Thus, the Corporation should permit legal services recipients to jointly have offices or employees in the locations where the legislatures and administrative agencies are located.

To the extent the legislation places sanctions against alleged unlawful actions of legal services programs or their attorneys, such sanctions shall not be imposed without strictly safeguarding the due process and other constitutional rights of such programs and attorneys. For example, the legislation permits recipients to provide counsel to clients engaged in boycotts, strikes, and other kinds of political activity as long as the attorney is not personally involved in the activity. Clearly, however, the attorney can provide legal representation to the group involved. If the attorney violates the prohibition against personal participation and disciplinary action results, prior to the termination of his employment such an attorney is entitled to a due process hearing.

In addition, if a violation by an individual attorney is found, this is not to be the basis for taking away funds from the recipient agency, his employer. Such action would serve only to harm numerous poor people requiring the legal services of the recipient.

Similarly, the bill provides for the existence of State advisory councils which are created for the sole purpose of filing complaints with the Corporation against recipients that violate the provisions of this bill. No action, however, is to be taken by the Corporation on such complaints until the recipient has had 30 days to respond to a complaint. Prior to any adverse action against a recipient, it is intended that a due process hearing be provided so that Corporation decisions are based on a proper exploration of the facts as presented by affected parties.

Overall, this legislation provides a new and independent home for a legal services program that has proven its importance to our system of justice. We must make sure that equal justice is available to everyone, regardless of their economic circumstances. It is essential that we continue this legal services program and passage of the legislation reported out of the committee will do this important job.

Mr. QUIE. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. BAFALIS).

Mr. BAFALIS. Mr. Chairman, in his remarks, my esteemed colleague and good friend the gentleman from Massachusetts (Mr. MOAKLEY) stated that Mr. Jim Perkins, president of the Boston Legal Aid Society, has taken exception to my remarks during the special order on legal services.

Mr. Chairman, the basis for my remarks which have been questioned came from an evaluation report on the Boston legal assistance project prepared by Auerbach Associates from Philadelphia and filed with the Office of Economic Opportunity on October 17, 1970.

I might also point out that this report was rendered prior to the time the present Acting Director assumed his position.

For the further information of my colleagues, I am herewith inserting in the RECORD the full text of the section of this report from which my remarks of May 31 were taken:

EVALUATION REPORT BOSTON LEGAL ASSISTANCE PROJECT, OEO OFFICE OF LEGAL SERVICES, BOSTON, MASS.

3.2.2. LEGAL CLIMATE

In Paragraph 3.3.7., we will discuss the effect the board has on the relationship between the Project and other legal agencies and organizations such as the Boston Legal Aid Society, the Boston Bar Association, and others. At this "official" level the relationships are quite cordial.

At the operating level, however, the relationship is somewhat different. The Boston Legal Aid Society provides civil representation to indigent applicants in 62 cities and towns in the Boston area. The Society has one office in downtown Boston with 11 attorneys, some of whom also have private practices. The Society is supported entirely by donations from private attorneys and other individuals, philanthropies, and the United Fund. The Society, although budgeted at approximately 20% of the Project's operating budget, is currently handling a growing caseload which is presently 75% as great as that of the Project and with 25% of the staff.

The Boston Bar Association Referral Service receives 10 to 15 referrals a week from the Society and no more than 100 a year from the Project. The explanation for these paradoxes is simple: the Project provides a much higher quality level of service to its clients than does the Society and uses the Bar Association Referral Service only as a last resort. However, the Bar Association and the

Legal Aid Society see the Project as a collection of highly paid, indolent attorneys who are getting rich easily at taxpayer expense while all the needy poor must bring their problems to the hardworking, low-paid attorneys at the Legal Aid Society. These feelings are known by the Project but the Project makes no attempt to explain its operations to the Society or the Bar Association at the operating level.

* * * * *

3.4 SUMMARY OF OPERATIONAL STATISTICS

The new cases handled by the Project in two representative three-month periods is as follows:

CHART I

Type of case accepted	April–June 1970		January–March 1970	
	Number	Percent	Number	Percent
Consumer/employment	443	16.2	324	14.9
Administrative	478	17.5	248	11.4
Housing	783	28.7	544	25.1
Domestic relations	745	27.3	797	36.7
Miscellaneous	276	10.3	256	11.9
Total	2,725	100.0	2,169	100.0

In the first quarter of 1969, the Project had approximately 20 attorneys in 11 small, ill-equipped offices. There was no attempt at caseload control. During the second quarter of 1970 (the latest quarter for which figures are available) the Project had approximately 40 attorneys in 7 neighborhood offices. The caseload control policy discussed previously in Section 3.1 had been in effect for almost one year.

The overall caseload increased by 25.6% while the overall staff increased by 100%. The types of cases showing the largest percentage increases are administrative (such as welfare, social security, workmen's compensation, etc.), housing and consumer problems. The percentage of domestic relation problems handled by the Project have been dramatically reduced.

The average staff attorney accepted 8.3 new cases per week in the first quarter of 1969. He accepted 5.2 cases per week during the second quarter of 1970. The Project is currently accepting new cases at an annual rate of 11,000 cases per year.

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

Mr. WIGGINS. Mr. Chairman, I do not intend to support the pending bill.

Legal services to the poor have an obvious appeal. If the goal of "equal justice under law" is to have meaning, access to justice cannot be dependent upon one's means.

Adherence to a principle of equality, however, does not dictate support for this legislation. Far from attaining such a goal, the bill before us introduces new forms of discrimination which are no more acceptable than the old.

Today, a citizen confronted with a legal problem will hire an attorney if he is able to do so. The skill of privately selected attorneys of course varies as do the fees they charge. There is no perfect equality in legal services under such a system, but it is an inequality which inferes in any system of private practice of the law.

The poor are largely excluded from even this imperfect system. It can be shown that some cannot afford even modest fees and thus are denied access to the opportunity for justice.

If our goal is to put the poor on an equal footing with most others, parity would be achieved by providing an impoverished citizen with necessary funds to pay a reasonable fee to an attorney of his choice. That is what those of us who can afford fees are compelled to do.

But that is not the system which this bill envisions. It is contemplated that full time, fully funded lawyers shall be provided to the eligible poor. The enormous resources of the Corporation available to such firms is to give to its clients an advantage not possessed by the average citizen. Inequity will of course remain. The unequal classes will be the rich and the poor receiving the best legal service money can buy, on the one hand, and all of those in the middle receiving only what they can afford, on the other.

The principal vice is at the heart of this legislation, namely that legal services to the poor should be provided through "poverty" lawyers or firms. A far more preferable system of delivery is through the "judicare" approach which involves the selection of a private attorney by the client and the payment of a reasonable fee for his services.

Since the proposed legislation does not embrace the delivery system which I prefer, and since the proposal will continue many of the abuses so evident under the OEO funded programs, I oppose the bill.

Mr. HAWKINS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Chairman, I rise in support of this bill. The bill has the support of all the bar associations in the city of New York and the Community Council of Greater New York.

I stand by the fundamental principle that all laws should be administered equally to all the people, and that the courts of our land should be open on an equal basis to all of our citizens.

Historically justice in America has been visualized as a set of balanced scales. Unfortunately, more often than not, those Americans with money have been able to tip the scales in their favor, and traditionally it has been the poorest Americans who have been shortweighted.

Acknowledging the realities of poverty and the inaccessibility of the poor to justice or law, the legal services program was created in 1965 under the Office of Economic Opportunity. Since the establishment of the legal services program, it has been possible for a large segment of our population to participate actively and constructively in the judicial process.

H.R. 7824, establishing an independent Legal Services Corporation, is an extension of these principles. Legal Services has made significant advances in opening the courthouse doors to all Americans, regardless of income. The task undertaken in 1965 must not be abandoned in midstream.

Community Action for Legal Services is New York City's legal services organization, with 22 local offices. CALS funds and supervises 10 delegate corporations that provide direct services: MFY Legal Services, Harlem Assertion for Rights, and Manhattan Legal Services in Manhattan, Queens Legal Services, Bronx Legal Services in Hunt's Point and Morrisania, Brooklyn Legal Services in South Brooklyn, Williamsburgh, Brownsville, East New York, and Bedford-Stuyvesant Legal Services in Brooklyn, and four offices of the Legal Aid Society in Staten Island, Far Rockaway, Bronx and part of the central office in Manhattan. In 1972 the CALS program represented clients in 47,313 separate lawsuits, primarily in landlord-tenant relations, family and divorce matters, consumer complaints, welfare and unemployment regulations, health care, education, day care and civil rights litigation. However, the need for legal services in New York City far exceeds its availability. Over 3 million New Yorkers are eligible for legal services by reason of their low incomes. Only a small percentage of those eligible have been accommodated. The program must be sustained and its capacity extended. The creation of an independent Legal Services Corporation is an affirmative step in that direction.

While I offer my support to H.R. 7824, I am not without criticism of portions of the bill. Certain restrictions on client services such as the prohibition against legislative advocacy and the severe restriction of administrative advocacy in sections 6 and 7 along with the restrictions on certain advice in section 7 interfere with the full range of traditional lawyer services, thus violating the code of professional responsibility, and seriously inhibiting the attorney-client relationship. Section 7(b)(6) prohibits Legal Services assistance to any person under 18 years of age without written consent of the parents, guardian, or the court. This provision could cause great hardship to young people, many of whom are self-sufficient or whose interest may not be consistent wth those of their parents. The restrictions on assistance to groups would proscribe Legal Services lawyers from incorporating day care centers, food cooperatives, small businesses or other economic self-help enterprises so vital to the advancement of the community.

Sections 6 and 7 also prohibit Legal Services attorneys from performing pro bono services on their own time. These sections also seriously infringe on the attorneys' first amendment rights by declaring that they may not participate in activities such as picketing, boycotts, and strikes. Under this provision it is possible that an attorney could not advise his or her clients of their rights in rent strike actions which are presently among the most effective legal remedies for upgrading poverty and slum housing. The constitutionality of these provisions is questionable especially in light of Judge Gesell's opinion in last year's District of Columbia District Court case declaring the Hatch Act violative of the Constitution.

It is the intent of this act to create a truly national corporation. While there is provision for State and local funding, it is expected that that option will be exercised only when, for whatever rea-

son, no competent and politically independent local program exists to be funded through the national corporation.

In keeping with its nationwide scope, the act also is designed to continue the broader impact activities of the existing legal services program, though certain proscriptions have been built in to assure that those activities are directly to the benefit of indigent clients. Thus, recipient programs may and should continue to represent groups predominantly consisting of poor people. Such representation may and should involve advancing the interest of clients and their groups by advocating or opposing proposed legislation and administrative regulations. Recipients may pool their resources and maintain an office and personnel at the places where the legislatures and agencies work. The issue oriented national backup centers are to be continued and to be funded from the 10 percent funds set aside for nonstaff attorney oriented activities. On the other hand, the act is intended to assure that the group representation and advocacy activities of recipient programs are conducted in the interests of the client population and to prohibit program attorneys from using their positions to advance their own ideological beliefs.

With respect to the professional conduct of program attorneys, the bill essentially codifies the ethical requirements of the code of professional responsibility. The bill requires that attorneys should not be paid for legal activities that they are not authorized to perform but, of course, the bill does not prevent recipient-grantees from hiring law students, recent law graduates, and attorneys licensed in other jurisdictions, even where such recent law graduates and lawyers are not licensed to practice in the jurisdiction where the recipient is located.

The act prohibits full-time program attorneys from engaging in outside compensated law practice, but the bill does not undertake to otherwise circumscribe the private nonwork time activities of attorneys. Such attorneys, during their offhours, may engage in political activities and may get involved in uncompensated legal work.

In conclusion, I believe that the bill, particularly as explained in the report of the committee, is a sound one. It recognizes and seeks to continue the past contributions of the legal services program; it provides a more rational vehicle for the continuing delivery of those services; it contains provisions which assure the integrity and proper focus of the attorneys in the program; and it builds on the start which has already been made in keeping the American promise of equal access to our judicial system.

The Legal Services Corporation Act merits your support.

Mr. HAWKINS. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. WILLIAM D. FORD).

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in support of the committee bill as it has been reported to the floor of the House.

Mr. Chairman, I would like to commend the gentleman from California (Mr. HAWKINS) who has over the many years since the beginning of this program exercised the oversight authority of our committee very diligently, and who probably knows as much about how the program has actually been implemented and has worked across the country as any other Member of the Congress. I doubt that any Member of the Congress has been as diligent in this field as the gentleman from California has been over these years.

The gentleman knows of the many successes of the program, and knows some of the things that have had to be corrected over the years.

Also at the time, Mr. Chairman, I would like to compliment the members of the committee on both sides of the aisle, and to especially commend the minority members of the Subcommittee on Education and Labor who have worked earnestly with the members of the majority side of that committee in attempting to work out this matter and in their efforts to go along with this specific legislation, and to work out a piece of legislation that meets the several objections originally stated, some of them emanating, as I understand, from the White House, in a way that would achieve the goal that we are all after. That, after all, is to provide legal services for the poor people in this country consistent with our system of justice, and within the framework and the guidelines of the rule of law as it exists through State and Federal statutes, and the court rules in our country.

Mr. Chairman, it is our earnest hope that while there are many restraints in this bill on the activities of the Legal Services Corporation and upon its employees, that we have not in the bill and we will not during the amending procedure on this bill do anything to interfere with the professional standing of the lawyers who will be employed in this program in the future.

We have spent a great deal of time with some of the outstanding experts in the field of legal ethics in the country in examining specific proposals, some of which we will expect to hear more about later today, but which were rejected. They were rejected not because there were not meritorious conditions explained in justification of them, or some isolated instance that might seem to dictate that they should be adopted, but because to do so would very clearly threaten the professional integrity of the lawyers involved in the program, and would, in fact, subject a lawyer to disbarment or disciplinary action for even accepting employment under a program where, in accepting the employment, he in advance accepted conditions which were in violation of the code of ethics, and the code of conduct for attorneys.

Mr. Chairman, this has been a bipartisan effort all the way along the line to protect the integrity of the professionals who will be involved in this program, and their activities for the benefit of the poor people, and also, at the same time, to remember at all stages that the essential relationship that is to be paramount in our consideration at all times, and that of the activities of the Corporation, is the relationship between the lawyers funded by this program and the client whose interest he serves in the courts or other forums where representation by a lawyer is appropriate.

Mr. Chairman, the bill before us today is a great step toward providing equal justice under law for all people in America. Equal justice for all is a principle often voiced, but the sad fact is that all persons do not stand equally before the law unless they have the kind of representation that will allow them to be heard. No layman, rich or poor, can adequately protect his rights in civil proceedings without competent counsel. By that measure, those who cannot afford a private attorney today are without rights because their legal needs are not being met. The OEO legal services program was an important first step in giving the less wealthy their legal rights. The bill before us today will make the dream of high quality representation for our poor a reality.

This bill assures the independence of legal services staff attorneys as they serve their clients' legal needs. It contemplates that these attorneys will act as advocates in all legal forums. Thus, in addition to litigation, we on the committee anticipate that lawyers will represent their clients before administrative agencies and legislative bodies. The corporation is expected to promulgate regulations that will guarantee that no one will interfere with attorneys' obligations to vigorously pursue the rights of clients in legislative, administrative, and judicial forums. In order to conserve meager resources, it is our hope that recipients will make arrangements to pool resources to maintain an office and staff personnel at the places the legislatures and agencies work.

Like other individuals, the indigent may find it necessary to join in cooperatives or other organizations to protect and to exercise their rights. Here, too, the bill anticipates that the staff attorneys will represent their clients and the organizations they form. Under this bill, it is contemplated that organizations made up mainly of poor people will be able to receive full legal assistance, including litigation aid, by staff attorneys.

Legal services units shall not, of course, function as political parties, or aid political parties. Nor should they engage in political organizing, though the staff attorneys are, of course, free to do so in their off-duty hours. And because the line between political and legal work may be viewed differently by different people, the bill provides for a hearing to guarantee due process protection to any attorney or staff member who is terminated for alleged political activity.

Under this bill, legal services will be administered by the Corporation which can make grants to, and contracts with, individuals, partnerships, firms, corpora-

tions, State and local governments, and other appropriate entities. It is important to note, however, that we expect that a State or local government will be the recipient only in cases where no other competent and politically independent legal services program can be found.

The committee bill also provides for the continued existence and support of the present back-up centers. It is intended that they will continue the important work in research and litigation they do now. The legislation carefully distinguishes the back-up centers from private law firms which receive a majority of their revenues from the retainers or fees of private clients.

In order to insure comprehensive, effective services, the committee bill also requires that a minimum of 10 percent of the Corporation funds be spent on non-staff attorney oriented programs, such as training, clearinghouse operations and experimental ideas, as well as the back-up centers.

The Corporation is also required to conduct a study, to be completed in 1974, to examine alternative vehicles for legal services. It is not anticipated that any shift in the method of providing services will be implemented until the results of this study are evaluated and it is clearly determined that such alternative legal delivery systems are more effective and efficient.

The enactment of this legislation will bring greater efficiency and quality to our legal services program. On the date of enactment, the Secretary of HEW will begin to transfer the legal services program from OEO to the HEW Department. It is expected that from that date, the directives of this bill will guide the provision of legal services, not any other provisions that were previously in effect.

I hope that the committee's bill will receive the wholehearted approval of the House. The provision of legal services to the poor is a most important undertaking, and it is crucial that we continue those efforts as effectively as possible. I am glad to say that this bill is one that we can all take great pride in and I urge its passage.

Mr. QUIE. Mr. Chairman, I yield to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, the Legal Services program seems to me an excellent means through which we can make good progress toward reaching one of the principal aspects of the American dream—that of equal justice under the law for all citizens. More and more this is becoming a world of laws and lawyers. As much as some of us would object to the thought, it is hard to escape the fact that lawyers are a necessary fact of life, especially so for those who lack the economic and educational resources enjoyed by a majority of our citizens.

The Legal Services Corporation bill has come under widespread attack. Some of the fears surrounding it seem exaggerated, but some are justified. I have some specific fears concerning lobbying efforts and other quasi-political activities which might be carried out by over-enthusiastic barristers working through the Legal Services Corporation. Nevertheless, I am persuaded that to limit the Legal Services program in the manner suggested by my distinguished colleague from Minnesota (Mr. QUIE), whose leadership I normally follow in these circumstances, would be unwise.

Despite my own fears, I feel that the lawyers must be free to follow their own code of professional conduct. If limits are needed to prevent abuses, I believe the Legal Services Board can prevent them by establishment of guidelines or rules. Although it grieves me to vote against my colleague's amendment, especially when I have some of the same fears he does on this matter, I feel it is more important that Legal Services not be restricted.

Mr. Chairman, one of the first bills I introduced when I came to Congress was a Legal Services Corporation bill. Each year thereafter I have reintroduced a similar bill in one style or another. It is my hope that the bill which the committee has brought forth today will be approved without major changes. It is a compromise of sorts, perhaps the first choice of very few of us, but hopefully tolerable to a majority of us.

For me it is most important that we establish a Legal Services Corporation as soon as possible. With a nervous eye on the uncertain future of OEO, which has funded most Legal Service programs in the past, I strongly urge adoption of the committee bill.

Mr. QUIE. Mr. Chairman, I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Chairman, the Legal Services Corporation Act which we are being asked to pass this week represents a case of deceptive packaging if ever there was one. To begin with, the major purpose of the bill is supposed to be to create an "independent" Legal Services Corporation. The committee report makes it clear that those who have been involved in the program under OEO consider that they have been unduly hampered in their work by what they call "political interference."

The failure of the original version of the committee bill to provide for gubernatorial veto over programs conducted within a given State effectively insulated legal services programs from effective scrutiny by elected public officials. Without any hearings whatsoever the bill was rushed into the markup stage. The committee was fully aware that the President had pledged to support a corporation act which contained adequate safeguards against the widespread abuses which had characterized the first 8 years of the program. Members of the committee also knew that any effort to significantly weaken the safeguards which the administration bill contained—safeguards which were not fully adequate in my judgment, but which were substantial—would virtually insure an Administration veto. Nevertheless, the committee proceeded to remove practically every meaningful safeguard and to fashion a corporation which would be accountable to no one but itself.

Perhaps the most significant action of the committee was the deletion of a provision which would have permitted "(a)ny interested person (to) bring an action in a Federal district court to enforce compliance with the prohibitions of or under this Act by the corporation or any recipient or any officer or employee of the corporation or of any recipient." Successful plaintiffs would have been reimbursed by the corporation for their costs and legal fees.

The dropping of the "citizen suit" provision is remarkably insensitive to the realities of the times. Virtually every institution in our society is being examined and challenged for its responsiveness and accountability to the concerns of the public. Why should legal services alone be exempt from public scrutiny? Nearly every landlord, businessman, and public official in every community is subject to suit by legal services attorneys. Yet those same attorneys may not be held responsible for their actions by anyone but the corporation, which will have a vested interest in making the program look good. Legal services proponents have cried that citizen suits would harass them and interfere with their work. Do they think that a public official does not feel harassed when he is sued by legal services attorneys? Can it be that legal servicer attorneys can dish out legal action but are not prepared to take it?

The bill as reported by the committee includes a number of provisions which give the appearance of being addressed to some of the notorious abuses of the present program but which are actually calculated to perpetuate some of the worst of these abuses and, in some instances, to pave the way for new and more imaginative outrages to be committed. The general pattern in the examples which follow is to set forth language which appears to be prohibitory but then to provide for a qualifying phrase or exception which renders the apparent prohibition ineffective or "inoperative."

Most of the provisions to which I refer are contained in the sections of the bill labeled "powers, duties, and limitations"—section 6—"grants and contracts"—section 7. For example, section 6(b)(4) says—

> No attorney shall receive any compensation . . . under this Act, unless such attorney is authorized to practice law in the State where the rendering of such assistance is initiated.

The word "authorized" was changed from the original word, which was "admitted," and this change of one word permits legal services attorneys to stir up trouble in one State until the local authorities become alarmed and then to move on to some other State, much like a traveling medicine show, without having to subject themselves to the disciplinary control of the State bar association along the way. Staff attorneys of legal services back-up centers would similarly be permitted to move in and out of States at will and without meaningful ethical supervision.

Section 6(b)(5) appears to prohibit employees of the corporation from par-

ticipating, or encouraging others to participate in, "rioting, civil disturbance, picketing, boycott, or strike;" or other enjoined or illegal activity. However, it applies only to employees who derive most of their professional income from the program. Thus, legal services programs are practically invited to set their "part-time" employees to work on the prohibited tasks, while full-time employees can work on other activities which appear to be restricted but which will be permitted to flourish as a result of "loopholes" in the committee bill.

I refer to the apparent prohibition in section 7(a)(5) of "any political activity," transportation of voters to the polls or other election assistance other than direct legal representation, and voter registration activity. The catch is that the prohibition applies only when employees "engaged in legal assistance activities." In other words, legal services attorneys are free to do as they please "on their own time." It sounds reasonable until you consider that a professional person is never really "on his own time," that he generally has considerable control over his vacation and leave time, and that it is the support provided by his Federal salary which enables him to spend his "free time" engaging in political activities rather than working.

Although this list of illusory prohibitions is by no means intended to be exhaustive, one additional provision is worthy of special mention. Section 7(b)(5) appears to prohibit legal services funds from being used "to organize, to assist to organize, or to encourage to organize, or plan for—any organization, association, coalition—or any similar entity." This would appear to prohibit the current widespread practice of using legal services resources to organize chapters of such groups as the National Tenants Organization, NTO, and National Welfare Rights Organization, NWRO, and to act as de facto "house counsel" for these groups, as well as for upstart labor unions and militant ad hoc community groups. This activity has been undertaken despite the fact that it is clearly unethical for an attorney, in effect, "to organize his own client." Moreover, such organizations generally have ample resources at their disposal without taking funds intended to provide legal services for the poor.

Once again the exception consumes the rules, for the prohibition does not apply in the case of "the provision of appropriate legal assistance in accordance with guidelines promulgated by the corporation." It is impossible at this time to predict with certainty what the scope of the exception may finally be, but there is little reason to think it may not be total, especially in view of the absence of any effective check on the power of the corporation.

To summarize, this bill would create a legal services corporation which would be "independent" only of the people who are paying to support it and of their elected public officials. Nearly all of the provisions which appear to prevent the well-known abuses of the present program have either been made completely useless or have been left to be enforced by the unaccountable corporation. As a result, the new corporation will be far from "independent" in fact, since it will be exposed to undue influence, if not actual operational control, by a myriad of pressure groups and by the organizations of OEO and legal services employees which have been singularly active in promoting this legislation.

The Legal Services Corporation is doomed to failure because the central concept upon which it is based is fatally defective. It is inherently impossible to create corporations which can be "independent of political influence" when the very subject matter of their activity, which in this case is the promotion of social change, is totally political by its very nature. This attempt to institutionalize "social change" by creating a federally-sponsored corporation to manage it can never "take the politics out of politics," and it is not really designed to do so. Rather I believe it is the purpose and practical effect of this proposal to conscript the dollars of taxpaying citizens and to use those dollars to effect a redistribution of wealth and political power in this country in favor of the legal services attorney and the militant pressure groups which have already grown rich and powerful as a result of this program.

The entire concept strikes at the heart of our American democracy, and I cannot in good conscience support any aspect of it.

Mr. HAWKINS. Mr. Chairman, I yield such time as he may consume to the gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Chairman, as the Members of this House are well aware, the Committee on Education and Labor has twice during the past 2 years reported out bills establishing an independent legal services corporation. Both times this House has adopted such bills, only to find them either vetoed or abandoned in conference under threat of veto.

H.R. 7824, as reported out by the committee and now before you, is an attempt to establish an independent, responsible, professional legal services program which should be acceptable to all Members of Congress and which is based upon the administration's legal services bill. The Subcommittee on Equal Opportunities and the full committee has spent many days working together to agree upon language that would be acceptable to all. I would like to make the following points at this time in amplification of our committee's report.

First, the bill establishes a Board of Directors consisting of 11 persons appointed by the President with the advice and consent of the Senate. This is the Board structure proposed by the President. I am certain that in making his appointments the President will consult representatives of the organized bar, of legal services attorneys, and of the client groups to be served by the Corporation. I further assume that the President will adhere to his stated goal of insulating the Corporation from politics and will, therefore, not appoint persons likely to inject a particular political viewpoint or their own political ambitions into the policymaking function of the Corporation.

Second, the bill assumes that the structure of the current program will continue, at least at the outset of the Corporation's activities. Thus, it is contemplated that during the interim period prior to the Corporation's assumption of responsibilities, HEW will continue to fund existing programs at current levels and not attempt any major change in direction. In this regard, I would assume that the regulations proposed during the last several weeks by Mr. Phillips—if not rendered a nullity by the ruling by the District Court of the District of Columbia in the case brought by four Senators—would be disregarded by HEW as an improper attempt to change the nature of the program during this caretaker period. The provisions in this bill shall be followed upon enactment, not the provisions in the OEO Acting Director's hastily prepared regulations.

Furthermore, the committee expects the Corporation to continue the program in basically its current form until it has had an opportunity to meet the requirement that it report to the Congress on the efficacy of the various alternative means of delivering legal services. The bill now requires that report to be submitted in June 1974. It is anticipated that certain alternative means will be tested during this period, but that expenditures in this regard will be limited to testing purposes and, again, not to a major change in the structure of the program.

Thus, the requirement that no less than 10 percent of the Corporation's funds go for nonstaff attorney oriented activities is not a mandate that 10 percent of these funds go for new types of programs, but merely a mandate that no more than 90 percent of the Corporation's funds be expended on staff attorney oriented local legal services programs. It is anticipated that the 10 percent allocation will be devoted to the operations of the Corporation itself, the maintenance of back-up centers and similar national resource activities, as well as the experiments required for the report to the Congress. The maintenance of high quality legal services to the poor is too important to be disrupted by sudden changes in program emphasis. Consequently, it is crucial that no substantial shift in legal services delivery methods to the poor be implemented unless there is clear and convincing proof that such alternative methods are more effective than those under the present Legal Services program.

The provision that funds may be provided to units of State or local government was included after much debate. This provision was included so that the Corporation could have maximum flexibility necessary to assure quality legal services for people throughout the country.

It is possible that there may at some time be a situation in which it would only be possible to deliver legal services

by funding a unit of government. Such a situation has not occurred to date and it is the committee's contemplation that funding of State or local governments for the provision of legal services would be a last resort, utilized only where no other politically independent and competent group was available for funding.

On the other hand, the bill provides for the establishment of State advisory councils appointed by Governors of each State to provide the Board of Directors with information concerning possible violations of the act by local recipients. I trust that the Governors of each State will take great care in selecting persons for the advisory committee who will act in a responsible manner, who will be committed to the preservation of the independence of the legal services program from political pressures, and who will be representative of the organized bar and of the client groups which recipients are funded to serve. Prior to any Corporation action on any complaint registered by such advisory councils, the recipient involved will be provided with 30 days' notice of the text of the advisory council's complaint. If punitive action is taken by the Corporation, it is expected that a due process hearing would be provided to the affected recipient or employee so that the issues involved are properly considered. In order to conserve resources for substantive legal work, the advisory councils will only be provided with reasonable travel fees for council members' attendance at council meetings.

Also, with respect to the structure of the program, a prohibition on funding of private law firms that devote more than 75 percent of their resources to litigating in the broad public interest or on behalf of the poor as a class has been added. This provision would not deny funding to any current recipient and is therefore designed to assure that the program continues in essentially the form that it has to date. Private law firms are those firms which receive over half of their money from fees and retainers of private clients.

Turning from the structure of the program itself to the question of the services to be rendered, I would stress as a keynote the determination by our committee, year after year, that the poor not be afforded second class justice. This can only by accomplished by providing them with lawyers who are able to provide zealous representation to the fullest extent permitted by the Code of Professional Responsibility, the rules of the various bar associations, and the rules of the courts in each State. The bill now before you attempts to respond to the concerns of many that legal services lawyers may be tempted to represent their own views rather than the views of their clients, while at the same time the bill assures that attorneys will not be fettered in the exercise of their representation. Thus, when attorneys deem it appropriate, they may approach legislatures and administrative agencies as well as the courts with the legal problems presented by their clients and suggest the means of redress. These clients may either be individuals or groups composed primarily of poor persons. Although attorneys may not act as organizers or be involved in political activities, they may advise individuals and groups of their legal rights and, as I stressed before, provide legal representation to the same extent permitted lawyers for paying clients. Thus, the committee, while directing the Corporation to establish guidelines with respect to representation, insists that such guidelines be consistent with the Canons of Ethics and the Code of Professional Responsibility, thereby assuring unhampered and effective representation of the poor in all legal, legislative and administrative forums.

The bill prohibits the persistent incitement of litigation. While this has not proved to be a major problem in the present program, there are some persons concerned with the program who believe it possible that lawyers will attempt to stir up frivolous litigation in order to serve their own ends. The persistent incitement of litigation provision will curb the expenditure of funds that are used improperly. That provision, however, merely enforces the rulings pursuant to the Canons of Ethics interpreting anti-poverty attorneys obligations and rights with regard to solicitation of clients. In no way is that provision intended to prevent attorneys from informing potential clients of their legal rights or of the possibility to bring litigation to remedy poor people's problems. Poor people should be actively and fully advised of the possibilities of legal action to improve their living conditions.

One way to maintain the professionalism of the program is to provide continuing legal education for the attorneys, as well as appropriate training for paraprofessionals, other staff persons employed by recipients, and clients. While training must avoid any attempts at political indoctrination, we have learned over the history of the legal services program that many of the matters on which lawyers represent poor clients are very explosive politically, and it is essential that lawyers be well-trained in those areas so as to provide professional counsel. Exploration of public policies affecting the poor and how they affect poor people's legal rights, therefore, are likely to be explored at training sessions.

It is also most important for full and proper representation of clients that legal services attorneys continue to have available to them the specialized litigation and research resources of the national back-up centers, the clearinghouse facilities of the type now funded through Northwestern University, and related technical assistance facilities. Members of the private bar are able to turn to the voluminous work by the various publishing houses in the legal field to learn of developments in various areas and strategies for the protection of their clients. There are no similar facilities in the field of law affecting legal services clients; that gap has been filled by existing progrmas whose need has been confirmed by current legal services lawyers and OEO evaluations.

In sum, this bill represents substantial consensus among people with varying views as to what is the most desirable legal services program that this Congress could enact at this time. We have debated far too long about the Legal Services Corporation. I urge your vote for this bill to assure the continued operation of one of the most successful and significant social programs in this country.

Mr. DRINAN. Mr. Chairman, the bill H.R. 7824 providing for the establishment of the National Legal Services Corporation is said to strike the necessary balance between the need for public accountability for the expenditure of public funds and the great needs of our disadvantaged citizens for effective and aggressive legal representation.

While H.R. 7824 may be the best legal services legislation that can pass the House at this time, I am deeply concerned about the provisions in this bill which will not allow poverty lawyers to offer poor people the same range of professional services offered affluent citizens by private attorneys.

The bill as proposed restricts Legal Services lawyers from participating in activities which have been at the very heart of effective advocacy in the poverty program since the beginnings of the civil rights movement. Participating attorneys, under the present bill, would be prohibited from engaging in "any political activity," including activity in voter registration. They could be barred from participating in, or encouraging others to participate in, "rioting, civil disturbance, picketing, boycott, or strike." These are areas in which constitutional freedoms are so important and in such delicate balance, that legislation as broad-sweeping as this must inevitably have a chilling effect. The section which thus restricts employee activities—section 6(b)(5)—prohibits a Legal Services attorney from engaging in such activity while engaged in Legal Services activities. A lawyer's life is a busy one, and it is difficult to tell when he or she is acting "while engaged in—Legal Services—activities." While it would be blatantly unconstitutional to prohibit Legal Services attorneys from engaging in political activity on their own time, the several questions raised by the broad prohibitive language of section 6(b)(5) are so fraught with first amendment difficulties as to make me extremely doubtful of the advisability and constitutionality of this part of this legislation. The recent determination of the unconstitutionality of the Hatch Act adds to my doubt concerning the wisdom of restricting the political activity of Legal Services lawyers.

The greatest strength of the legal services program has been its ability to test the viability of existing laws by bringing test cases, representing "unpopular" groups, and in general serving the poverty community with the same zeal and resourcefulness with which large corporations are regularly serviced. The great strength of this program has been its ability to litigate directly in the face of State and local governments and to champion the rights of those who have been denied access to the legal system for far too long. Since its establishment in 1965, the neighborhood legal services

program has provided advice and counsel to more than a million poor persons each year. It has been an important part of helping to bring equal justice to those who can ill afford to pay for legal help.

UNWISE RESTRICTIONS ON LEGAL SERVICES ATTORNEYS

The language of section 6(b)(5) states:

> The corporation shall insure that its employees . . . shall . . . refrain from participation, and refrain from encouragement of others to participate in . . . (A) rioting, civil disturbance, picketing, boycott, or strike. . . .

Picketing is an exercise of free speech, protected by the first amendment. What constitutes "encouragement"? More importantly, how can this legislation prohibit anyone from lawful picketing, when that is a right clearly protected by the Constitution and clearly articulated in decisional law? To the extent that this legislation makes it mandatory that the corporation "insure" that employees do not engage in "illegal activities," we are including surplusage in this legislation. There is adequate statutory and common law on the State and Federal levels, as well as the sanction of disbarment itself from State bars, for those whose conduct is illegal in connection with "riots" and "civil disturbance" and "boycott" and "strike" and "any form of activity—in violation of an injunction of any court" and "any illegal activities."

Were these conditions enforceable, they would be immeditely violative of the established doctrine of "unconstitutional conditions." That doctrine clearly states that employment may not be conditioned on any unconstitutional requirement. A job may not be conditioned upon one's religious beliefs or the length of his or her hair or the cut of his or her clothing.

The restriction against lobbying is equally inadvisable and violative of established constitutional principles. Section 6(c)(2) provides that—

> The corporation shall not undertake to influence the passage or defeat of any legislation by the Congress of the United States or by any state or local legislative bodies.

What does "influence" consist in? Is a lawyer unable to advise his client that the law is against him and his only course of action is to initiate and support legislation? Is a lawyer prohibited from advising someone who is to appear before a legislative body? For example, if a State legislature is considering rent control legislation, strengthening existing legislation, is it improper to bring a suit under the existing law one of whose purposes, in addition to obtaining relief for a client, is to demonstrate certain inadequacies in the present law which the proposed legislation would remedy? Contrariwise, if an existing law is under attack and the question of its repeal is before the legislature, would a Legal Services lawyer be subject to dismissal from the corporation for not bringing suit because that would strengthen repeal forces, or for bringing suit because that would weaken repeal forces?

The Supreme Court has, in the past, granted protection to lobbyists (see *United States* v. *Rumley*, 345 U.S. 41 (1953) and *United States* v. *Harris*, 347 U.S. 612 (1954)). Further, by prohibiting lobbying, this corporation will itself prevent poverty lawyers from exercising their right, as members of the bar, to criticize the law (See *In Re Sawyer*, 360 U.S. 622, 631 (1959); *Koningsberg* v. *State Bar* 353 U.S. 252, 273 (1957).

The right to counsel is embedded in our law. The right to counsel is the right to effective counsel. Would any self-respecting Wall Street lawyer accept a prohibition against representing corporations before legislative bodies or drafting or criticizing legislation? Is seeking law reform for the poor and infirm and old any different from seeking a revenue ruling guaranteeing favorable tax treatment for a corporation? Any restriction on the ability of a lawyer to practice effective advocacy on behalf of his client is a denial of the civil rights of that client.

It is impossible to dissociate a specific legal problem of poverty-level individuals from the social and legal matrix in which it arises.

The poor are politically weak. This legislation on its face inhibits their ability through their attorneys to become stronger. The restrictions in this bill are, I believe, unenforceable. I cast my vote in favor of this legislation today to keep the legal services program alive, in the hope that despite this change in formal structure, the program will continue as a vital force on behalf of the poor.

Mr. BADILLO. Mr. Chairman, I rise in support of H.R. 7824, the Legal Services Corporation Act.

Our system of government is dedicated to the principle of equal justice under law. On this concept much of our system of laws are based and by it they are secured. The Bill of Rights is expressly designed to make this phrase a reality. But although our laws now afford an avenue for equal protection, the right to it can only be assured through access to competent legal counsel. And until the availability of such counsel hinges upon the ability to pay, there will continue to be two kinds of justice in our country, one for the rich and one for the poor.

Some who oppose the continuation of legal services claim that the right to counsel of the poor is already being adequately protected. This is just not so. Since its inception in 1967, the legal services program has grown to involve approximately 900 neighborhood offices throughout the country. These offices handle an average caseload of 1 million and are staffed by 2,500 attorneys. And they are certainly not duplicating already existing efforts—they are bringing, often for the first time, much-needed services within the reach of those who need them.

Mr. Chairman, not too long ago, when President Nixon first urged the establishment of an independent Legal Services Corporation, he characterized this program as being able to provide "a most effective mechanism for settling differences and securing justice within the system and not on the streets." That statement roused hopes for the continuance of a meaningful program of legal services that had since been doomed to disappointment. The man who has been acting, illegally, as Mr. Nixon's Director of the Office of Economic Opportunity appears dedicated to destroying the concept of effective legal services and has spent considerable effort lobbying against the measure now before us. This despite the fact that the Committee on Education and Labor has made every effort to meet the President's objections as voiced in his 1971 veto message. Under present provisions, for instance, the entire 11-person board would be appointed by the President, severe restrictions are placed on the activities of the corporation's employees and assistance in criminal cases is prohibited. Indeed, this bill is a very much weaker measure than I and a number of my colleagues wanted to have. We have agreed to this version only to guarantee the continuance of services desperately needed by our constituents. Any further restrictions placed on this program would turn this effort into a farce and fulfill the worst expectations of the poor and dependent who have learned through bitter experience that they can expect scant help or consideration from the system. I think it is imperative that Congress reject further weakening provisions and act speedily to pass this measure.

Mr. PODELL. Mr. Chairman, I rise in support of H.R. 7824. There have been few measures before us in this session of Congress so deserving of our support, and so full of potential for improving the quality of life for poor people, as this one.

Ever since the inception of the legal services program as part of the Office of Economic Opportunity, the provision of Government-supported legal aid to the poor has come under attack from various quarters. Usually this attack is politically motivated because, rightly or wrongly, legal services attorneys helped their indigent clients fight city hall. Most memorable among the attackers is California's Governor, Ronald Reagan.

There is unquestionably a need to provide legal services to the poor. Indigent clients already get such service in criminal cases, from various State public defender offices. But in the civil area, which is by far the largest field of law, there has been a paucity of representation for the poor, even with the inception of the legal services program. In recent years, it has become apparent that, if we are to keep such worthwhile programs, they must be depoliticized. The best way to do that is through the vehicle of the bill before us today.

The Corporation, as it is described in the bill sent us by the Committee on Education and Labor, is truly nonpartisan. The structure, not only of the Corporation, but of the various State advisory committees, will effectively guarantee that political influence on legal services attorneys will be minimized, and that these attorneys will be free to represent their indigent clients to the best of their ability.

One of the most important elements of this legislation is the flexibility it allows in establishing the income guidelines for the client group to be served.

It would be an egregious error to limit the maximum income on a nationwide basis to 200 percent of the poverty level. To do so would mean that in certain rural areas, there would be many more people eligible for free legal services at a certain income level than there would be in an urban group of comparable size. For example, we all know that the cost of living, and therefore, the poverty level, are much higher in New York or Chicago than they would be in a midwest farm town. We need this flexibility to insure that poor people all over the country will be judged according to relative standards. Only in this way, will the basic purpose of the legal services program be carried out.

The flexibility in determining eligibility for legal services, however, would become meaningless if we do not insist that the Legal Services Corporation and its grant recipients in the States remain free, now and forever, of local political influence. As provided for in the bill, the only influence on the Corporation and its grantees will be the need to do the best possible job for indigent clients. Any attempt to change this by giving the States and municipalities greater say in the operation of the local legal services programs will merely reduce this service to its current poor quality.

Further, the attorneys employed in local legal services projects ought to be given as much freedom as they need in order to best serve the interests of their clients. Any further attempts to curb the political activity of Legal Services attorneys will take away from them the rights that all others take for granted. An attorney's nonwork time is his or her own, to be used as that attorney sees fit. As long as the use of that time does not create a conflict of interest, or violate the ethical standards of the profession, we should not impose any restrictions.

Mr. Chairman, this bill as reported from committee represents hope for so many of this Nation's poor people. It is these men and women, unschooled in the fine art of surviving in our overcomplicated society, who are at the mercy of unscrupulous credit merchants, unethical landlords, and who are the most in need of an adequate means of fighting for their rights. This is not meant to be patronizing. It is a fact of life, particularly in a city such as New York. Those who are most in need of the protection of the law are the ones who have the fewest means of securing that protection. That is why we see so many instances of poor people losing their homes and property, when this could have been avoided had there been adequate legal representation.

I urge my colleagues to join me in voting to pass H.R. 7824, with no weakening amendments.

Mr. RAILSBACK. Mr. Chairman, equal justice under law is one of the pillars of American democracy. Access to the legal system must be available to all. Discrimination on any grounds is the antithesis of our constitutional principles, and cannot be accepted.

For all too many years, a number of Americans were denied legal services and access to our judicial system, just because they were poor. The legal services program, established by Congress in 1965 as part of the Office of Economic Opportunity, has done much to eliminate this discrimination.

Under this program, advice, counseling, education, representation, and other legal services have been provided to individuals who would have otherwise been unable to afford them. The legal services program has led the attack on one of the root causes of poverty: The inequality of opportunity which exists between the rich and poor. The program has been vital in giving poor people the hope and confidence that our legal system protects and serves each and every American. It has provided the channel through which the poor have been able to seek recourse for their grievances and in so doing has led to the development of a new body of law which is more responsive to our Democratic traditions.

The statistics are impressive. By 1972, approximately 265 projects handled over 1.3 million cases, compared to 425,000 cases in 1965 by traditional forms of legal aid. Even more important, in view of today's overburdened courts, is the fact that almost 85 percent of these cases were handled out of court.

Unfortunately, despite its successes, the legal services program does need reform, most notably in removing it from the executive branch and from partisan political pressures. We are all too familiar with the controversies the OEO legal aid program has been involved in since its inception. It has, many times with good reason, raised the ire of powerful individuals and groups in representing its clients. It has also at times been guilty of going too far into criminal litigation and representing causes rather than clients. There is now, therefore, widespread support for the approach presented in the legislation before us today, H.R. 7824, the Legal Services Corporation Act. Such a bill will provide for the creation of an independent corporation that will allow legal services to be provided to the poor while avoiding the political conflicts that the program has often generated in the past.

This bill represents a bipartisan effort to set up an independent corporation. It received its initial thrust from the President's Commission on Executive Reorganization in January of 1971. The Commission had stated:

> We believe strongly that its (the Legal Services program's) retention in the Executive Office of the President is inappropriate. At the same time, it is a unique federal program which extends the benefits of the adversary process to many who do not have the ability to seek legal help.
>
> In our view, this program should be placed in an organizatiion setting which will permit it to continue serving the legal needs of the poor while avoiding the inevitable political embarrassment that the program may occasionally generate.
>
> Therefore, we recommend that the functions of the Legal Services program be transferred to a nonprofit corporation chartered by Congress.

The American Bar Association supports the creation of an independent program, and its house of delegates passed a resolution in February 1973 which reiterated its support:

> The United States government should increase the level of funding of Legal Services Programs to enable them to provide adequate legal services to eligible clients and to prevent serious deterioration of the quality and quantity of service because of increased expense and mounting caseloads.
>
> Government at all levels and lawyers from both the public and private sectors should take every step necessary to insure that legal services lawyers remain independent from political pressures in the cause of representing clients.
>
> The Congress of the United States should enact a legal services corporation of a design consistent with the foregoing principles and the need to maintain full and adequate legal services for the poor.

Over the past 2 years, this body has twice considered and passed legislation that would have created an independent structure for Legal Services. Unfortunately, there have been disagreements over the details of that structure, and therefore the legislation has been prevented to be enacted into law. After months of consideration, the Education and Labor Committee has now reported a bill I wholeheartedly support.

Briefly stated, H.R. 7824 establishes an independent corporation that will allow the program to continue to serve the legal needs of the poor while avoiding the inevitable political conflicts that the program has often generated. The Corporation would be governed by an 11-man board of directors, who would be appointed by the President with the advice and consent of the Senate. The Board would then appoint corporation officers.

The Legal Services Corporation will have the authority to make grants and enter into contracts with individuals, State and local governments, and various organizations; and will conduct research, training, and technical assistance. It will also establish eligibility guidelines in accordance with the Canons of Ethics and Code of Professional Responsibility, in consultation with the Director of the Office of Management and Budget. Further, the Corporation will be directed to conduct a study of alternate methods of legal assistance to eligible clients, and will submit this study to the President and the Congress no later than June 30, 1974.

One restriction would prohibit the Legal Services lawyers from engaging in political activity while on a job. This will counteract a major complaint of opponents of the OEO program.

To me, as a lawyer and a legislator, I believe Congress has an obligation to continue legal services for those Americans who lack the resources to hire their own attorney. The Legal Services Corporation Act, H.R. 7824, provides a reasonable approach, and I urge all my colleagues to support enactment of this important legislation.

Mr. LEHMAN. Mr. Chairman, one point which was raised during the Education and Labor Committee's markup of the bill was whether or not the language of the bill implies that Legal Services attorneys would be prohibited from engaging in political activities after working hours. For the record, in order to further clarify this point, I would like

to include here a brief exchange which took place during the committee's deliberations:

Mr. LEHMAN. Just to repeat quickly, to go back to page 8, I was concerned that some of this language might impinge on an attorneys' First Amendment rights in participating in such things at meat boycotts or activities against the bombing of Cambodia or any such similar activity.

Mr. Erlenborn, who explained this provision yesterday, gave me assurances that this is not the case. Can such an explanation be included in the committee report?

Mr. ERLENBORN. I would call the gentleman's attention to Section 1006, that he has reference to and the language says, "while engaged in activities carried on by the corporation or by a recipient, refrain from participation in and refrain from encouragement."

I think this language clearly states that it is only when the Legal Services attorney is acting in his official capacity as an employee of the recipient agency that he is refraining from engaging in these activities. On his own time and in his own behalf he can engage in picketing, boycott, striking, and any other activity which is lawful.

I think it is important that while we insulate the program from political pressures, we are careful not to infringe on the first amendment's rights of the employees of the Corporation.

The President stated last month that—

We have also learned that justice is served far better and differences are settled more rationally within the system than on the streets.

I could not agree more with that statement. The bill before us today will allow the process of justice to continue, and will reinforce one cornerstone of our form of government by assuring that those persons who cannot afford legal counsel will nonetheless have their day in court.

I urge the support of my colleagues for this bill.

Mrs. CHISHOLM. Mr. Speaker, it is with great enthusiasm that I speak in support of H.R. 7824, the bill to establish a Legal Services Corporation, as reported out of the Committee on Education and Labor. I urge its passage so that the Corporation soon can be established and quality legal assistance can be provided to indigent persons.

Let us hope that this bill is passed so that we can put an end to the debate about the program's structure and the politics of legal services. This program has proven itself to be the most effective instrument in the war against poverty and it has done much to make a reality of our fundamental principle guaranteeing equal justice for all. To emphasize this, I would like to briefly discuss some of the provisions in this bill.

The bill provides that funds shall not be expended to organize groups, organizations, coalitions, or the like. This does not mean that groups cannot be represented by legal services attorneys. The committee expects that programs shall provide the full range of legal services to both eligible individual clients and organizations made up primarily of such impoverished persons. Moreover, papers of incorporation and other forms of legal assistance necessary in representing a group should be prepared and performed, and the Legal Services Corporation will be expected to promulgate regulations that assure that no one will interfere with attorneys' work in behalf of groups composed essentially of poor people.

One important provision in this bill limits legislative and administrative advocacy to representations made on behalf of clients or upon invitation of legislative and administrative bodies' personnel. Under this bill, it is fully expected that legal services programs and their attorneys may and shall engage in legislative and administrative activities in the course of providing legal assistance to eligible clients and on the request of legislators or administrative officials. The only prohibition in this area concerns attorneys' lobbying in furtherance of their own personal views. It is expected that, in the course of legally representing a client, attorneys will contact, for example, board members, legislators, welfare officials, and they will attend meetings and, after such meetings, may continue contacts by telephone, letter and in person. In addition, legal services programs are expected to organize their resources so as to make such advocacy effective and economical which may mean locating offices and/or personnel in the places where legislative, administrative, and quasi-legislative bodies meet.

The legislation requires that the Corporation should insure that full-time attorneys represent only eligible clients and that they refrain from the outside practice of law for compensation. Attorneys engaged in full-time legal assistance work will be fully entitled to engage in uncompensated legal work during off-hours for church groups, their families and community organizations as long as such work does not interfere with the job for which they are paid. Similarly, while on the job, attorneys in the program shall refrain from political activity, voter registration activity, and the like, but attorneys in the program fully retain their rights to engage in political activities during their "off hours."

Training to provide and disseminate information on legal representation, which necessarily includes information on public policies and programs, has been a crucial part of the Legal Services program and it is expected it will be continued by the Corporation for lawyers, paraprofessionals and clients. The bill's prohibition against programs advocating political positions is not to be confused with the right and duty of training programs to train and to disseminate information on public policies affecting poor people's lives. Training programs should seek to fully inform attorneys and their clients about the legal rights of the poor and how such rights can be implemented. Moreover, in no way should the strictures against advocating particular political causes be interpreted as preventing the provision of legal advice to eligible clients and their organizations.

The Corporation is required by the legislation to establish eligibility schedules taking into account various factors that relate to financial inability to afford legal assistance. Such standards should be flexible and should allow the programs to take into account special circumstances so that persons above the income eligibility levels can receive legal assistance if they cannot afford to pay for such legal aid. It is expected that eligibility levels will be commensurate with the poverty line in each community but that if there is a substantial increase in program appropriations that the level should significantly be increased. Eligibility should be determined exclusively through the use of a simple form, thereby insuring an atmosphere of trust and confidence between attorney and client. The legal services provided to impoverished persons under the committee's bill, of course, shall be provided for free.

The act provides that attorneys cannot, while engaged in legal services activities, participate in picketing, boycotts, or strikes. This, of course, should not deter attorneys from providing legal services to persons and groups that do get involved in such activities.

If legal services attorneys do get involved directly in boycotts, strikes, and picketing during their working hours, they can be suspended or terminated from their jobs. These options are not to be taken to mean that the Corporation can terminate the entire operations of a program due to the improper actions of an attorney since this would disrupt courts and harm innumerable innocent clients. Also, no individual who is disciplined shall be terminated or suspended from his employment without a due process hearing.

Under the bill, certain sanctions may be imposed against a recipient, upon the complaint to the Corporation by State advisory councils. The functions of these advisory councils are limited to monitoring the propriety of recipients' activities so that they follow Corporation rules. Upon a complaint, no action is to be taken by the Corporation for 30 days after notice to the recipient has been provided. If adverse action thereafter is contemplated by the Corporation, then a due process hearing should be provided to the recipient. Also, State advisory councils are to receive no funds from the Corporation, except reasonable travel expenses, for council members' attendance at council meetings.

The committee does not intend that there will be a substantial shift in the method of legal services delivery to the poor. Although experimentation in such alternative legal services delivery systems, such as judicare, is envisioned by this bill, it would be unwise substantially to change the method of providing legal services to the poor until we are sure that such alternative methods are more effective.

One provision in the bill prevents the Corporation from funding private law firms—those firms that receive over half of their income from clients' fees and retainers—that do more than 75 percent of their work in the interest of the general public or in the collective interests of the poor. This provision is not to be taken to affect in any way current recipients, such as back-up centers, which are not private firms and which are presently doing research, training and vital litigation work for the program. Groups like the back-up centers and re-

gional law reform groups have played a most helpful role in the legal services program and they should be retained and expanded.

One provision of the bill states that the Corporation can fund State and local governments as well as independent legal services organizations. This is not to be taken to allow a shift in the current funding of independent and competent programs but only to provide for legal services through State and local governments in extraordinary circumstances where no other politically independent group can be funded.

There will be a transition stage upon the enactment of this bill when the legal services program is taken over by HEW until the Corporation is effectively established. The program, during the transition stage, is not to be governed by regulations or guidelines that are inconsistent with the bill which I hope the House will pass today. We expect the regulations of the Corporation, and the conduct of the programs during the transition stage, to be consistent with the intent of the committee and the Congress with respect to this bill, an intent quite different from that represented by recent OEO regulations published in the Federal Register which were unlawfully designed to shift the emphasis of the program.

Since this bill will establish an effective legal services program, I believe that it should be passed by the House today. I look forward to the time when we can fully expect that equal justice for all is a reality, and am sure that, if we pass this bill today, we will look back to today's actions and feel that we took an important stride in that direction. I urge my colleagues to support this bill.

Mr. CLAY. Mr. Speaker, I rise to address you on the merits of H.R. 7824, a bill to establish an independent Legal Services Corporation, and to urge passage of the bill as reported out of the Subcommittee on Equal Opportunities and the Committee on Education and Labor. The committee deserves high commendation for the thoroughness and speed with which it considered and recommended this important piece of legislation which should insure the continuation of quality legal services for the poor. Under the committee's bill, it is clear that the program will be free from political influence.

Above all else, this legislation provides for a free legal services program to be administered by an independent Corporation supported by congressional appropriations. The Corporation is designed to insure that legal services will be provided free from the political pressures of State, local, and Federal agencies, and that the program will provide high quality legal services for the poor.

In connection with the key factor of program political independence, there are a few points that must be made. The bill permits the Corporation to make grants to State and local governments for the purpose of providing legal services to the poor. This discretion is meant to be exercised only in situations where an area does not have a competent and politically independent legal services program that can provide legal aid to the poor. It is intended that the Corporation will not shift resources from current grantees of the legal services program in any substantial way.

The bill recognizes the success and value of the existing legal services program and hopes to continue and further its goals in an even better way. When this bill is enacted, prior to the actual establishment and functioning of the independent Corporation, there will be a transition period when the Department of Health, Education, and Welfare will administer the program. During this transition period, it is expected that any administrative regulations affecting the program will conform to the intent of Congress under this bill and will not in any way operate the program in a manner that is inconsistent with the provisions of this bill and congressional intentions thereunder. To the extent a lame duck Office of Economic Opportunity administration promulgates regulations that seek to change the program and that do not conform to the intent of this bill, such regulations are not to be followed by HEW or the new Corporation.

There is a provision in this bill, section 7(b)(3), which requires somewhat further elaboration. This section provides that private law firms which expend 75 percent or more of their resources and time litigating issues in the broad interests of a majority of the public or in the collective interests of the poor are not to be funded. This is not meant to affect current recipients such as the "backup" centers which provide both research and litigation assistance in aid of the attorneys and clients of the legal services program. The provision is exclusively meant to cover lawyers and their firms which are private in nature—those firms which earn more than half their income through retainers and fees from clients. Unlike such private law firms, the backup centers are a vital part of the Government-funded legal services program and are to be continued in their present form and function.

Several provisions in this legislature relate to the way in which attorneys providing legal assistance to the poor engage in representation of their clients. It is my understanding, as an example, that there is to be no interference with the decision of an attorney and his or her client in taking an appeal.

Moreover, there are no prohibitions in this legislation on the representation of groups composed mainly of poor people. While a legal services attorney cannot organize a group, the attorney can fully represent a group of poor people or an organized group primarily comprised of poor. Such groups frequently help poor people to solve their own problems and, therefore, it is important that such groups have available to them the full range of legal services contemplated under this bill.

There is also no prohibition on advocacy before legislative and administrative bodies on behalf of a client or on the request of such bodies. In fact, it is expected that various legal services groups will engage in such advocacy and should be enabled to do so in a reasonable and economical fashion. Thus, the corporation should permit legal services recipients to jointly have offices or employees in the locations where the legislatures and administrative agencies are located.

To the extent the legislation places sanctions against alleged unlawful actions of legal services programs or their attorneys, such sanctions shall not be imposed without strictly safeguarding the due process and other constitutional rights of such programs and attorneys. For example, the legislation permits recipients to provide counsel to clients engaged in boycotts, strikes, and other kinds of political activity as long as the attorney is not personally involved in the activity. Clearly, however, the attorney can provide legal representation to the group involved. If the attorney violates the prohibition against personal participation and disciplinary action results, prior to the termination of his employment such an attorney is entitled to a due process hearing. In addition, if a violation by an individual attorney is found, this is not to be the basis for taking away funds from the recipient agency, his employer. Such action would serve only to harm numerous poor people requiring the legal services of the recipient.

Similarly, the bill provides for the existence of State advisory councils which are created for the sole purpose of filing complaints with the Corporation against recipients that violate the provisions of this bill. No action, however, is to be taken by the Corporation on such complaints until the recipient has had 30 days to respond to a complaint. Prior to any adverse action against a recipient, it is intended that a due process hearing be provided so that Corporation decisions are based on a proper exploration of the facts as presented by affected parties.

Overall, this legislation provides a new and independent home for a legal services program that has proven its importance to our system of justice. We must make sure that equal justice is available to everyone, regardless of their economic circumstances. It is essential that we continue this legal services program and passage of the legislation reported out of the committee will do this important job.

Mr. FAUNTROY. Mr. Speaker, there are few more important responsibilities charged to a Member of Congress than the preservation of individual rights. Without the personal liberties provided in the Bill of Rights and upheld by our legal system, this body is meaningless; the democracy we are assembled to represent cannot exist without freedom.

Congress is in a unique position to secure this freedom. We are the only body in the land able to pass laws that can guarantee all citizens justice. In the sixties, we met this solemn responsibility by enacting civil rights legislation which clearly extended the equal protection of the law to all Americans.

Our duty does not end here. Freedom cannot be secured by laws alone. We must also provide the mechanisms which can guarantee that the liberties we've cher-

ished for almost two centuries are as vivid in fact as they appear in law. This requires a strong legal system, accessible to all and impartial in its administration of justice.

Recent court decisions have recognized the right to a lawyer of those who are criminally accused. We have realized, in the criminal sphere, that no system can be just, no protection equal, which denies to some the quality legal representation they need and deserve. However, as I speak to you today, there remain thousands of people who are being denied their freedoms, and, only because they are poor, being denied access to the legal system which stands for the rest of Americans in defense of personal liberty.

Over the years, our Nation has become increasingly reliant upon its courts, not only to bring criminals to justice, but also to protect the freedom of its citizens through civil action as well. A significant portion of our population has been unable to gain this protection because they cannot afford the legal representation the rich receive and the criminally accused can now expect.

The creation of a legal services program in the Office of Economic Opportunity was a significant step toward a legal system blind to economic status. This program has been instrumental in providing legal counsel to the underprivileged in civil cases. However, this program has come under increasing attack by many who would destroy its role as a mechanism of social change and justice. Also, the program has encountered obstacles to the independence it requires to pursue its several goals.

For these reasons, it is imperative that Congress establish a strong Legal Services Corporation. This institution would insure the legal service attorney's necessary independence in the representation of his client. It would command the resources needed to greatly expand the provision of counsel to the poor in civil cases. Most importantly, it is a vital component in the mechanism we must establish to insure equal protection under the law for all Americans, regardless of economic status. I therefore urge my colleagues to establish a Legal Services Corporation.

Mr. MATSUNAGA. Mr. Chairman, H.R. 7824 deals with one of the most important issues the House will deal with in this session of Congress, and I urge its approval.

As a long-time supporter of the Legal Services Corporation concept, and a sponsor of legislation to create just such a corporation, I commend the distinguished gentleman from California (Mr. HAWKINS), chairman of the Subcommittee, for his leadership and persistence in bringing this legislation to the floor.

One of the most cherished intangible possessions of Americans is equal justice before the law. Unfortunately, it is a possession too frequently denied a large segment of our population—the poor, for they are without the necessary legal assistance to pursue their rights. The purpose of H.R. 7824 is to provide the poor and needy with legal services which they would not be able to obtain, because of their financial condition. It is also intended that such services be provided by an independent corporation which is relatively free from changing political pressures.

The bill as reported by the Committee on Education and Labor is the result of a bipartisan effort and appears to be an acceptable one. The amendments which are expected to be offered today, for the most part, seek to weaken and restrict the actions that legal services attorneys may take in behalf of their clients. I trust the House will reject any and all such amendments.

Under our system of government, Mr. Chairman, the courts are the forum of last redress. When a person has been wronged, for whatever reason, the courts provided by H.R. 7824, that recourse is empty. If a poor man has no attorney, he can make no use of the courts.

Since its inception in 1964, the legal services program has served as a symbol of the willingness of the Federal Government to offer to its otherwise powerless citizens the opportunity and the resources to challenge improper acts by both private and public bodies.

The Legal Services Corporation proposed in H.R. 7824 will not be free of controversy. No method of resolving conflict is without controversy unless controversy is forcibly suppressed. But if the poor and the powerless do not have free access to our legal system, government by law cannot succeed.

H.R. 7824 is designed to assure that access. In that respect, it represents a time-honored means of achieving orderly change in our society.

Mr. Chairman, I urge the swift approval of this vital legislation.

Mr. KOCH. Mr. Chairman, we have debated the Legal Services Corporation bill for more than 11 hours. During this time, foolish and sometimes dangerous amendments have been adopted by this House. To name three, may I mention the one on abortion, another on amnesty and a third on Watergate. None of these had any real relevance to the bill, but were adopted either to embarrass Members or to point out the foolishness of the proceedings.

The amendment on abortion was intended simply to further divide this House on this personal and sensitive issue. The abortion amendment, while tailored to apply to funds authorized under the bill for legal counsel, was set forth in the debate as a reflection of the attitude of this House on the whole subject of abortion. By its terms, the amendment would have denied use of funds by those who would, through court action, seek to compel an individual or institution having religious convictions against abortions, to perform an abortion. But, what in fact was at stake in the amendment passed by the House—and which I opposed—was not whether individuals would be forced to perform abortions, but rather the right of a woman to counsel in a matter of this kind. Therefore, even those who oppose all abortion should have opposed this amendment on the simple ground of justice—that the poor have the right to counsel in such matters.

Because of the way the amendment was promoted on the floor, it only served to embarrass Members who believe that an abortion is a matter of personal conscience to be decided by a woman in consultation with her doctor. I personally believe the Supreme Court was correct when it said that the right to an abortion is one protected by the Court. That has always been my position. I do believe, however, that no individual or religious institution should be compelled to participate in an abortion against their will, for that, too, would be an invasion of their privacy.

When one looks at all the amendments that were adopted, so many of them detracting from the bill, one must conclude that this legislation as it was passed is far less than it should have been. However, I am voting for the bill, notwithstanding the amendments which were adopted and which I opposed, because it is essential that legal services be provided the poor and the only way this legislation will see the light of day is to have a bill passed by the House. Let us hope that a better bill will be passed by the Senate and the conference committee, in a less impassioned hour, will jettison the destructive and sometimes ridiculous amendments adopted here tonight.

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

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

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

Mr. QUIE. Mr. Chairman, I make a point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 253]

Ashbrook	Gonzalez	Price, Tex.
Biaggi	Hanna	Rarick
Blatnik	Hansen, Wash.	Reid
Breaux	Hébert	Rooney, N.Y.
Brown, Calif	Kastenmeier	Rosenthal
Carey, N.Y.	Kazen	Satterfield
Clark	Kemp	Skubitz
Clawson, Del	McFall	Steelman
Danielson	McKinney	Stratton
Esch	Martin, N.C.	Thompson, N.J.
Evins, Tenn.	O'Neill	Whitehurst
Fisher	Patman, Tex.	Widnall
Giaimo	Pepper	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. ECKHARDT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 7824, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 395 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. When the point of no quorum was made, the Chairman had directed the Clerk to read the committee amendment in the nature of a substitute printed in the reported bill as an original bill for the purpose of amendment.

The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Legal Services Corporation Act".

DEFINITIONS

SEC. 2. As used in this Act, the term—

(1) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

(2) "Governor" means the chief executive officer of a State.

(3) "Legal assistance" means the provision of any legal services under this Act.

(4) "Staff attorney" means an attorney who receives more than one-half of his annual professional income from a recipient organized solely for the provision of legal assistance to eligible clients under this Act.

ESTABLISHMENT OF CORPORATION

SEC. 3. (a) There is hereby established in the District of Columbia a private nonmembership nonprofit corporation which shall be known as the "Legal Services Corporation" (hereinafter in this Act referred to as the "corporation") for the purpose of providing financial support for legal assistance in noncriminal matters to persons financially unable to afford legal assistance (hereinafter in this Act referred to as "eligible clients").

(b) The corporation shall maintain its principal office in the District of Columbia and shall, at all times, maintain therein a designated agent to accept service of process for the corporation. Notice to or service upon the agent shall be deemed notice to or service upon the corporation.

(c) The corporation, and legal services programs assisted by the corporation, shall be eligible to be treated as an organization described in section 170(c)(2)(B) of the Internal Revenue Code of 1954 or as an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code. If such treatments are conferred in accordance with the provisions of such Code, the corporation, and legal services programs assisted by the corporation, shall be subject to all provisions of such Code relevant to the conduct of organizations exempt from taxation.

Mr. STEIGER of Wisconsin (during the reading). Mr. Chairman, I ask unanimous consent that section 3 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 Wisconsin?

There was no objection.

AMENDMENT OFFERED BY MRS. GREEN OF OREGON

Mrs. GREEN of Oregon. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. GREEN of Oregon: Page 18, insert after line 20, new subsection (d):

The corporation created under this Act shall be deemed to have fulfilled the purposes and objectives set forth in this Act, and shall be liquidated on June 30, 1978; unless sooner terminated by Act of Congress.

Mrs. GREEN of Oregon. Mr. Chairman, I did not speak on this legislation during the general debate, but that should not be considered as a lack of concern on my part about the legislation and the provisions in it.

A very wise and a very forceful majority leader of the Senate a few years ago said that legislation should be considered, not in the light of the benefits it would convey if properly administered, but by the harm that would result if improperly administered.

Mr. Chairman, this amendment, which is the first of about five which I will offer, is a very simple amendment. I am not going to spend five minutes on it, because I know there are a lot of amendments to be offered.

It simply says that at the end of 5 years the Congress must take affirmative action to review the corporation; that the corporation is not established at this time in perpetuity, without any chance for Congress to look over the way they have been running that corporation.

Mr. Chairman, a few years ago I voted for the Postal Corporation, and I must say to my colleagues that as I look back over my votes in the Congress, if I had the opportunity, that is one vote I would change.

It seems to me that when we set up an independent corporation to exist forever, subject only to the board which the President appoints, and to the appropriations process, we lose congressional control.

And so my amendment would simply say that at the end of 5 years—and I do not want the Members to be scared by the word, "liquidated"; I am told by the attorneys that this is the word that must be used, because it is a nonprofit corporation—that at the end of 5 years, in 1978, the Congress must take affirmative action to extend that corporation. That is all it does.

Mr. Chairman, it is, as I said, placed in existence as an independent corporation, and there is absolutely nothing that any of us in the Congress could do about it if we did not like the direction in which it was moving. In fact, in the report it says that the corporation must be free of all political interference, which I presume would mean congressional interference.

Mr. Chairman, the purpose of this amendment is simply to say that at the end of 5 years Congress will be required to take affirmative action to renew the establishment of the corporation. I would urge my colleagues to vote for this amendment.

Mr. ERLENBORN. Mr. Chairman, will the gentlewoman from Oregon (Mrs. GREEN) yield?

Mrs. GREEN of Oregon. Yes, I would be very glad to yield to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. Mr. Chairman, I thank the gentlewoman for yielding.

As a matter of information, the authority for this corporation is perhaps somewhat similar to another independent corporation which has been established for the purpose of conducting the Public Broadcasting Services. Is the gentlewoman aware whether we followed that sort of procedure in creating the authority for Public Broadcasting Services? Does that have a termination date?

Mrs. GREEN of Oregon. To my knowledge, it does not. But it seems to me because this corporation is dealing with highly sensitive political matters—and I hope to develop that a little later on—all of the activities of the Legal Services Corporation are ones that the Congress ought to review at the end of 5 years.

I do not suggest that I would be opposed to looking at the Public Broadcasting Services at the end of 5 years.

Mr. ERLENBORN. Mr. Chairman, I think we ought to do that, and I think we have something just recently relative to that. Certainly that is a sensitive area also, in the area of communications.

Mr. FOUNTAIN. Mr. Chairman, will the gentlewoman from Oregon yield?

Mrs. GREEN of Oregon. I yield to the gentleman from North Carolina (Mr. FOUNTAIN).

Mr. FOUNTAIN. Mr. Chairman, I thank the gentlewoman for yielding.

As I understand your amendment, it contemplates that at the end of 5 years there will be a reassessment and reevaluation as to whether or not the legislation, in the way it has been amended, will be continued, repealed, modified as redirected.

Mrs. GREEN of Oregon. That is correct.

Mr. FOUNTAIN. Thank you.

Mrs. GREEN of Oregon. It would require affirmative action by the Senate and the House to continue.

Mr. FOUNTAIN. Inasmuch as this is a legal corporation outside of the operation of the Intergovernmental Relations Act of 1965 providing for a legislative review, and reassessment of programs at the expiration of 5 years, if the legislation in question does not provide a time limit, then, in view of the corporate nature of this particular legislation and the fact that there is no requirement for its periodic review at any particular time. I think the amendment offered by the gentlewoman is absolutely essential, and I therefore support the amendment.

Mrs. GREEN of Oregon. I thank my colleague from North Carolina.

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

Mr. Chairman, I had not had an opportunity to see this amendment before its introduction. I understand there are several others to be offered by the gentlewoman from Oregon.

However, may I say in effect the amendment is accomplished in the bill already. It seems to me the amendment sets a date for what seems to be the termination of legal justice as June 30, 1978, and I believe that is unwise.

I call attention to the fact that section 11 of the bill says that the Congress has the right to repeal or amend this act

at any time, and this is expressly reserved so that this body can actually terminate this agency before the date specified in the amendment.

Also, the corporation has to come back to this body for annual appropriations, and it seems to me if we wanted to terminate it, we can simply cut off the money.

So whether or not we want to set this particular date or wait for it or extend it beyond that time, we can do whatever we want to based on the operation of the corporation itself. It is something that we need not specify.

For that reason I see no purpose to the amendment and therefore oppose it.

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

Mr. Chairman, as far as I can tell, the meaning of the amendment is it terminates the corporation at the end of 5 years. I guess I would write the amendment differently if I were going to do it, but I think there is merit to it, so that the Committee on Education and Labor and the Congress will look at the corporation and correct any faults.

It is provided here there would be annual appropriations even though there is authorization for 3 year appropriation, it is true, but I expect there will be annual authorizations. The authorizing committee is required to look at it with this amendment before the end of five years.

The legal services so far have been a part of the Economic Opportunity Act. They terminated at a certain time and caused our committee and the Congress to look at the full responsibilities of the Office of Economic Opportunity.

I do not see anything wrong with terminating the Corporation in 5 years so it will require us to take another look at it in Congress. We are embarking on new territory here, I think, with a corporation rather than something controlled out of the Office of the President. I recognize how our colleagues, many of them, feel about the Postal Corporation now and would like to have a crack at that before the authorizing committee.

Mr. STEIGER of Wisconsin. Will the gentleman yield?

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

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

Let me clarify, if I may, one issue here. The language of the amendment says that the corporation shall be "liquidated" unless sooner terminated by act of Congress. Is there an inference in here that the Congress subsequently could not extend the life of the Corporation?

Mr. QUIE. As the gentleman knows, one Congress cannot bind another Congress, and therefore any Congress can do whatever it wants to. As the gentleman indicates by his comments, if I had my way, it would have been written rather differently so that it would not be implied that it would be automatically liquidated, but perhaps we ought to ask the gentlewoman from Oregon that question, and I yield to the gentlewoman for that purpose.

Mrs. GREEN of Oregon. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, there is no intent in the amendment at all that the Congress would not have a chance to continue it. I am advised by lawyers that since it is a nonprofit corporation, and because of the IRS, because if it should be terminated, it would have to have its assets liquidated, possibly, that that is the reason for that wording. But there is no inference, in reply to the question posed by the gentleman from Wisconsin (Mr. STEIGER), that Congress could not if it wished extend the act.

Mr. STEIGER of Wisconsin. I thank the gentleman from Minnesota, and the gentlewoman from Oregon, for that explanation.

Mr. QUIE. I would say that this is probably a good example of us nonlawyers sometimes not understanding wording that is put in a bill.

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

Mr. Chairman, I rise to support the gentleman from Minnesota in supporting the very clever amendment offered by the gentlewoman from Oregon (Mrs. GREEN). I commend the gentlewoman from Oregon, as a member of my party, for doing something that we were not able to do in the committee. I have been very much distressed by the fact that President Nixon is going to have carte blanche to name the members of the board to lead the corporation, and that they will all be up for reappointment in 3 years, and that means that the President will get a second crack at who is to be appointed. So the Corporation will have to come back here and presumably we can look forward with great hope to some changes in the circumstances that we now confront as a result of the elections that will occur between now and the expiration date that the gentlewoman from Oregon puts in her amendment.

So, on behalf of the Democrats on the committee, I commend the gentlewoman for what I hope will not be mistaken as an overly partisan position in this amendment, but nevertheless one which certainly I think will put the President in his place.

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

Mr. Chairman, I would speak in opposition to the amendment offered by the gentlewoman from Oregon (Mrs. GREEN) for this reason: I think that it is unfortunate that in the light of any ongoing agency, corporation or program, that we in the Congress create an artificial crisis to which that agency, corporation or group has to react continually. I think it is in the best interest of the country that the Congress can have and that the committees of the Congress can have oversight, hearings, can modify the law as they see fit, and the programs as they see fit. They already have that responsibility, and that opportunity.

But I think that, inherent within good government may be to continue a program rather than to create, every 2 or 3 or even 5 years, an artificial crisis within a given corporation. And so, with that in mind, I would not support the amendment offered by the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. ESCH. I will be happy to yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, I thank the gentleman for yielding to me.

First, Mr. Chairman, may I say that I appreciate the unexpected support from my friend and colleague over here on this side, the gentleman from Michigan (Mr. WILLIAM D. FORD).

May I say that my amendment was not introduced with any partisan motive in mind; it was introduced only on the basis that I think the Congress ought to look at this program at the end of 5 years, regardless of who is down in the White House.

The other gentleman from Michigan (Mr. ESCH) speaks of a crisis every 5 years, or an artificial crisis every 4 years, and I would merely suggest that as one Member of the House among 435 who are always facing a crisis every 2 years, I just feel that it helps to keep people on their toes, and that they will do a better job if they know that somebody is looking over their shoulders.

Mr. ESCH. Mr. Chairman, I appreciate the comments of the gentlewoman from Oregon (Mrs. GREEN). I am only sorry that I cannot always concur that Congress reacts to that 2-year crisis the way that it should.

I rise today in support of H.R. 7824, the Legal Services Corporation Act.

As one who has supported the concept of legal services for all our citizens since first coming to Congress 7 years ago, and as a cosponsor of this current bill, I urge the membership to act favorably on this legislation.

This bill as reported from our committee represents a compromise. As such, there are certain features of the legislation that are less than desirable from my perspective. Nonetheless, the concept is so vital that I am hopeful that the body will support the bill in its present form without crippling amendment.

Since 1971, increasing bipartisan support has been developed for the creation of an independent Legal Services Corporation: The Legal Services program has been at once one of the most successful and one of the most controversial components of the Office of Economic Opportunity. I believe that the reported bill will preserve the ability of the program to operate successfully, and it will responsibly isolate the program from the continuing political pressures which have sometimes threatened to interfere with its ability to provide the full representation to its indigent clients in accordance with the Canons of Legal Ethics.

Although the committee bill embodies significant changes in detail from the administration bill, the basic structures provided in the two versions are substantially identical. All members of the Board of Directors will be appointed by the President with the advice and consent of the Senate. During the transition of the program from the Office of Economic Opportunity to its fully independent form, the program will be administered by the Secretary of Health, Education and Welfare who will dispense funds previously obligated by the Office of Economic Opportunity to insure the continuous representation of all eligible clients but will otherwise operate the program in accordance with regulations reflecting the provisions and objectives of the new act rather than the old regulations of the Office of Economic Opportunity. Thus the bill should meet the objectives of the administration in both the structure and transition provisions of the two Legal Services Corporation bills previously considered by Congress.

In other respects, the bill preserves the existing structure of successful local programs while, at the same time, it requires experiments in discovering new methods for delivering legal assistance to poor people. Although no new method of legal services delivery is intended to be implemented in any substantial form until documentation has convincingly demonstrated that such new methods, like Judicare, are more effective than the present type of legal services, some experimentation is contemplated by this bill. The bill authorizes the corporation to contract with a wide variety of entities for the delivery of services, including State and local governments. Although, because of the danger of political interference, funding of State and local governments is contemplated only in the extraordinary situation where no competent independent program exists, the committee deemed it helpful to provide the Corporation with this funding flexibility for those unusual instances.

Under the bill reported by the committee, the Corporation is prohibited from supporting private firms which receive most of their revenues from private clients yet spend 75 percent of their time litigating in the collective interests of the public or the poor. This provision would not affect the present highly successful back-up centers whose combined litigation and research work has been so crucial to the legal services effort. It is the committee's desire to see that these back-up centers continue and expand their important work so that quality legal services for the poor is guaranteed.

To insure that the new legal services program is solely operated in the best interests of its clients and to avoid even the appearance of any impropriety, the bill carefully limits the activity of funded attorneys to legal representations made in behalf of clients, groups of clients, and organizations made up primarily of poor people. With this sole limitation in mind, it is expected that attorneys will vigorously advocate in behalf of their clients before Federal, State and local legislatures, quasi-legislative bodies, administrative agencies, and in the courts. It is our hope that, where economical, recipients will decide to pool their resources and keep personnel or an office at the places where legislatures and agencies work.

Under section 6(b)(4) of the bill, funded attorneys are prevented from participating in strikes, boycotts, demonstrations and similar forms of activity, although they may provide the full range of legal services and advice to eligible clients and their groups who are engaged in such activities. Attorneys who violate this provision are subject to discipline, including termination in appropriate cases after a due process hearing. The recipient program should not be subjected to defunding in these instances since this would harm the recipient's clients.

In a parallel fashion, section 7(b)(5) of the bill prohibits the use of funds for the organization of groups or associations of any kind, although attorneys are expected to represent groups composed primarily of eligible clients in the process of preparing incorporation papers and the like, as well to provide them with all other legal assistance including litigation.

To assure that attorneys are familiar with local conditions and procedures, section 6(b)(4) of the bill requires that attorneys be authorized to practice in the State where they are providing assistance. This requirement is intended to defer to State requirements for the practice of law; it would not prevent, however, the hiring of law students, recent law school graduates, or attorneys who have recently moved to a new State, even when they have not yet passed that State's bar examination, as long as those persons are not practicing law or were authorized to practice temporarily under State rules.

In conclusion, I believe that the committee bill for an independent Legal Services Corporation is one which an overwhelming majority of the Members of the House will be able to support. It preserves the successful elements of the present program while it guarantees the independent status of the program that is needed to protect it against political interference. At the same time, the bill provides explicit restrictions which should assure the public that the program will be run solely in the interests of its eligible clients and not on behalf of any special interest group. In sum, this bill is in the highest tradition of the American legal system and it is a significant step toward guaranteeing that all Americans, poor and rich alike, receive "equal justice under law." I urge its prompt passage in its present form.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon (Mrs. GREEN).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to be proposed to section 3? If not, the Clerk will read.

The Clerk read as follows:

GOVERNING BODY

SEC. 4. (a) The corporation shall have a board of directors (hereinafter in this Act referred to as the "board") consisting of eleven voting members appointed by the President, by and with the advice and consent of the Senate, no more than six of whom shall be of the same political party. A majority shall be members of the bar of the highest court of any State and none shall be a full-time employee of the United States.

(b) The term of office of each member of the board shall be three years or until his successor has been appointed and has qualified, except that of the members first appointed five members designated by the President shall serve for a term of two years. For purposes of this subsection, the term of office of the initial members of the board shall be computed from the date of enactment of this Act. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of that term. The term of each member other than initial members shall be computed from the date of termination of the preceding term. No member shall be reappointed to more than two consecutive terms immediately following his initial term.

(c) The members of the board shall not, by reason of such membership, be deemed officers or employees of the United States.

(d) The President shall select from among the voting members of the board a chairman, who shall serve for a term of one year.

(e) A member of the board may be removed by a vote of seven members for malfeasance in office, or persistent neglect of, or inability to perform, duties and for no other cause.

(f) Within six months following the appointment of all members of the board, the board shall request the Governor of each State to appoint a nine-member advisory council for his State. A majority of the members of the advisory council shall be chosen from among the lawyers admitted to practice in the State and the members of the council shall be subject to annual reappointment. Should the Governor fail to appoint the advisory council within ninety days of receipt of said request from the board, the board shall appoint such a council. The advisory council shall be charged with notifying the corporation of any violation of the provisions of this Act and applicable rules, regulations, and guidelines promulgated pursuant to this Act. The advisory council shall, at the same time, furnish a copy of the notification to any recipient affected thereby, and the corporation shall allow such recipient a reasonable time (but in no case less than thirty days) to reply to any allegation contained in the notification.

(g) All meetings of the board, of any executive committee of the board, and of State advisory councils shall be open to the public, unless the membership of such bodies, by two-thirds vote of those eligible to vote, determines that an executive session should be held on a specific occasion.

(h) The board shall meet at least four times during each calendar year.

Mr. HAWKINS (during the reading). Mr. Chairman, I ask unanimous consent that section 4 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 California?

There was no objection.

The CHAIRMAN. Are there amendments to be proposed to section 4? If not, the Clerk will read.

The Clerk read as follows:

OFFICERS AND EMPLOYEES

SEC. 5. (a) The board shall appoint the president of the corporation, who must be a member of the bar of the highest court of a State and shall be a nonvoting, ex officio member of the board, and such other

officers as the board determines to be necessary. No officer of the corporation may receive any salary or other compensation for services from any source other than the corporation during his period of employment by the corporation, except as authorized by the board. All officers shall serve at the pleasure of the board.

(b) The president of the corporation, subject to general policies established by the board, may appoint and remove such employees of the corporation as he determines to be necessary to carry out the purposes of the corporation.

(c) No member of the board may participate in any decision, action, or recommendation with respect to any matter which directly benefits such member or any firm or organization with which that member is then currently associated.

Mr. HAWKINS (during the reading). Mr. Chairman, I ask unanimous consent that section 5 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 California?

There was no objection.

The CHAIRMAN. Are there amendments to be proposed to section 5? If not, the Clerk will read.

The Clerk read as follows:

POWERS, DUTIES, AND LIMITATIONS

SEC. 6. (a) In addition to the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act (except for section 1005(o) of tile 29 of the District of Columbia Code) the corporation shall have authority—

(1) To make grants to, and to contract with, individuals, partnerships, firms, organizations, corporations, State and local governments, and other appropriate entities (referred to in this Act as "recipients") for the purpose of providing legal assistance to eligible clients;

(2) To accept in the name of the corporation, and employ or dispose of in furtherance of the purposes of this Act, any money or property, real, personal, or mixed, tangible or intangible, received by gift, device, bequest, or otherwise; and

(3) To undertake, either directly or by grant or contract, the following activities relating to the delivery of legal assistance—

(A) research,

(B) training and technical assistance, and

(C) to serve as a clearinghouse for information.

(b) (1) The corporation shall have authoring to insure the compliance of recipients and their employees with the provisions of this Act and the rules, regulations and guidelines promulgated pursuant to this Act, and to terminate, after a hearing, financial support to a recipient which fails to comply.

(2) If an employee of a recipient violates or causes the recipient to violate the provisions of this Act or the bylaws or guidelines of the corporation, the recipient shall take appropriate disciplinary action.

(3) The corporation shall not interfere with any attorney in carrying out his professional responsibility to his clent as established in the Canons of Ethics and Code of Professional Responsibility of the American Bar Association or abrogate the authority of a State to enforce the standards of professional responsibility which apply to the attorney.

(4) No attorney shall receive any compensation, either directly or indirectly, for the provision of legal assistance under this Act, unless such attorney is authorized to practice law in the State where the rendering of such assistance is initiated.

(5) The corporation shall insure that its employees and employees of recipients, which employees receive a majority of their annual professional income from legal assistance under this Act, shall, while engaged in activities carried on by the corporation or by a recipient, refrain from participation in, and refrain from encouragement of others to participate in, any of the following activities: (A) rioting, civil disturbance, picketing, boycott, or strike; or (B) any form of activity which is in violation of an outstanding injunction of any Federal, State, or local court; or (C) any illegal activity. The board, within ninety days of the date of enactment of this Act, shall issue guidelines to provide for the enforcement of this subsection such guidelines shall include criteria (i) for suspension of legal assistance support under this Act, (ii) for suspension or termination of compensation to an employee of the corporation, and (iii) which shall be used by recipients in any action by them for the suspension or termination of their employees, for violations of this subsection.

(c) The corporation shall not—

(1) participate in litigation on behalf of clients other than the corporation;

(2) undertake to influence the passage or defeat of any legislation by the Congress of the United States or by any State or local legislative bodies, except that personnel of the corporation may testify when formally requested to do so by a legislative body, or a committee or a member thereof.

(d) (1) The corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

(2) No part of the income or assets of the corporation shall inure to the benefit of any director, officer, or employee, except as reasonable compensation for services.

(3) Neither the corporation nor any recipient shall contribute or make available corporate funds or program personnel or equipment provided pursuant to this Act to any political party, political association, or candidate for elective office.

(4) Neither the corporation nor any recipient shall contribute or make available corporate funds or program personnel or equipment for use in advocating or opposing any legislative proposals, ballot measures, initiatives, referendums, executive orders, or similar enactments or promulgations, except to testify or make other necessary representations (pursuant to guidelines promulgated by the corporation and in accordance with the Canons of Ethics and Code of Professional Responsibility of the American Bar Association) in the course of providing legal assistance to eligible clients.

Mr. STEIGER of Wisconsin (during the reading). Mr. Chairman, I ask unanimous consent that section 6 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 Wisconsin?

There was no objection.

AMENDMENT OFFERED BY MR. QUIE

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

The Clerk read as follows:

Amendment offered by Mr. QUIE:

Page 23, beginning with line 20, strike out everything through the period in line 24 and insert in lieu thereof: "to participate in any picketing, boycott, or strike, and shall at all times during the period of their employment refrain from participation in, and refrain from encouragement of others to participate in: (A) rioting or civil disturbance; (B) any form of activity which is in violation of an outstanding injunction of any Federal, State, or local court; or (C) any illegal activity."

Mr. QUIE. Mr. Chairman, when the administration bill was sent up that prohibited at any time a legal services attorney from participating in and encouraging others to—and it lists—rioting, civil disturbance, picketing, boycott, strike, and the others, it was felt in the committee that a legal services attorney might want to in his off time, for instance, engage in a meat boycott. As a farmer, I would not like that very well, but at least it is his constitutional right that he do so. So my amendment does not restrict the legal services attorney in his off time as far as picketing, boycotting, and striking is concerned. However, the committee also then gives the impression that the legal services attorney could engage in or urge other people to engage in rioting, civil disturbance, and any form of activity which is in violation of an outstanding injunction of any Federal, State, or local court, or any illegal activity.

So what my amendment does is to prohibit him from doing that in his off time. I feel that is needed to strengthen the bill. There should not be any question that the legal services attorney should not be engaging in that himself, or encouraging other people to engage in what is strictly illegal activity. It will surely strengthen the bill, if we do so.

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

Mr. Chairman, in view of the explanation offered by the gentleman from Minnesota I see no objection to the amendment. I think the bill as reported will be strengthened by this amendment and should be adopted.

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

Mr. Chairman, I take this time simply to ask the gentleman from Minnesota a further question. The word "encouragement" is not construed as advocating, is it, in the legal sense? Clearly attorneys ought not to be encouraging these actions we talk about.

Mr. QUIE. That is just exactly what it says: "Refrain from encouragement of others to participate in."

Mr. MEEDS. And in no sense does this mean if an attorney is living in a place where there is a rent strike, that he would not be involved in that rent strike himself, on his own time?

Mr. QUIE. No, I would say to the gentleman my amendment does not change the language in the bill as it comes before the House with regard to picketing, boycott, or strike. That is only a ban to refrain from encouraging others. In his own time there is no prohibition. My amendment is to prohibit him from engaging in riots and other illegal activities.

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

I would like to ask the gentleman from Minnesota a question. I frankly would like to know what is the difference between his amendment and what is in the committee bill.

Mr. QUIE. The difference between the committee bill and my amendment is that the committee bill would permit the

Legal Services attorney to engage in riots, civil disturbances, going against court injunctions, and other illegal activities in his off time and he could encourage other people to do that in his off time, to engage in riots, civil disturbances, and so forth. My amendment would prohibit that. However, in picketing and boycotts and strikes there is no change between my amendment and the committee amendment.

Mr. DENNIS. The gentleman means his amendment is more restrictive or less restrictive?

Mr. QUIE. More restrictive.

Mr. DENNIS. More restrictive in what respect?

Mr. QUIE. In that in my amendment a Legal Services attorney is prohibited himself and he is not to encourage other people at any time to riot, engage in civil disturbances, go contrary to the court injunction, or to do anything else that is illegal.

Mr. DENNIS. Then is it less restrictive in some respect?

Mr. QUIE. No. It is more restrictive because the committee bill does not prohibit the Legal Services attorney from doing that in his off time. The committee bill only restricts him, as it says, "while engaged in activities" on behalf of the recipient. Say he works 8 hours a day, he is restricted only in those 8 hours.

Mr. DENNIS. I thank the gentleman.

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

Mr. Chairman, if the gentleman from Minnesota will reply to me along the same line, are we to assume that in his off hours it is OK for him to do these things?

Mr. QUIE. What things?

Mr. FLOWERS. For instance to engage in riots?

Mr. QUIE. No. My amendment prohibits him from engaging in that and the committee bill does not prohibit him.

Mr. FLOWERS. Can he do it in his own hours?

Mr. QUIE. The committee bill prohibits him from doing it in his on duty hours and with my amendment he continues to be prohibited in his on duty hours. All this amendment does, is to prohibit him from engaging in riots, civil disturbances, and other illegal activities in his off duty hours in fact any time at all. As long as he is engaged more than half time in these legal services, he cannot do those things.

Mr. FLOWERS. My concern is if we do not have written into this legislation the kind of binding provisions and the authority within some responsible public agency or group to get rid of or to fire a legal service attorney who is doing these things then we are in serious trouble with this legislation.

Mr. QUIE. My amendment would correct that.

Mr. FLOWERS. I would ask the gentleman if it is correctable. If the gentleman must offer an amendment to prohibit within the legislation what I would say is an illegal act itself, then some way or other it is a weak piece of legislation.

Mr. QUIE. The gentleman is correct. It is weak in that regard, and therefore I am offering an amendment to remove that weakness.

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

Mr. FLOWERS. I yield to the gentleman from Georgia (Mr. BLACKBURN).

Mr. BLACKBURN. Mr. Chairman, I appreciate what the gentleman is saying. The thought occurred to me that it is a rather sad commentary on the Federal organization if we have to tell the people in this organization that they are not supposed to riot or violate any law. It is a sad thing to have to put this into law.

Mr. FLOWERS. The gentleman from Georgia states my concern very well.

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

Mr. Chairman, I would like to ask the gentleman from Minnesota a question. Regarding the offenses to which he alludes in his amendment, are they not as a matter of fact at this moment in time presently crimes?

Mr. QUIE. If the gentleman will yield, I do not know if every civil disturbance is or not. I could not answer that. A riot would be.

Mr. DELLUMS. If they are illegal acts, they are illegal acts.

Mr. QUIE. But, the committee bill does have language restricting the attorney himself from doing it and restricting him from encouraging others to do it during the time he is on duty. Therefore, it leaves it wide open, while he is off duty, if there had been nothing said at all.

Then we go under the assumption of the gentleman from California that it is illegal and he could not do it anyway, but with this langauge in the committee bill, and it was felt evidently necessary by the administration to have similar language in the bill it sent up, I felt that we needed it to correct it by amendment.

Mr. DELLUMS. Mr. Chairman, I would only suggest to the gentleman from Minnesota that it sounds as though he is saying that it is a crime to commit a crime which is already the case. If that is the case, I think this amendment is the height of demagogery and absurdity.

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

Mr. Chairman, this amendment would be a good amendment if it just said, "At all times," but it does not say "At all times." It says, "During the period of their employment."

I ask the gentleman from Minnesota, why should he even have that language if he wants a prohibition?

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

Mr. CONLAN. I yield to the gentleman from Minnesota.

Mr. QUIE. Mr. Chairman, the reason why I did not strike out that language is that if we did, it would prohibit him from being engaged in a boycott or encouraging other people during his off times. It seems to me that this would be taking away the first amendment rights of an individual.

Mr. CONLAN. But, I think that is one of the major objections to the program, that these attorneys supported by the taxpayers have been organizing boycotts, have been recruiting tenants' organizations, rent strikes, etc. This is a form of boycott.

I think the amendment is cosmetic on the surface. It appealed to me at first, but when I look at it closely it does not do the job we are told it is intended to do. Nor are there any provisions in the bill for automatic termination of the funds of a grantee for violating the law. I just think this is cosmetic on the surface.

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

Mr. CONLAN. I yield to the gentleman from Minnesota.

Mr. QUIE. It seems to me by the gentleman's argument that he wants to go further and deny people their first amendment rights. I do not see how we can do that.

Mr. CONLAN. Does the gentleman say that we authorize other Federal employees to organize these types of activities?

Mr. QUIE. Off duty, I would be sure he could. Perhaps a person in the Department of Justice could join in a meat boycott.

Mr. CONLAN. We are not talking about a meat boycott. We are talking about the real issue.

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

Mr. CONLAN. I yield to the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would like to ask the gentleman from Minnesota one question in connection with his amendment. How can we constitutionally prohibit a person from boycotting?

Mr. QUIE. The only thing we do is prohibit him from boycotting while he is on duty.

Mr. CRANE. If I want to boycott grapes, how can the gentleman prohibit me since it is my constitutional prerogative?

Mr. QUIE. I say to the gentleman, if he worked for a private law firm and that private law firm said to him, "If you want to work here do not go out boycotting on our time; do anything you want on your off time," that would be similar. We are putting a limitation on that individual while he is working for the Federal Government. I beleve we can do that.

Mr. CRANE. It seems peculiar to me. Perhaps we are defining a "boycott" in different terms. If he does not want to buy oranges in the supermarket or if he does not want to buy grapes or something like that, that strikes me as a constitutional right we could not structure any kind of legislation to prohibit.

Mr. QUIE. I believe that is a different kind of boycott from that I was talking about. The boycott, as I see it, is where they walk around outside the grocery store.

Mr. CRANE. That is picketing.

Mr. QUIE. That is the picketing part of the boycott. The picketing, the boycott, the strikes all seem to be a part of

the language I did not want to be involved in. The riots, civil disturbances, and other election activities I certainly did.

Mr. CRANE. I thank the gentleman for yielding.

Mr. CONLAN. It appears to me that those employees who want to do these things can go off duty at 10 o'clock in the morning and come on at 3 o'clock in the afternoon and in the meantime do the activities they have been doing which have been so questionable across the country. I do not beleive the amendment closes the loophole. I believe the wording in the original bill is more clear than this.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. QUIE

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

The Clerk read as follows:

Amendment offered by Mr. QUIE: Page 24, line 24, strike out "provided pursuant to this Act".

Mr. QUIE. The language of the committee bill could be interpreted to permit the corporation or recipient of assistance from the corporation to contribute or to make available funds and program personnel and equipment to a political party, political association, or candidate for elective office if the funds came from a non-Federal source. By removing the words "provided pursuant to this Act" it makes it clear that neither the corporation nor the recipient of Federal funds shall permit any resources appropriated for legal assistance for eligible clients to be used for these purposes.

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

The amendment is acceptable. As I understand it, some of the corporations and some of the people of groups at the present time—and I am sure this would continue—do receive some private finance resources. This would also prohibit those privately received resources from being used in political activity. It certainly is in line with the thrust of the bill and most acceptable. I join the gentleman from Minnesota in asking its approval.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. QUIE

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

The Clerk read as follows:

Amendment offered by Mr. QUIE: Page 25, strike out lines 3 through 13 and insert in lieu thereof:

"(4) Neither the corporation nor any recipient shall contribute or make available corporate funds or program personnel or equipment for use in advocating or opposing any ballot measures, initiatives, referendums, or similar measures."

Mr. QUIE. Mr. Chairman, what my amendment does, first, is to drop the language, "legislative proposals," because "legislative proposals" meaning a lobbying before a legislative body, is covered in subsection (c) of section 6, and "legislative proposals" involving the recipient is covered in section 7, subsection (5), on page 27 of the bill.

The way it is written in the bill, it makes the language most unclear, in that it treats "ballots, measures, initiatives, and referendums" differently from "executive orders and similar promulgations."

And so what this amendment does is that it would absolutely prohibit anyone, the corporation or any recipient, to contribute or make available any of its funds, personnel, or equipment for advocating or opposing any ballots, measures, initiatives, or referendums or similar measures.

Mr. Chairman, it seems to me once it is before the voters for a decision in the voting booths, there is no need for an eligible client to have legal representation and, therefore, it stands by itself. As far as the executive orders and similar promulgations are concerned, I treat them later in an amendment that will come on page 27.

Therefore, Mr. Chairman, I ask that the amendment be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE).

The amendment was agreed to.

AMENDMENT OFFERED BY MRS. GREEN OF OREGON

Mrs. GREEN of Oregon. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. GREEN of Oregon: On page 22, to delete the whole of line 13, and to substitute therefore the words and figures "(3) To undertake directly and not by grant or con-".

Mrs. GREEN of Oregon. Mr. Chairman, I have two amendments, but because one of them occurs on page 31, in another section, I am not able under our procedures to offer it at this time.

But the two do go in tandem, and they have one purpose, and that is to stop the research and advocacy in the backup centers located across the country.

The stated purpose of this bill is to provide needed legal services for those who could not otherwise afford them. Certainly I support the right of a poor person to have legal counsel. I think that is fully justified, and I do not know of any Member of the House who would not support that concept. But when we pass a bill to provide legal aid for the poor, does it mean that we should also finance, using millions of dollars research centers aimed solely at changing social policy? That is, unless my amendment is adopted, precisely, what we would be doing by this legislation.

At the present time, we have at least 12 and, I believe, 16 so-called legal aid backup centers located in various parts of the country funded primarily by OEO. Let me mention a few of the things which are being done in these centers at the present time and which the committee bill would allow to continue.

At Harvard there is a Center for Law and Education. I might note, here, that the gentleman from North Carolina (Mr. MIZELL) will offer an amendment later in regard to this particular activity.

But this Harvard research center actually had attorneys, who were paid with OEO funds, doing the research which led to their joining as cosponsors with the NAACP in the Detroit segregation case. We have memos from the Harvard Center to that effect.

My question is, How does the NAACP qualify as a "poor person?" If the NAACP qualifies, then it is my guess the city of Detroit qualifies. The real point is that OEO funds once again, as so often in the past, are not going to the poor, but for other purposes.

Mr. Chairman, there are two quotations about consistency which come to mind. One is:

Consistency, thou are a jewel.

The other is:

A foolish consistency is the hobgoblin of little minds.

In this case, I believe a consistent position is both necessary and advisable.

Last year the House of Representatives voted, by an overhelming majority, to prohibit the use of Federal funds for busing. I think no one would suggest that there was not a great deal of feeling about the Detroit case, the Richmond case and other busing cases reflected in that vote. Now, while we are overwhelmingly opposed to busing, we are asked to take Federal funds and finance the back-up center at Harvard so that their attorneys can go off to Detroit and pursue the suit against the Detroit schools.

This is the kind of backup center authorized in this bill that makes no sense to me.

Also, Mr. Chairman, there are other such centers in other States. For example, there is one doing research on national health program proposals. This may or may not be a worthy purpose. But I suggest the research does not seem to me to qualify as legal aid to the poor.

The gentleman from Georgia and the gentleman from Alabama, I believe, referred to some of the activities in which these attorneys are engaged. It is not to provide legal aid for a poor person. These offices have become the cutting edge for social change in this country. If we want to fund these proposals—let us do it in another piece of legislation, but not as legal aid for the poor.

For example, we have the center doing research on housing and economic development. We have cases where legal aid attorneys have urged people to participate in tenant strikes.

Mr. Chairman, we have documentation that shows cases where the legal aid employees are trying to change the abortion laws of this country. Regardless of what your stand is on abortion, is this what we really mean by providing legal aid to the poor? Do we mean to provide legal aid to change the abortion laws of our country? If so, let us finance various groups who have opposing views on this issue.

There is another large group working on national health insurance. I be-

lieve in a national health insurance program. I believe this legislation should be one of highest priority in this Congress. I also believe that there might be individual cases where a poor person would need an attorney to make it possible for him to have health services. However, I must contend that it should not be the intent of the law to finance these research centers—these federally funded lobbies—so that they will change all of the laws and public policy in this regard.

That should be our responsibility.

Mr. KOCH. Will the gentlewoman yield for a question?

The CHAIRMAN. The time of the gentlewoman has expired.

(By unanimous consent, Mrs. GREEN of Oregon was allowed to proceed for 2 additional minutes.)

Mrs. GREEN of Oregon. If I may finish, I will be glad to yield.

From one of the legal aid groups there is another interesting statement that the control of the police is critical. They say legal services attorneys can assist in carefully planned exposure of police harassment against any law-abiding persons if they are prepared to offer advice and to represent those who take part in violating the law and protect them from false charges.

Now, I do not have any particular objection to the idea of that paragraph, but as to whether or not it is providing legal aid for the poor, that is something I question.

Also, I suggest if we give one group free legal aid, we should also give free legal advice to the policemen in these cases.

I could cite case after case, if there were time, documenting the millions of dollars being spent for nothing but efforts to change social policy. I suggest that responsibility for changing policy belongs to State legislatures and to the Congress of the United States. I have listened many long hours—and share in the complaints—of those who object to the executive usurpation of legislative perogative. I find it incredible now to find myself confronted with a bill which would create another body to perform that constitutionally mandated function of the Congress. I cannot, nor will not legislate away the responsibilities of the Congress to some federally funded corporation under the guise of providing legal aid to the poor.

I am glad to yield to the gentleman now.

Mr. KOCH. I thank the gentlewoman for yielding.

My question is this: In the gentlewoman's statement she said these agencies and lawyers have become—and I think I am quoting her—the cutting edge for social change. Is that not what she said?

Mrs. GREEN of Oregon. That is exactly what I said.

Mr. KOCH. Is it not to be preferred that there be a cutting edge for social change applied through the courts rather than through riot and upheaval in the streets, and is it not helpful in terms of testing and changing the law within the framework of the law that those who could not afford lawyers are provided with those legal services?

Mrs. GREEN of Oregon. I would respond to the gentleman by saying I think he oversimplifies the case. Certainly it is better to work through the courts and through the system than out in the streets and through riot.

But that is not the issue. The issue is are we going to use Federal tax dollars to finance lobby groups who advocate social changes about which the Congress—the elected Representatives of the people—have taken an opposite or neutral view? Should not these groups, if financed by public funds, at least be neutral? In all of the documents I have read, for instance, on the research centers on abortion, they take only one position and that is proabortion. They do not represent the poor person who favors a "right to life" constitutional amendment or the poor person who, on the basis of religious conviction, finds abortion morally objectionable. The same one-sided advocacy is true of all the cases about which I have read. For instance, in Detroit, Federal funds were not made available to the Detroit school board to defend itself against the charge of racial discrimination.

Mr. KOCH. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I will yield in just 1 minute.

If, in fact, we are going to use Federal funds for social change, and as I said, the cutting edge for social reform——

The CHAIRMAN. The time of the gentlewoman from Oregon has again expired.

(By unanimous consent, Mrs. GREEN of Oregon was allowed to proceed for 2 additional minutes.)

Mrs. GREEN of Oregon. Mr. Chairman, then we ought at least to be fair, and to proceed in a democratic way. We ought to allow both sides to be heard, and not fund just those groups with one particular viewpoint or, if I may say so, bias.

Mr. KOCH. If the gentlewoman from Oregon will yield, is not what the gentlewoman from Oregon is forgetting the fact that anyone, based on his income, could have those services made available, and that if the viewpoint which the gentlewoman from Oregon says has not been represented, went, in fact, to those organizations and was turned down, although they fell within the economic requirements, then there could be a legitimate complaint. But for the gentlewoman from Oregon to say that merely both sides are not represented by these agencies, when we are trying to provide legal assistance to the poor, I think begs the question.

Mrs. GREEN of Oregon. Mr. Chairman, let me just summarize by saying this: If the Congress decides that it is necessary to fund somebody to be the cutting edge for social reform, then I would certainly recommend that it create another corporation for that purpose. Let us not turn this function over to the Legal Aid Services attorneys and pretend that the American public is getting a fair deal. If the Members of the House want to fund the "cutting edge," then I say let us set up a separate organization.

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

Mrs. GREEN or Oregon. I yield to the gentleman from Indiana.

Mr. DENNIS. Mr. Chairman, I thank the gentlewoman from Oregon for yielding to me, and I think that the gentlewoman from Oregon has covered the situation very well.

I want to remind my distinguished colleague and my friend, the gentleman from New York, who is a most distinguished scholar in this body, that perhaps the gentleman has never heard of the State legislature, and he poses the dilemma as to whether we would rather go to the courts at public expense, or go to the streets. I say to the gentleman from New York what is wrong with coming to the Congress and threshing this thing out in a democratic fashion on a bill that the gentleman could introduce, and we could debate, instead of expecting the people whom I represent to pay for this type of reform through a backdoor method that the gentleman might like.

Mrs. GREEN of Oregon. I think it is dishonest to say we are providing legal aid to the poor when in fact we are financing lobbying for social reform that certain groups want.

Mr. Chairman, I urge the adoption of my amendment.

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

Mr. Chairman, I would have thought the gentlewoman from Oregon would have the last person to propose an amendment which the gentlewoman has, because it seems to me it assumes a tremendous amount of mistrust and distrust of the law schools of this Nation. And I know of the abiding concern of the gentlewoman from Oregon for the higher educational institutions of this Nation.

Research is very important. Research by the law schools of this Nation is the type of thing which is enabling legal services to be given to poor people at the least cost. The more research that is done the better able we are to provide these services within the framework of a budget which we can afford.

I want also to point out that we are talking now, assuming this amendment were adopted—and again it seems to me to be a sort of mistrust of President Nixon because it assumes that the board which he appoints is going to turn around and contract with these so-called groups, or schools, that are mistrusted, to do some things which they themselves would not do. All the gentlewoman is doing by her amendment is leaving that authority in the corporation, in the board.

These directors, all of whom are to be appointed by the President, then we must assume, would turn around—or at least the amendment assumes—and contract to do these things, but they would not do them on their own part; so it seems to me

that either we can trust these people that the President appoints to handle the affairs within the corporation, or we should not even be enacting this legislation.

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

Mr. Chairman, I listened to the arguments that were given in support of this amendment, and I am really not clear on where the cutting edge for social change is going on in this country. If it is in the research centers, what has been their product? If we have been cutting so many edges of social change, what has happened? If we have been studying health insurance in these research agencies, so what? If we have been studying old-age homes, and the problems there, what of it? They are not cutting any edges in these research centers at all, as far as I am concerned. They are doing a pretty poor job with a very blunt instrument. Besides, even if there were some recommendations, they have got to come back here, and the Members know what will happen to them here, so I would not be so disturbed about any cutting edges for social change going on in this country. If they are, they are doing it with a very blunt, indelicate instrument.

I think that if we wanted to do something constructive in debating whether we should provide legal services to the poor, why do we not ask the Director, or former Director, Howard Phillips, where he was when all this inappropriate activity was going on? It so happens that nobody has asked why they did not oversight this problem where there were people going beyond what the mandate of this Congress is concerned about. Of course, we do not want to talk about that, because Mr. Phillips is busy distributing literature about why we should junk the administration's bill instead of superintending and giving some oversight to the problems that he has furnished a lot of people here with evidence to talk about today.

I am not going to support the amendment for these reasons.

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

Mr. Chairman, the gentleman from Washington (Mr. MEEDS) is quite right. The effect of the amendment of the gentlewoman from Oregon would not end research, but it clearly would call into question the ability of the corporation to carry on the functions that are now carried on through various backup centers.

Let me, if I may, point to the Vice President of the United States, who in his speech before the Texas Bar Association on July 7, 1972, said, and I quote the following:

> Law reform as a specific goal should be the province of the National office and the various backup centers. It should be pursued through responsible professional representation before legislatures and governmental agencies and through amicus briefs or intervention in existing cases, not through demonstrations or other high-pressure tactics.

The backup centers, it seems to me, are essential ingredients to the ability of the lawyer in the field to do the job. For those not like myself, because I do not practice law, who are in the practice, or used to be in the practice, they had in effect their own backup centers. They could subscribe to Commerce Clearing House or the Bureau of National Affairs, or could attend the seminars put on at the University of Wisconsin Law School. The lawyer in the field, however, has a more difficult time. I do not think he can afford to hire Commerce Clearing House as a backup center at the office. That is what the backup center is all about.

The gentlewoman from Oregon is pointing to some highly emotional examples of the kind of work the backup center is involved in.

Let me point to the District of Columbia. What does the Backup Center on Social Science Research in the District of Columbia do? It is a part of the effort that was put on by the local legal services attorneys that enabled the court, on the basis of the information developed, to have the finding that the handicapped were the single most-discriminated-against class of individuals in the society.

As a result of that, in the District of Columbia school system they now have to come to grips with the failure to deal with handicapped children. They have been the neglected children in the history of the society. Are we to say that this kind of action on the part of the backup center to enable those that are the most disadvantaged to gain this kind of expertise is wrong? I really do not believe the House of Representatives wants to close out the ability of a local lawyer, whoever he may be, representing a disadvantaged client, so he will fail to have the kind of experience and expertise and research and documentation and criteria and data—all of the material that the research and backup centers have made available to legal services attorneys across this country. That is the issue in this amendment.

I think the Vice President of the United States is absolutely correct, that these form an integral part of the specific goals that are necessary both for the national office and for the backup centers. Thus I would hope the amendment would not be adopted.

Let me quote further from the president of the American Bar Association in the hearings on these bills. I asked him in 1973:

> Mr. STEIGER. You do agree, do you not, that there is a need for the concept of backup services?
>
> Mr. MESERVE. Indeed I do. I don't see how with any efficiency the individual lawyers in the field can do all the type of research which these backup centers can do in specific and particular areas. I think it is a great economic advantage that a backup center in Massachusetts can tell a lawyer in Colorado what is going on in a particular field not only in Colorado and Massachusetts but throughout the United States because they have an actual capacity to correlate and integrate resources into these particular problems. I think the concept of a central organization responsive to legal and drafting questions in particular areas is an excellent one. I do think that the backup center program has worked well from all I have heard. I see no reason to abolish the concept but I am not wholly on the inside on that. I think some kind of backup center services ought to be provided to counsel in the field or they will handle a great many less cases than they are now, which I think is bad for the poor people.

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

Mr. STEIGER of Wisconsin. I yield to the gentleman from Alabama.

Mr. FLOWERS. Mr. Chairman, I believe the law library is something that every practicing lawyer uses and has available to him. Surely the gentleman is not assuming the legal services lawyer is not going to have a library in his office just like the regular private lawyer?

Mr. STEIGER of Wisconsin. Yes, I am. I hope the gentleman can come with me and we can take a look at some of the local legal services offices. They do not have the library and money to put that together. It is fine if you have run an office and have the tax deductions.

Mr. FLOWERS. It seems to me under this bill they could very well be provided the libraries as well as office space and everything else.

Mr. STEIGER of Wisconsin. I am suggesting to the gentleman that money for books can deprive clients of needed service when backup centers provide resources on an executive basis.

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

(On request of Mr. GERALD R. FORD, and by unanimous consent, Mr. STEIGER of Wisconsin was allowed to proceed for 3 additional minutes.)

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Michigan.

Mr. GERALD R. FORD. Mr. Chairman, I think all of us are affected by what we know to be the circumstances in our own area. In my hometown we have a law library which is very comprehensive for the benefit of all lawyers who wish to participate at a reasonable fee. They pay a minimal amount and it has all of the services that are utilized by lawyers in many, many fields. This of course is helpful to the younger lawyers who are not a member of a firm or to a firm that is just getting started and as a result they do have the opportunity of going to the law library and getting the benefit of the services that cover a wide range of subject matter.

The legal services setup in Grand Rapids, Mich., is affiliated to some extent with the local law library. It therefore has the full benefit of all these services that are available. I do not know of lawyers generally who practice who have the benefit of the massive backup in their private practice. Why should we give to the corporation attorneys an extra capability through backup centers when we do not do it for the lawyers generally?

Mr. STEIGER of Wisconsin. May I say to the gentleman from Michigan, my father-in-law was an attorney in Oshkosh and he did not have a backup cen-

ter either, but on behalf of a client who could afford it, for instance in a case involving an industrial accident, which went on for years and years, he hired the best expertise in the medical school of Northwestern University to help him on behalf of his client.

I would suggest to the gentleman that that capability is not possible on behalf of either the client or the attorney who is not charging a fee through the legal services program to develop that same kind of expertise.

Perhaps I use a bad example, clearing house. Perhaps there is a better way of saying this, without being impractical. I think with what has happened in terms of kinds of action taken by local lawyers, it is altogether something they could not on their own ever hope to get, nor is there the money available to hire them as there is for a regular practicing attorney.

Mr. GERALD R. FORD. Mr. Chairman, let me turn it around, if I may. If these backup centers provide this very valuable information and counsel, what about the other side of the lawsuit? They do not have a comparable backup service for their benefit. Is the gentleman not making the sides unequal by providing with Government funds a very sophisticated, very knowledgeable backup center for one side, and the other side of the lawsuit has to rely on the regular services that are available to all attorneys?

Mr. STEIGER of Wisconsin. Of course, it would vary, would the gentleman not agree, with the client or defendant. If one is bringing in a case with children, one is bringing in an action against the school board. They do have available to them resources.

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I am anxious to get to a vote also, but I think at least someone ought to talk about what the gentlewoman's amendment is instead of all the other things we have been talking about. I find it interesting that even the gentlewoman herself seems to talk about all kinds of other things, of cabbages and kings and other things, but did not say what her amendment would do.

She used some very inflammatory code words here, and all of us who are concerned about school busing are supposed to immediately start salivating for a chance to get on the record against busing. If there are Members here as anxious as I am to get on record, just wait patiently with me, because they will have plenty of chance to do that on a clear vote which will not be misunderstood by their constituents or by anyone else, and it will not be fogged up in any way such as this amendment is.

Let us look at what the amendment is. If Members will take a look at the bill on page 22, what does the gentlewoman ask the Members to vote for?

Does she ask the Members to vote to discontinue research? Discontinue training and technical assistance? Discontinue someone serving as a clearinghouse for information? No, she does not. All that this section which she seeks to amend does is say that the Corporation, as it reads now, the Corporation may undertake to conduct research, conduct training and technical assistance, serve as a clearinghouse for information, or the Corporation under the bill may contract for research, contract for training and technical assistance, and contract for someone to serve as a clearinghouse for information.

They cannot contract for hired guns to go out and try cases. They cannot contract for high-powered lawyers or doctors to testify in cases across the country.

Is it logical for us to believe that the Corporation has the capacity to do its own research "in-house," in a Government research project here; in Washington, but that it cannot be trusted to go to any college or university in this country and contract for legal research? Where in the world do you logically go for legal research? Where do you logically go for medical research?

We certainly do not want to say that Federal agencies have a greater capacity to develop from the ground up with this money the capability to conduct legal research. Do we want to create a cadre, a corps over here, whether it is run by a corporation or anyone else, of Federal law researchers? Are the members willing to trust the product that is coming out of there any more than they would trust the product coming out of the State universities and the great institutions which are the law schools of this country?

I saw the laughs and smiles a little while ago when the gentleman from Washington (Mr. MEEDS) asked, "Do you trust the law schools?"

All of us as lawyers have had fun kidding our alma mater and kidding our profession, but this is serious. We are being asked to cut off this Corporation from dealing with the agencies our State institutions have set up.

I appeal to the minority leader. In our own State if we are to have this kind of backup I would much rather have his alma mater, the University of Michigan, or Wayne University, or the University of Detroit Law School, contract to do this, rather than hire a bunch of civil service level Federal lawyers and turn them loose.

If we adopt Mrs. GREEN's amendment, we in effect would be voting to say that while we want to give the poor people of this country the opportunity to use the legal system of this country we are on the face of it going to agree with her when she says, "Do not trust the schools," that are the backbone of the legal system of this country, responsible for the ethical, moral, and professional training that goes into what we call the legal profession.

After all, our legal system is only as good as the lawyers and the legal scholars of this country.

I would echo what the gentleman from Washington said. If we cannot trust them, then, my goodness, whom can we trust?

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

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

Mr. CEDERBERG. I believe probably we have wasted more money in this Government under the guise of research than anything I know of.

Mr. WILLIAM D. FORD. I agree with that.

Mr. CEDERBERG. This bill is to help take care of the needs of the poor.

Mr. WILLIAM D. FORD. Right.

Mr. CEDERBERG. I assume that all these lawyers have already gone to law school and have already passed the bar?

Mr. WILLIAM D. FORD. Just barely.

Mr. CEDERBERG. Just barely?

Mr. WILLIAM D. FORD. They work for $11,000 or $12,000 a year; they do not get much.

Mr. CEDERBERG. While they are taking care of the poor, why not let them do their own research? I do not understand this.

Mr. WILLIAM D. FORD. I would ask the gentleman a question. He has responsibility for a substantial staff here. How many lawyers does he know around this building who are working for $11,000 or $12,000 a year? Would he be willing to take advice from someone with that salary?

Mr. CEDERBERG. Then let us pay them a little more money.

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

(On request of Mr. HAWKINS, and by unanimous consent, Mr. WILLIAM D. FORD was allowed to proceed for 1 additional minute.)

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

Mr. WILIAM D. FORD. I yield to the gentleman from California.

Mr. HAWKINS. I fear there may be some misunderstanding about the so-called terrible consequences, as mentioned by the gentlewoman from Oregon, which could occur. Apparently there is a feeling that this was added by the subcommittee or by the full Committee on Education and Labor. Is it not true that this particular provision came from the White House and was recommended and urged by the White House?

Mr. WILLIAM D. FORD. As a matter of fact, it is the exact language of the administration bill. I understand it is in the substitute that is going to be offered from the other side. I just want to see, if Members can vote against it now, what they are going to do about it when it is offered from that side.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield, since he mentioned my name?

Mr. WILLIAM D. FORD. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Since the gentleman used my name I should like to make a couple of comments.

It has been said that I did not explain the purpose of my amendment, in the reference to page 22. When I first stood up I said it was in tandem with an amendment on page 31.

Mr. WILLIAM D. FORD. The amendment on page 31 is not before the body, and the gentlewoman is discussing an amendment she is going to offer later. I am discussing the amendment we are to vote on now. I am glad the gentlewoman has made it clear that she did not discuss the amendment we are to vote on now.

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

Mr. Chairman, I believe a couple of things need to be cleared up.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. CONLAN. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Since the gentleman from Michigan has made some statements that as I see it are not quite accurate, I should like to comment. I said that the two amendments had to be taken in tandem. The effect of the two amendments would be to get rid of the backup centers. That is correct.

Now, for the gentleman to say that this would only be for research in the Corporation is not accurate. It would require Corporation lawyers to be responsible for the kind of research they do and keep it in house. This is not a new departure.

As to the Office of Education, I have tried to clean up the research grants down there, and I have not had too much help from my friend from Michigan.

And third, when he says that this is great research, if the gentleman from Detroit wants to back up and approve this kind of a research center—and this is a memorandum from the Harvard Center—I will read this for the RECORD:

> This is the Detroit Metropolitan School Desegregation case in which we are co-counsel with the NAACP on behalf of black and white children.

Then it goes on to codify the case.

Mr. Chairman, if that is the business of giving legal aid to the poor and that is the kind of research center and the work the gentleman from Detroit wants the House of Representatives to approve, that is his privilege, but it is not what I think is meant by "legal aid for the poor."

Mr. CONLAN. Mr. Chairman, this series of backup centers is the intellectual brain trust which prepackages the lawsuits which go across the country with disparity and lack of fair play toward local communities, school boards, and counsels, as well as our county board of supervisors and private people in the local sectors.

Mr. Chairman, I am reading now from the National Clearinghouse for Legal Services:

> The Harvard Center for Law and Education has compiled materials for lawyers on the legal rights of secondary school students. The package contains court papers—complaints, interrogatories, legal memorandums—from a representative sample of current student rights litigation. The papers were selected from lawsuits which have sought to secure basic constitutional rights for high school and junior high school students: the right to freely express controversial views on school premises, the right to dress and wear one's hair as one pleases, the right to fair procedures in suspension and expulsion cases, the right to be free from unwarranted searches in school—among others.

That relates to narcotics and other issues:

> The package also contains a complete bibliography of current decisions, as well as copies of two current Appeals Court rulings.

Mr. Chairman, these backup centers are mass producing centers for lawsuits across the country. Most of them are not functioning at the university level as the gentleman from Michigan said. These are private group projects, some of them sponsored by the Earl Warren Legal Institute of Berkeley, Calif., and the Council for Legal Help in Los Angeles, which is not tied in with the university, the Center on Social Welfare Policy and Law on 117th Street in New York, the National Law Employment Project Association, again in New York City, the Legal Services for the Elderly Poor—all nice sounding names, good projects.

But, Mr. Chairman, what is their whole purpose? It is not to back up individual cases, but to move into the area of public policy reform and attacking and harassing legitimate Government services at the basic level.

Mr. Chairman, I think the gentlewoman from Oregon (Mrs. GREEN) has hit the nail right on the head. These attacks range from those on cable TV, to conscientious objectors, draft, and welfare eligibility requirements sought to be stricken down, attacks on police procedures, recruiting students to be involved in class actions against schoolboards, parent associations, et cetera.

This is what they are out for, political agitation and not for legal services.

Mr. Chairman, I, too, object to these backup centers and support Mrs. GREEN's amendments.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. CONLAN. I yield to the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. Mr. Chairman, would the gentleman also not agree that where there is a center, for instance, at Harvard, the Harvard University does not have control over it, that as it is funded, it really is separate?

The same thing is true of Columbia University. We are not giving the money to Columbia University for them to use; we are giving it to a center, which is an individual entity.

Mr. CONLAN. Mr. Chairman, the gentlewoman from Oregon (Mrs. GREEN) is absolutely correct.

There are instances in this situation where we have Harvard University professors who do moonlighting on the side for 5, 6, 8, or 10 grand a year on these projects they worked on. We all know how it is done. These are areas in which they practice the fine art of grantsmanship. They dole the money out, and these professors engage in moonlighting activities, and this activity is often done with an outright political thrust across the country.

Mr. TREEN. Mr. Chairman, will the gentleman from Arizona (Mr. CONLAN) yield?

Mr. CONLAN. I yield to the gentleman from Louisiana (Mr. TREEN).

Mr. TREEN. Will the gentlemen tell me what it means when it says that we should provide for the training and technical assistance? Does this mean under this bill that the Corporation has to send people to law school to train them, through undergraduate school and through law school, to become advocates under this program? Does this permit this, and would the amendment offered by the gentlewoman from Oregon (Mrs. GREEN) prohibit that activity?

Mr. CONLAN. Yes; in my understanding it would. And it would also answer the question of the gentleman from Michigan (Mr. CEDERBERG). I think the gentleman perhaps was not aware that in numerous instances many of these attorneys across the Nation are not admitted to the bar.

This is again a shocking development when you study it.

The CHAIRMAN. The time of the gentleman has expired.

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

I hesitate to take the time of the House further, but I have one or two matters I would like to address to the House.

First of all, I rise in support of the gentlewoman's amendment.

I am a member of the committee, which puts me in a very unique and awkward position on the Democratic side of our committee. I hope this would not characterize me, as some would have it, as a person who is not for the cutting-edge approach and who is not for progressive and thoughtful change in our society through the law because I believe, Mr. Chairman, I am.

But at the same time I cannot help but remember when I was a practicing lawyer and struggling very hard to make a living. I had no backup center. My backup center was my brain and my feet.

I would walk over to the law libraries in the county courthouse and wend my way through the bookstacks, read the volumes through, and try to be my own two-legged backup center.

I did not have the opportunity to subscribe to the commerce clearinghouse service that my friend from Wisconsin earlier mentioned. But the county law library had a commerce clearinghouse and I could and did study that.

So, accordingly, I am not really sure that we need backup centers and research centers for the production of this kind of information when they are provided from legal service funds.

I had occasion to examine personally, and physically as well, the legal aid center in my hometown of Louisville. I questioned the inclusion of several thousand dollars in its budget for travel and some $3,000 for phone expenses.

The city of Louisville is not 1 gallon of gas wide; is deep in distance and it only takes a local call to extend to the perimeters of the county. But, the legal services people said the money was necessary in order to obtain an understanding of the bewildering array of cases affecting their clients.

I say that is all good and fine, but you do not need backup centers if you have travel money to attend seminars a long distance away and money to make calls to the law service centers where the information can be obtained.

Finally, let me beg the indulgence of the House to make one more point.

We have talked about the need today

of showing fiscal responsibility and to spend each Federal dollar with efficiency.

It seems to me if, in fact, legal services are to help the poor—particularly the individual poor—then the very best expenditure for each dollar would be to put it where it directly helps the poor. This is on the local level, not in back-up centers.

Mr CONYERS. Will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman.

Mr. CONYERS. I thank the gentleman for yielding. I would like to ask him a question. How many back-up centers are there now that the gentleman would like to eliminate?

Mr. MAZZOLI. I will let the gentlewoman from Oregon answer the question.

Mr. CONYERS. Let me ask the gentleman something else.

Mr. MAZZOLI. I would like to strike them all, if that answers the question.

Mr. CONYERS. Do you know how many there are? Two or 200 or 2,000?

Mr. MAZZOLI. I think there would not be 20, but I would yield to the gentleman from New Jersey at this point.

Mr. HUNT. I take this opportunity to commend the gentleman on his statement.

Insofar as these centers are concerned, the gentleman from Arizona hit it on the head when he said these centers are not completely staffed by qualified attorneys but, rather, are staffed by people who may or may not be attorneys but law students or others who go under the guise of investigators. They in many cases are not from a qualified university or law school. All they do is sit there and dream up something to draft legislation so that they can go out and harass the elected officials in the cities and end up with these crazy, ridiculous things called "class action writs."

Mr. MAZZOLI. I will let the gentleman have his own opinion. I am not so much interested in the philosophy that the gentleman from Arizona articulated so carefully in the well. I am not sure I subscribe to that.

But I feel there is a need to spend the Federal money wisely and well and within the framework of the purposes designated in the preamble of the legal services bill. That would be on the local centers.

I yield to the gentleman from Michigan.

Mr. WILLIAM D. FORD. I would like to respond to the gentleman from New Jersey. Quite obviously he has not read the amendment. He is talking about investigators going out and harassing people. This is research and training and technical assistance and a clearinghouse for investigators.. The backup centers have no investigators. I do not know where you dreamed that up.

Mr. HUNT. That is no dream—you better check a few legal service staff payrolls of several years back.

Mr. WILLIAM D. FORD. They certainly have not been identified.

Mr. HUNT. If the gentleman will yield further, I will identify some of them.

Mr. WILLIAM D. FORD. They are not a part of this legislation.

Mr. HUNT. If they are not, then the legal services have a skeleton staff.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. Chairman, I am deeply troubled not by this amendment as much as by the debate that is taking place in relation to the amendment. Frankly, I am not prepared to defend backup centers. If anybody has looked at the breakdown of the dollars and where the individual backup centers have been, and how many dollars have been spent, if one looks at the individual cases they have dealt with, one could very well find things that they have done to which every one of us would object.

But if I may call the attention of my colleagues who have not served on the committee, to exactly what section of the bill it is we are dealing with, and what the proposed amendment is. The section of the bill with which we are dealing deals with research and training and clearinghouses, but that is not what the amendment deals with. If you do not like research, then make another amendment. If you do not want clearinghouses, then make another amendment. If you do not like training and technical research, then make another amendment and let us vote on it.

What is it we are called upon to vote on? I am most surprised at some of the support for this amendment. My colleagues who are convinced that the Federal Government should not do everything have no logical recourse under this amendment but to oppose it. Why? Because this amendment says this: It provides that a section of the bill that now says this Corporation as created can undertake either directly or by grant or contract to do certain things, under the amendment of my friend and colleague, whom I respect highly, from my home State of Oregon, would be changed to take out the capacity of this Corporation to do anything but do it itself. It says, if we adopt the amendment, that under this section whatever they wish to do, and you can quarrel with whether or not they ought to do it or not, but if you adopt this amendment it says this Corporation can only undertake it directly. Which means that if the Corporation decides it wants to do research it is going to have to gear up and do the job itself, get Government attorneys, set up its own facility. When it comes to another section we may debate whether or not we want research centers——

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

Mr. DELLENBACK. I would prefer to finish my statement.

Mr. ROUSSELOT. I would like to speak to the issue the gentleman is raising.

Mr. DELLENBACK. I would prefer that the gentleman permit me to finish the point I am making, and then I will be glad to yield to the gentleman.

What I am saying is that if you feel that there ought to be flexibility not only to do particular things, but to do these particular things in various ways, sometimes directly, sometimes by getting somebody else to do it by grant or contract, and insofar as research centers, you can oppose them, but if you want this corporation which you are setting up, if we do not give it this flexibility so as to do what it can do and to do some things directly and some things indirectly, then you have no recourse, I submit, but to oppose this amendment.

Mr. ROUSSELOT. If the gentleman will yield. I thank the gentleman for yielding. I think that this was the very point the gentlewoman from Oregon was trying to make, that her amendment is a part of a package of two amendments, and we are now only voting for one part of the amendment and then object to the other, which is the point the gentleman is making.

Mr. DELLENBACK. Let me say——

Mr. ROUSSELOT. That is exactly the point the gentlewoman was making; that these research centers should be totally controlled by the local services corporation itself. That is a constructive position.

Mr. DELLENBACK. Let me respond to the gentleman, in response to what the gentleman has said, that then when we get to that amendment, and there can be a linking up, when we can see what its relevance is, we can of course make our decision as to whether we may or may not support that one. But on this one, if you adopt this amendment you are buying a pig in a poke, because you are tying its hands and making this corporation less effective to do what it wishes to do. If you adopt the amendment—if you are opposed to the whole situation, and some may be, then you may go for this amendment, but if you want to set up a viable operating corporation, that will have flexibility to do what it is proposed to do as effectively as possible, then I submit that you should not cripple us by adopting this particular amendment.

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

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

Mr. RAILSBACK. Mr. Chairman, as I understand it, the gentlewoman has offered an amendment which would require that such things as research, training, and technical assistance, and information dissemination, would have to be performed directly rather than by contract or by a grant? What I am wondering is, Does that mean that a corporation which is still authorized to do these things would hire people to do them? I honestly think we are making much ado about nothing over this. I think there are many more important amendments coming.

Mr. DELLENBACK. The gentleman is correct. If the Members do not want the Government to be bound to do everything itself, they should defeat this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon (Mrs. GREEN).

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

RECORDED VOTE

Mrs. GREEN of Oregon. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 245, noes 166, not voting 22, as follows:

[Roll No. 254]

AYES—245

Abdnor	Green, Oreg.	Powell, Ohio
Alexander	Gross	Price, Tex.
Andrews, N.C.	Grover	Quie
Andrews, N. Dak.	Gubser	Quillen
Annunzio	Gunter	Randall
Archer	Guyer	Regula
Arends	Haley	Rhodes
Armstrong	Hammer-schmidt	Rinaldo
Bafalis	Hanley	Roberts
Baker	Hanrahan	Robinson, Va.
Beard	Harsha	Rogers
Bennett	Harvey	Roncallo, N.Y.
Bevill	Hastings	Rose
Biaggi	Hays	Rostenkowski
Blackburn	Hébert	Rousselot
Bowen	Henderson	Roy
Brinkley	Hogan	Runnels
Brooks	Holt	Ruth
Broomfield	Hosmer	Ryan
Brotzman	Huber	Sandman
Brown, Ohio	Hudnut	Sarasin
Broyhill, N.C.	Hungate	Satterfield
Broyhill, Va.	Hunt	Saylor
Buchanan	Hutchinson	Scherle
Burgener	Ichord	Schneebeli
Burke, Fla.	Jarman	Sebelius
Burleson, Tex.	Johnson, Colo.	Shipley
Butler	Johnson, Pa.	Shoup
Byron	Jones, Ala.	Shriver
Camp	Jones, N.C.	Shuster
Carter	Jones, Okla.	Sikes
Casey, Tex.	Jones, Tenn.	Sisk
Cederberg	Keating	Skubitz
Chamberlain	Kemp	Slack
Chappell	Ketchum	Snyder
Clancy	Kluczynski	Spence
Clark	Kuykendall	Stanton, J. William
Clausen, Don H.	Landgrebe	Steed
Cleveland	Landrum	Steelman
Cochran	Latta	Steiger, Ariz.
Collier	Lehman	Stratton
Collins, Tex.	Lent	Stubblefield
Conable	Litton	Stuckey
Conlan	Lott	Sullivan
Crane	McCollister	Symms
Cronin	McEwen	Talcott
Daniel, Dan	McKay	Taylor, Mo.
Daniel, Robert W., Jr.	McSpadden	Taylor, N.C.
Daniels, Dominick V.	Madigan	Teague, Calif.
Davis, Ga.	Mahon	Teague, Tex.
Davis, S.C.	Mailliard	Thone
Davis, Wis.	Mallary	Towell, Nev.
de la Garza	Mann	Treen
Delaney	Maraziti	Ullman
Dennis	Martin, Nebr.	Vander Jagt
Dent	Martin, N.C.	Veysey
Derwinski	Mathias, Calif.	Vigorito
Devine	Mathis, Ga.	Waggonner
Dickinson	Mayne	Walsh
Dorn	Mazzoli	Wampler
Downing	Michel	Ware
Dulski	Milford	White
Duncan	Miller	Whitten
Edwards, Ala.	Mills, Ark.	Wiggins
Eshleman	Minshall, Ohio	Williams
Evins, Tenn.	Mitchell, N.Y.	Wilson, Bob
Flowers	Mizell	Wilson, Charles, Tex.
Flynt	Mollohan	Winn
Ford, Gerald R.	Montgomery	Wright
Fountain	Moorhead, Calif.	Wydler
Frey	Murphy, Ill.	Wylie
Froehlich	Myers	Wyman
Fuqua	Natcher	Yatron
Gaydos	Nedzi	Young, Alaska
Gettys	Nelsen	Young, Fla.
Giaimo	Nichols	Young, Ill.
Gilman	O'Brien	Young, S.C.
Ginn	Parris	Young, Tex.
Goldwater	Passman	Zablocki
Goodling	Pettis	Zion
Gray	Pickle	Zwach
	Pike	
	Poage	

NOES—166

Abzug	Anderson, Ill.	Bell
Adams	Ashley	Bergland
Addabbo	Aspin	Biester
Anderson, Calif.	Badillo	Bingham
	Barrett	Blatnik
Boggs	Green, Pa.	Owens
Boland	Griffiths	Patten
Bolling	Gude	Pepper
Brademas	Hamilton	Perkins
Brasco	Hanna	Peyser
Breckinridge	Hansen, Idaho	Podell
Brown, Calif.	Hansen, Wash.	Preyer
Brown, Mich.	Harrington	Price, Ill.
Burke, Calif.	Hawkins	Pritchard
Burke, Mass.	Hechler, W. Va.	Railsback
Burlison, Mo.	Heckler, Mass.	Rangel
Burton	Heinz	Rees
Carey, N.Y.	Helstoski	Reid
Carney, Ohio	Hicks	Reuss
Chisholm	Holifield	Riegle
Clay	Holtzman	Robison, N.Y.
Cohen	Horton	Rodino
Collins, Ill.	Howard	Roe
Conte	Johnson, Calif.	Roncalio, Wyo.
Conyers	Jordan	Rooney, Pa.
Corman	Karth	Rosenthal
Cotter	Kastenmeier	Roush
Coughlin	Koch	Roybal
Culver	Kyros	Ruppe
Dellenback	Leggett	St Germain
Dellums	Long, La.	Sarbanes
Denholm	Long, Md.	Schroeder
Diggs	McClory	Seiberling
Dingell	McCloskey	Smith, Iowa
Donohue	McCormack	Smith, N.Y.
Drinan	McDade	Stanton, James V.
du Pont	McFall	Stark
Eckhardt	Macdonald	Steele
Edwards, Calif.	Madden	Steiger, Wis.
Eilberg	Matsunaga	Stokes
Erlenborn	Meeds	Studds
Esch	Melcher	Symington
Evans, Colo.	Metcalfe	Thornton
Fascell	Mezvinsky	Tiernan
Findley	Minish	Udall
Fish	Mink	Van Deerlin
Flood	Mitchell, Md.	Vanik
Foley	Moakley	Waldie
Ford, William D.	Moorhead, Pa.	Whalen
Forsythe	Morgan	Wilson, Charles H., Calif.
Fraser	Mosher	Wolff
Frelinghuysen	Moss	Wyatt
Frenzel	Murphy, N.Y.	Yates
Fulton	Nix	Young, Ga.
Gibbons	Obey	
Grasso	O'Hara	
	O'Neill	

NOT VOTING—22

Ashbrook	Hinshaw	Staggers
Bray	Kazen	Stephens
Breaux	King	Thompson, N.J.
Clawson, Del	Lujan	Thomson, Wis.
Danielson	McKinney	Whitehurst
Fisher	Patman	Widnall
Gonzalez	Rarick	
Hillis	Rooney, N.Y.	

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. GREEN OF OREGON

Mrs. GREEN of Oregon. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. GREEN of Oregon: On page 25, insert following line 13, a new subsection (e), If an action is commenced by the corporation or by a recipient and a final judgment is rendered in favor of the defendant and against the corporation's or recipient's plaintiff, the court may upon proper motion by the defendant award reasonable costs and legal fees incurred by the defendant in defense of the action, and such costs shall be directly paid by the corporation.

Mrs. GREEN of Oregon. Mr. Chairman, the purpose of this amendment, and it is permissive, is to allow the court to give to the defendant the court costs and the attorney fees if the defendant is on the prevailing side.

Mr. Chairman, at the present time the OEO finances the attorneys on the plaintiff's side and they bring court cases all over the country.

Let me give two examples, in Portland. I am sure these could be duplicated in every State of the Union and in most congressional districts.

In my city of Portland the legal aides filed a class action suit against the school board. It was filed in 1970. It is in the court of appeals now. Up to this point it has cost the Portland School Board $22,648. It has not cost the plaintiffs, the OEO legal aid officers, anything out of their pockets.

It seems to me that if the school board wins that case, if the school board is on the prevailing side, then as a matter of equity the court costs as well as the attorney fees ought to be paid by the Federal Government also.

Mr. Chairman, let me give you another example. There is a man whom I know in my district whose income comes from a very small apartment house, from the rental of those apartments. A suit was filed against him by Legal Aid. He won the suit, but only after having spent $4,300 out of his pocket.

Now, where is the equity in that? When we say to one side of the case that the Federal Government will pay all of the costs for bringing any suits, but the poor defendant, whether he wins or loses, has to pay for the expenses of that suit out of his pocket, where is the equity?

Now, we are really a little bit more fair in urban renewal relocation. If a person has a house in urban renewal relocation, and we take the house away from him, we at least compensate him for it; we pay for it, but we file a suit for him, and it actually comes from Government funds.

Here we may take $4,300 cash out of his pocket and we never reimburse him, even though he is on the right side, and he wins the case.

There is a second reason why I ask for support for this amendment besides the point of equity, and that is that it seems to me it would have a restraining effect on the OEO legal aid attorneys.

Mr. Chairman, right now there is no reason why they should not file any suit at any time. They have nothing to lose. They can appeal their cases. But if the court is given permission to allow the court costs and the attorney fees to be paid by the Corporation if the defendant is on the prevailing side, then I would think it would have a restraining effect on frivolous cases and on frivolous appeals.

Mr. Chairman, that is the purpose of the amendment. I see no reason for taking additional time.

Mr. MEEDS. Mr. Chairman, will the gentlewoman from Oregon (Mrs. GREEN) yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Chairman, I thank the gentlewoman for yielding.

I am sure I would agree on this. May I ask the gentlewoman, this would be done by motion of the court?

Mrs. GREEN of Oregon. The court may do this upon proper motion.

Mr. MEEDS. And it will be a part of the court order?

Mrs. GREEN of Oregon. The gentleman is correct.

Mr. MEEDS. Mr. Chairman, I believe we have no objection to this amendment.

Mr. QUIE. Mr. Chairman, will the gentlewoman from Oregon yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, I commend the gentlewoman for offering this amendment.

I would like to say to my colleagues from the Committee on Ways and Means that I wish they would do the same thing in IRS, because there is many an individual who wins his case and yet expends a lot of money. I think this is the only fair way to do it.

Mr. CONLAN. Mr. Chairman, will the gentlewoman from Oregon (Mrs. GREEN) yield?

Mrs. GREEN of Oregon. I yield to the gentleman from Arizona (Mr. CONLAN).

Mr. CONLAN. Mr. Chairman, in other words, this amendment would require the Corporation rather than the recipient to be reimbursed?

Mrs. GREEN of Oregon. The gentleman is correct. The Corporation would have to pay out of its funds such costs which shall be directed to be paid by the court.

Mr. CONLAN. Mr. Chairman, may I ask this further question?

As part of our legislative intent, the Corporation would withhold a sufficient amount of funds in reserve for such an eventuality?

Our past practice seems to be a significant one.

Mrs. GREEN of Oregon. The gentleman is correct.

Mr. CONLAN. Mr. Chairman, I think the gentlewoman from Oregon is quite correct in offering this amendment, because the committee got the wording from the original bill which prevented the taking of frivolous appeals.

I support the amendment offered by the gentlewoman from Oregon (Mrs. GREEN).

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon (Mrs. GREEN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CONLAN

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

The Clerk read as follows:

Amendment offered by Mr. CONLAN: Strike out the word "authorized" on line 11, page 23, and insert in lieu thereof the word "admitted".

Mr. CONLAN. Mr. Chairman and fellow Members of this body: I rise for a one-word amendment to the bill. There are some who think it is an extraordinary amendment. I think it is a quite decent amendment, one that should be put into the bill.

There has been a desire of many to see that the itinerant movement of poverty lawyers between States cease, and that lawyers who are hired by local recipient legal aid societies be admitted to practice before the bar of the State in which they are practicing and serving the clients of the community.

Now, I ask the Members, why should the poor have second-class legal counsel? Why should the poor have as legal counsel men who are not admitted to the bar of that State? Why should the poor have those who have flunked the bar association examination, or those who are law students in residence?

We talk here about giving the poor a fair break, yet we are not giving them the best attorneys in town. The salary scales are small enough, but rather than having so many patronage jobs all around the country, we would be better off raising the salaries and getting better attorneys.

However, the provisions of this bill say "authorized" to practice law, when it should read "admitted" to practice law. When you read the language of the bill it does not preclude the hiring of law students or graduates of law schools who have flunked the bar, but still go on the payroll. If they want to go on as a consumer law specialist or administrator to teach the poor how to deal with their business, fine. I think it is only fair and decent that people who are hired as attorneys be admitted to the bar of that State. It does not preclude in any way an attorney coming in as co-counsel and it does not in any way preclude a law firm, privately or otherwise, working with him, but it does preclude—and this is one of the things that shake up some people—people on the OEO payrolls elsewhere in the country from moving in as an attack group from State to State. It is not the function of these services to act that way. I submit to you it is not the function of these services to develop conflicts. The purpose of legal counsel should be seeking reconciliation first, not conflict in the courts.

An attorney admitted to the bar of that State knows the laws of the State and has been admitted to the bar. It is the only fair and decent safeguard if you are truly interested in the poor, rather than to have bummers move from State to State.

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

Mr. Chairman, when this matter was brought up in meetings with some of the members of the committee it was pointed out that in some instances attorneys who are admitted in the State under the laws of that State may practice law in that State if they are admitted in another State. It is fairly common pracice, for instance, when an attorney is engaged in a matter that requires his representing a client in a State in which he has not as yet been admitted and it will only be a casual matter of representing one client in that particular case, he may be authorized to practice there under those circumstances.

There are many different situations in which an attorney may legally, and under all of the conditions ethically, represent the client although he is not admitted to practice. The States determine who is authorized and who is not.

I suggested to those who were concerned with this section that we should not be here dictating to the States how to determine whether a man is authorized to practice in a State or not. So this is the State's right provision we are offering in the bill. We are not dictating to any State how a man can be authorized to go into a court of law to represent a client. We can allow each State to determine that. If it requires admission in that State, it will require admission under our bill. If he can be authorized in some other manner in that State, then he can do so under our bill.

Mr. Chairman, I hope you will support this State's right amendment.

Mr. QUIE. Will the gentleman yield?

Mr. ERLENBORN. I am glad to yield to the gentleman from Minnesota.

Mr. QUIE. It is absolutely clear in the language, is it not, that the Corporation and the recipient cannot do the authorizing, but it is the State within the State law?

Mr. ERLENBORN. There is no question about that. The only one who can authorize a person to practice in the State is that State under its own State laws and through the rules of practice in its courts. It is absolutely clear that this authorization does not refer to anything the Corporation or the recipient authorizes but only what a State authorizes as to the practice of law generally.

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

Mr. ERLENBORN. I yield to the gentleman from Minnesota.

Mr. QUIE. So the gentleman from Illinois opposes the amendment offered by the gentleman from Arizona?

Mr. ERLENBORN. I do oppose it, because I do not believe that this Congress should be dictating to the States how a person can be authorized to practice law. I would hope that the House would reject the amendment offered by the gentleman from Arizona, and accept the committee bill which is the States rights bill.

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

Mr. ERLENBORN. I yield to the gentleman from Arizona.

Mr. CONLAN. Is the gentleman saying then that the poor should not be represented by an attorney who is admitted to practice law in that State?

Mr. ERLENBORN. No, I am not saying that, and I do not see how the gentleman could read that into what I have said. What I have said is that attorneys who practice under this act representing the poor should be those who are able to practice within that State under that State's law, and should have all of the same qualifications as that State requires for anybody who is representing a client within that State. That is exactly what I am saying.

Mr. CONLAN. That is not what this amendment does.

Mr. ERLENBORN. It does; it says "authorized to practice within the State," and the only way a person can be authorized to practice within the State is if that person complies with the laws of that State as to who can and who cannot practice. In some cases that requires formal admission to the bar, and in some cases, through comity, and otherwise, it does not require formal admission to the bar. The States shall determine for themselves, each State,

under what circumstances a person is authorized to practice within that State. That is why I call this the States rights provision.

Mr. CONLAN. And they have a real grand loophole in the bill, which they did not have in the original bill. In the original bill, the word "admitted" was used, but the subcommittee changed the word to "authorized," and thus they created this great loophole.

Mr. ERLENBORN. I do not agree with the gentleman from Arizona, because no one would be authorized under the language of this act to practice law in a State unless, as a private attorney representing a private client, he would also be entitled to represent that client. There would certainly be no diminution in qualifications for a person to represent a client by using the word "authorized."

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

Mr. Chairman, I would just like to call the attention of the Members to two sets of circumstances. There are two projects; for example, there is this project over here on the border of West Virginia and eastern Kentucky, and I think it is called the APPALRED project, and it is a joint project serving the poor in those two States.

Also, when we go down into St. Louis you have more or less the same situation where a project is serving the people across the State line.

In those situations some of the lawyers may be admitted to the bar in one State, and not admitted to the bar in the other, but by agreement of the courts, and by special rules that are set up in those States, for the benefit of the poor people under this program, they are authorized to come across the State lines and continue to represent someone.

The second thing that happens is like in the State of Colorado, for example, where for many years the State, by special rule, has authorized judges to permit nonlawyers prior to their admission to the bar, as a part of the program in conjunction with their law schools in carrying on their own legal services program—and they are one of the pioneers in this country—and that practice is now being followed in connection with law schools in many of the States where senior law students are given limited rights, and are given authority to practice in a limited kind of forum as a means of securing experience.

And if we hear say that the tests will not be what a State considers to be the requirements for authorization——

Mr. WYDLER. Mr. Chairman, if the gentleman will yield at that point, I think it might clear up the record for everybody if the gentleman could assure this Committee that when the sentence says "such attorney is authorized," that what that means is no one who is not an attorney can be so authorized, I believe that would clear it up.

Is that the understanding of the gentleman?

Mr. WILLIAM D. FORD. No, because he may be a senior law school student who, by the law of that State, is permitted to represent indigents in connection with programs of this kind.

Mr. WILLIAM D. FORD. It is precisely that kind of young person who is attracted to this program, and we have been making great progress all across the country in setting up intern-type programs.

There are many people who are authorized to practice law on behalf of poor people who are not admitted to the bar of the State in which they practice.

Mr. SMITH of New York. Mr. Chairman, will the gentleman yield?

Mr. WILLIAM D. FORD. I yield to the gentleman from New York.

Mr. SMITH of New York. As I understand, the gentleman states there may be some people who are not admitted to the bar that are authorized by the law of that State to practice law in that State?

Mr. WILLIAM D. FORD. That is correct.

Mr. SMITH of New York. This bill, the committee bill, would now continue that pratice?

Mr. WILLIAM D. FORD. That is correct.

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

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

Mr. MEEDS. Mr. Chairman, I am sure the sponsor of this amendment is aware of a program in his own State where a Navajo Indian legal services program operates both in New Mexico and Arizona, and this would possibly quite inadvertently cut out attorneys from practicing under that.

Mr. WILLIAM D. FORD. That is correct.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. CONLAN).

The amendment was rejected.

AMENDMENT OFFERED BY MR. DENNIS

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

The Clerk read as follows:

Amendment offered by Mr. DENNIS: Page 24, after line 7, insert the following:

"(6)(A) Any interested person may bring an action in a Federal district court to enforce compliance with the prohibitions of or under this Act by the corporation or any recipient or any officer or employee of the corporation or of any recipient.

"(6)(B) If an action is brought under clause (A) to enforce compliance with the prohibitions of or under this Act and a final judgment is rendered in favor of the plaintiff, the corporation shall promptly reimburse him for his costs and legal fees incurred in prosecution of the action."

Mr. DENNIS. Mr. Chairman, this amendment reinserts into the bill language which was in the administration's bill and which was taken out by the distinguished committee. It more or less complements and supplements the amendment recently adopted which was offered by the distinguished gentlewoman from Oregon. Her amendment provided that if the Corporation should sue a person, and that person should beat them that person could get attorney's fees and costs.

This amendment provides that if, as a citizen, one feels and believes that the Corporation is violating the restrictions placed upon it by the law, and is bringing actions which it is not authorized to bring, or doing things which it is not authorized to do, that one can go into the Federal court and seek to prevent that illegal action and to enforce the statute, and to make the Corporation live up to the restrictions imposed upon it by law. If one wins that suit, one can get his attorney fees and costs from the Corporation for making it obey the statute. It is a simple amendment which was in the administration bill and which, as I say, complements that of the gentlewoman from Oregon, and I urge the Members' support for it.

Mr. CLAY. Mr. Chairman, will the gentleman yield for a question?

Mr. DENNIS. I yield to the gentleman from Missouri.

Mr. CLAY. Mr. Chairman, in the event that the citizen does not win the case would he then reimburse the Corporation for the expenses incurred?

Mr. DENNIS. No, not according to this amendment. He has not got the Treasury of the United States, as the Corporation does.

Mr. CLAY. But if we keep adding similar amendments we are going to break the Corporation we are talking about.

Mr. DENNIS. Oh, I hope not. I hope the Corporation will be encouraged to obey the law.

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

I would like to point out first that in all probability this amendment may well be subject to a point of order and this is one of the unfortunate circumstances of being presented with amendments by somebody who is about to offer them 1 second before the amendments are offered. In all probability this amendment deals with the jurisdiction of the courts and therefore is not germane to this particular legislation.

But that notwithstanding, it seems to me first of all a good part of what the gentleman is proposing has already been taken care of by the fine amendment offered by the gentlewoman from Oregon, that is to reimburse people who bring suits, or when suit is brought against them by this Corporation, to reimburse them, with which I agree, but this goes further and gives any nut—and I use the word advisedly—the standing to sue this Corporation. We set up in this legislation advisory boards in every one of the States which can be and should be looking for instances where people have been put upon, if that happens under this law, and in each instance I am sure these advisory boards should be watching for this.

Why should we load up the already overburdened calendars of the Federal courts with litigation by every person who is dissatisfied, and this includes the poor people themselves who may be just dissatisfied with the way their case is being handled? Should everyone of them have standing to turn around and sue the

Corporation because of that dissatisfaction? I think we should have some reasonable guidelines for standing to sue. I do not think we ought to create corporations and let everybody in the world sue them. There must be some reason for this. I think the amendment offered by the gentleman from Indiana does not provide that.

AMENDMENT OFFERED BY MR. ERLENBORN TO THE AMENDMENT OFFERED BY MR. DENNIS

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

The Clerk read as follows:

Amendment offered by Mr. ERLENBORN to the amendment offered by Mr. DENNIS: Strike out "prohibitions" each time it is used and insert in lieu thereof "provisions".

Mr. ERLENBORN. Mr. Chairman, at the time the bill was introduced it had this provision that allowed any person to bring an action against the Corporation to enforce compliance with prohibitions contained in the act. I have discussed this with the gentleman from Indiana and I think he knows my feelings about it.

I felt that this ought to come out because this is a provision that merely would encourage frivolous lawsuits, but if this is to be in the bill I think it has to be evenhanded, and so I have offered an amendment to change the word "prohibitions" to "provisions." If we are going to give anybody the right to go into court to see that the law is complied with, it ought to be the whole law and not just one part of that law.

So I think if this is going to be a fair amendment offered by the gentleman to allow frivolous lawsuits, we ought to allow everybody to file frivolous lawsuits to see that the entire law is complied with, so I have offered this amendment to say that such suits may be brought by any interested person to enforce any of the provisions of the act.

I would hope the amendment offered by the gentleman from Indiana is defeated, but if it is not then it ought to be amended so that it is a fairer provision for the bringing of suits.

Mr. CONYERS. Mr. Chairman, does the gentleman agree with me that the courts ought to have something to say about frivolous lawsuits and those which should be entertained in the various courts and jurisdictions?

Mr. ERLENBORN. Certainly. As I think most of us who have practiced law know, many people have sought to bring suits without having a justiciable interest. The courts require and ask, "What standing do you have other than being a citizen of the United States and a taxpayer to bring suit in this particular incident?" The courts require that such a person have a justiciable interest before he brings suit. This amendment would make it possible to bring suit without that justiciable interest.

Mr. DENNIS. Mr. Chairman, I rise in opposition to the Erlenborn amendment to the Dennis amendment.

Mr. Chairman, it ought to be perfectly clear to everyone that the amendment offered by my friend from Illinois (Mr. ERLENBORN) completely changes the thrust, the purpose, the intent and the result of the amendment which I have offered.

Members cannot possibly be for both amendments. My amendment is designed to see to it, and again in concurrence with the President's bill, the administration bill, that the corporation does not violate the prohibitions placed upon it by the act.

Mr. ERLENBORN's amendment, on the contrary, is designed to see to it that the corporation goes around suing everybody in sight who might be said to be in violation, because what he does is provide what we might call a Ralph Nader type of suit in which any citizen can look around and say to himself, "Here, this corporation is not going after that fellow over here or going after that fellow over there." Then he can sue the corporation if it does not do something.

I am not in favor of opening the courts to that sort of thing. I will admit, giving anybody standing to sue here at all is unique, but giving them that kind of standing is chaos.

The only reason for the type of amendment such as I have offered is that there has been trouble with these corporations. They have been harassing people, or so the complaint is, and therefore in order to discourage them from doing that, along the lines of Mrs. GREEN's amendment, we give citizens a chance to sue them and hold them down to the law.

But, to turn it around and say that every Tom, Dick, and Harry can decide this corporation is not working hard enough in suing people and taking them to court at public expense is something else again.

I do hope, whatever the Members may think of my amendment, that they beat the Erlenborn amendment to my amendment, because it is really a bad deal.

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not think it is necessary to argue about the wisdom or merits of the amendment, or the amendment to the amendment, if we all start off with the agreement that there ought to be policing of the restrictions and restraints we put on this corporation and its employees. I think we all agree on that.

The thing we ought to do is look at the bill and have a little bit of confidence in the bipartisan efforts of the members of the committee, working with the administration.

Members will find in section F, on page 20, the committee has provided that within 6 months following the creation of this Corporation that each State shall have appointed by the Governor of that State a nine-member commission. That nine-member commission will have the duty and the authority to oversee all of the activity of any grantees that subsequently get a grant from the Corporation in that State. In other words, we set up in 50 police departments appointed by the 50 Governors from among lawyers in 50 States to ride herd over and watch the activities of all these legal service lawyers.

I do not think we ought to superimpose on top of that a wide-open invitation to every kook who wants to run in and start a lawsuit against the Legal Services Corporation.

I think we can trust the Governors to appoint to these watchdog committees competent lawyers who are going to have the power, and will exercise that power in a way to protect the citizens of that State.

My goodness, we have to start having confidence in someone. If we cannot have confidence in anyone else, now we are down to asking Members to trust the Governors to appoint their panels of "watchdogs."

I believe that ought to be sufficient.

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

The amendment to the amendment was rejected.

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

Mr. Chairman, it occurred to me that during the debate on this bill the gentleman from Washington pointed out that this amendment might be subject to a point of order with regard to germaneness.

I am asking the gentleman from Washington a question.

I heard the gentleman say that this amendment might not be appropriate because it is not even germane, and he was not going to raise that point.

The question I would like to share with this body is, since when are we passing amendments that are not germane? If they are not germane, they should not be debated and the point should be raised against them.

I oppose the amendment on that ground.

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

Mr. CONYERS. I yield to the gentleman from Minnesota.

Mr. QUIE. I thank the gentleman for yielding.

The amendment offered by the gentleman from Indiana was in the bill when it was sent to the Committee on Education and Labor, so I believe that was the weakest of all arguments against the amendment.

I believe on its merits the amendment should not be adopted. That is why we dropped it in the committee. The gentleman from Illinois offered a substitute to it, to be the only fair way to give every taxpayer standing in court. That was defeated. Now we would just give one side of a standing in court. For that reason, I believe the amendment ought to be defeated.

Mr. CONYERS. I quite agree.

In addition, this amendment flies in the face of a well-settled law coming from the U.S. Supreme Court. It has held that the general interest of its citizen in having the Government administered by

law does not give him standing to contest the validity of Government action. Ever since Massachusetts against Mellon, this has been a well-established doctrine.

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

Mr. Chairman I rise in support of the amendment offered by the gentleman from Indiana (Mr. DENNIS).

Prior to coming to this body I was a practicing attorney in the city of New Orleans. In September of 1970 we had a number of events occur which left an indelible impression on me and which convinced me of the need for the amendment offered by the gentleman from Indiana.

At that time the Louisiana State University in New Orleans was experiencing a great deal of difficulty with the SDS, which was attempting to organize on campus and had given clear intention of disruptive and illegal activities in order to do this. The University quite properly went into the civil court to get an injunction against this activity. And who came into court to represent the SDS and the two gentlemen involved? An attorney by the name of James Keenan, on the staff of the New Orleans Legal Assistance Corp., funded by the OEO, to represent this group, to fight against this injunction. There was no showing whatsoever that the two leaders of the SDS were eligible, nor was there any showing that the SDS itself was eligible. Yet this attorney represented this group throughout the litigation.

Another incident occurred shortly thereafter, also involving Louisiana State University in New Orleans. An underground newspaper, pornographic by anybody's definition, sought to have the neswpaper accepted at the bookstore of the university. The university refused to accept this pornographic material. Who brought the suit to force the university to accept the pornographic literature? An attorney on the staff of the New Orleans Legal Assistance Corp.

Mr. Chairman, what could we, the frustrated lawyers and taxpayers in New Orleans and throughout the area who knew about it, do? What could we do about it? The only thing we could do was to protest this type of activity to the national office of OEO. But the New Orleans Legal Assistance Corporation was already funded. We had no control over the management and organization of this corporation.

We felt the need then for a change. And I wish I could have been one of those "nuts," so-called by a previous speaker, because, just like that, if I had had the opportunity to prevent the taxpayers' money being spent for ineligible recipients, I would have done something about it.

Incidentally, when the Director of the program in New Orleans was confronted with this in an investigation that apparently took place later, he said that he thought the provisions on eligibility were so vague that they would not stand a court test. He was asked to present the eligibility proof in those cases, and he could not do so.

I wanted the opportunity then to try to do something directly about it to prevent the taxpayers' money from being spent in that manner.

Mr. CONYERS. Mr. Chairman, will the gentleman from Louisiana (Mr. TREEN) yield?

Mr. TREEN. I yield to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I thank the gentleman for yielding.

Did it occur to the gentleman to contact the very famous Director in charge of legal services in the OEO, by the name of Howard Phillips?

Mr. TREEN. Mr. Chairman, in answer to the gentleman's question, he was not the Director at that time. Yes, I traveled to Washington, D.C., but Mr. Phillips was not in charge of the office. I have forgotten the name of the man who was in charge. But we filed a complaint, and nothing was done.

Mr. CONYERS. Well, that seems to be a problem then that resides in the executive branch in terms of the way this agency is run.

Did the gentleman follow that up after he got to Congress?

Mr. TREEN. Yes, I did.

Mr. CONYERS. That is when Howard Phillips was there. What happened then?

Mr. TREEN. This was 2 years ago. These attorneys are gone; some of them stayed. I do not know where they are.

Mr. CONYERS. I am talking about the Director of OEO; I am not talking about the lawyers.

The CHAIRMAN. The time of the gentleman from Louisiana (Mr. TREEN) has expired.

(On the request of Mr. WILLIAM D. FORD, and by unanimous consent, Mr. TREEN was allowed to proceed for 2 additional minutes.)

Mr. ROUSSELOT. Mr. Chairman, will the gentleman from Louisiana (Mr. TREEN) yield?

Mr. TREEN. I yield to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, I think the point which the gentleman from Louisiana is making is that the central office of OEO had absolutely or little or no control over what was going on in the field. That is one of the main reasons why we are debating this entire issue today.

Mr. Chairman, I think it is significant that the gentleman from Louisiana (Mr. TREEN), was then in local practice and saw firsthand what was actually happening as the result of the bad practices of OEO. Regardless of all the idealism of those who proposed this program, here is a man who was actually on the firing line, and what Mr. TREEN is saying is that the manager of the OEO legal services activities was not able to exercise any kind of control over their own activities in the field. This problem occurred right from the beginning of the program.

Mr. TREEN. Mr. Chairman, as a matter of fact, I did visit Mr. Phillips, who at that time was in OEO, but not at the top of it, and he led me to believe there was very little that could be done about it. Whether that is correct or not, I do not know.

Mr. ROUSSELOT. Mr. Chairman, if I understand the gentleman Mr. TREEN correctly, he is saying that the amendment offered by the gentleman from Indiana (Mr. DENNIS) would help correct that situation if somebody was engaging in that type of disruptive practice.

Mr. TREEN. Absolutely. And I would say this: The judges have the power to throw out frivolous lawsuits or to impose sanctions for frivolous lawsuits; and I do not think the advisory committees appointed by the Governors will do the job of supervision. We all know that these advisory-type bodies do function very well.

Mr. WILLIAM D. FORD. Mr. Chairman, will the gentleman from Louisiana (Mr. TREEN) yield?

Mr. TREEN. I yield to the gentleman from Michigan (Mr. WILLIAM D. FORD).

Mr. WILLIAM D. FORD. Mr. Chairman, I will ask just this question:

What was the outcome of the lawsuits the gentleman mentioned?

Were they dismissed by the courts, or did the plaintiffs prevail, or did the defendants prevail?

Mr. TREEN. In the suit brought to obtain an injunction against SDS, the injunction was granted, and in the lawsuit to force the university to accept pornographic material, the judge dismissed that one, I am happy to relate.

Mr. WILLIAM D. FORD. At least half of the gentleman's complaint is not against the lawyers involved, but against the judge who apparently, according to the gentleman's view, ruled incorrectly?

Mr. TREEN. No, the judge ruled correctly in both instances. My complaint is against the taxpayers paying lawyers' fees to bring this type of litigation and defend this type of practice.

The CHAIRMAN. The time of the gentleman from Louisiana (Mr. TREEN) has expired.

(By unanimous consent (at the request of Mr. MILFORD) Mr. TREEN was allowed to proceed for 1 additional minute.)

Mr. MILFORD. Mr. Chairman, will the gentleman from Louisiana (Mr. TREEN) yield?

Mr. TREEN. I yield to the gentleman from Texas (Mr. MILFORD).

Mr. MILFORD. Mr. Chairman, it would appear that our Legal Services Corporation makes a practice of defending pornography suits. In Dallas, Tex., there was a college graduate who was the editor of an underground magazine or a newspaper, as the term is used, and very obviously under anybody's standards, he was publishing pornography. The Legal Services Corporation defended that same individual, this individual being the son of a very wealthy family in our community. While at the same time, hundreds of truly poor families went totally without assistance.

Mr. Chairman, I join the gentleman in deploring such action.

Mr. WILLIAM D. FORD. I would like to call your attention to the fact that I conducted hearings—and the gentleman from Wisconsin was with us—in New Orleans on May 24, 1971, precisely because there had been complaints about legal services down there, and your mayor, Moon Landrieu is on record.

You ought to take a look at these hearings. I am sorry that the gentleman who was so exercised in 1970 did not take advantage of the publicity then, because it was a well publicized set of hearings, with television and great crowds of people. You should have come and told us about the problem then. There was no special complaint filed in this hearing.

Mr. TREEN. It is a matter of official record in the OEO files, and you will find it there.

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

Mr. Chairman, may I say at the outset the gentleman from Louisiana is a hard act to follow. He is effective, articulate, and does an extremely able job in reflecting a concern that he has. But I would ask, particularly my colleagues on this side of the aisle, to think long and hard about the consequences of this language and what it proposes to do.

While it is true that the gentleman from Louisiana in fact may have been exercised enough to have brought suit, that is unusual. Where do the suits come from that we see around us today in social policy? They do not come from the gentleman from Louisiana. My guess would be that the adoption of the Dennis amendment, with all due respect to the gentleman from Indiana, in effect is an open door for Ralph Nader, the National Welfare Rights Organization, and every other group that is highly financed and highly visible to come in and raise the devil with the Corporation.

While the language of the gentleman from Illinois was not adopted, as in my judgment it should have been, to balance this, the gentleman from Indiana in effect is opening the door to let every kind of kooky lawsuit be brought against the Corporation not on the question that the gentleman from Louisiana legitimately asks and about which there were no restrictions before, but there are now in the bill, but now on the basis that he is going to allow this kind of suit to take place.

I really do not understand the rationale of those who believe they are saving the program or even attempting to make sure it goes right when they go with this kind of language.

There are a series of prohibitions now in the act that were not then in the OEO regulations or were not then in the OEO statute. That is something the Committee on Education and Labor worked long and hard to provide. I think they have done a relatively good job of insuring that to the extent possible we make it possible for the lawyers in the program not to go too far afield.

I must say, with all due respect, I think the end product of the amendment offered by the gentleman from Indiana is not the kind of inhibition I think the gentleman from Louisiana is seeking but, rather, an effective invention to insure that those on the other side who may not agree with the gentleman from Louisiana have the opportunity to bring suit.

I think that result would be seriously wrong. I simply do not believe that this concept, frankly, of opening the door for suits is a sensible one under the best of circumstances, but I guess I am attempting in this at least to raise the flag of caution as to the result of the amendment offered by the gentleman from Indiana, which I think in the end would prove 5 years from now to have been directly the opposite of what the gentleman from Louisiana so strongly feels.

I cannot defend that kind of an action, but what I think the gentleman from Louisiana ought to do is to take a look at the kinds of restrictions that are built into this bill to know that the effort is underway on our part to insure that the lawyer does a good job, not to get off representing eligible clients.

Mr. TREEN. Mr. Chairman, if the gentleman will yield, with respect to the gentleman's statement which indicates that we now have protection in this bill, we thought we had some protection at that time because section 222(a)3 of the Economic Opportunity Act prohibits representation of clients in criminal cases beyond the indictment stage, and yet the legal assistance service was guilty of it in repeated cases. I have 17 cases here in which they were guilty of it. So the fact that we have got it in the law does not give us the protection which the amendment offered by the gentleman from Indiana (Mr. DENNIS) would; the amendment would permit persons to come in and get a court injunction to support the prohibitions in the act with regard to eligibility.

Mr. STEIGER of Wisconsin. If the gentleman from Louisiana will permit me to continue, I believe the gentleman from Louisiana is referring to the alleged criminal cases in the city of New Orleans where the lawyers were no longer associated with the legal services.

Mr. TREEN. They were at the time.

Mr. STEIGER of Wisconsin. Not according to my information if this is the Peoples Action Center case.

Mr. TREEN. What time is the gentleman from Wisconsin talking about?

Mr. STEIGER of Wisconsin. At the time the so-called criminal case issue was made, had not the attorneys resigned and had taken the case involving 14 indigents?

Mr. TREEN. Of course they were. The instances I referred to involved attorneys who, at the time, were employed by the legal assistance organization.

Mr. STEIGER of Wisconsin. May I say again that I understand the gentleman's problem, and I agree it is true that that particular prohibition was in the statute. I cannot defend any program that carries on cases in contravention of what the statute says.

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

The question was taken; and the Chairman announced that the Chair was in doubt.

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 159, noes 237, not voting 37, as follows:

[Roll No. 255]

AYES—159

Abdnor	Ginn	Nelsen
Alexander	Goldwater	Nichols
Andrews, N. Dak.	Goodling	Parris
Archer	Green, Oreg.	Passman
Armstrong	Gross	Pettis
Bafalis	Gunter	Poage
Baker	Guyer	Powell, Ohio
Beard	Haley	Price, Tex.
Bennett	Hammer-schmidt	Randall
Bevill	Hanrahan	Roberts
Blackburn	Harsha	Robinson, Va.
Bowen	Hastings	Rogers
Brinkley	Hays	Roncallo, N.Y.
Brotzman	Henderson	Rousselot
Broyhill, N.C.	Hogan	Runnels
Broyhill, Va.	Holt	Ruth
Burgener	Huber	Satterfield
Burke, Fla.	Hudnut	Scherle
Burleson, Tex.	Hungate	Schneebeli
Butler	Hunt	Sebelius
Byron	Hutchinson	Shoup
Camp	Ichord	Shriver
Casey, Tex.	Johnson, Colo.	Shuster
Cederberg	Johnson, Pa.	Skubitz
Chamberlain	Jones, N.C.	Smith, N.Y.
Chappell	Jones, Tenn.	Snyder
Clancy	Keating	Spence
Clausen, Don H.	Kemp	Steiger, Ariz.
Cochran	Ketchum	Symms
Collins, Tex.	Kuykendall	Talcott
Conlan	Landgrebe	Taylor, Mo.
Crane	Latta	Taylor, N.C.
Daniel, Dan	Lent	Thornton
Daniel, Robert W., Jr.	Litton	Treen
Davis, Ga.	Lott	Vander Jagt
Davis, Wis.	McEwen	Veysey
de la Garza	McSpadden	Waggonner
Dennis	Mahon	Walsh
Devine	Mallary	Wampler
Dickinson	Mann	Ware
Dorn	Maraziti	White
Downing	Martin, Nebr.	Whitten
du Pont	Martin, N.C.	Wiggins
Duncan	Mathis, Ga.	Williams
Eshleman	Michel	Wilson, Bob
Evins, Tenn.	Milford	Winn
Flynt	Miller	Wydler
Fountain	Mills	Wylie
Frelinghuysen	Mitchell, N.Y.	Wyman
Frey	Mizell	Young, Alaska
Froehlich	Montgomery	Young, Fla.
Gettys	Moorhead, Calif.	Young, S.C.
	Myers	Zion
		Zwach

NOES—237

Abzug	Conte	Griffiths
Adams	Conyers	Grover
Addabbo	Corman	Gubser
Anderson, Calif.	Cotter	Gude
Anderson, Ill.	Coughlin	Hamilton
Andrews, N.C.	Culver	Hanley
Annunzio	Daniels, Dominick V.	Hansen, Idaho
Arends	Delaney	Hansen, Wash.
Ashley	Dellenback	Harrington
Aspin	Dellums	Harvey
Barrett	Denholm	Hawkins
Bell	Dent	Hechler, W. Va.
Bergland	Derwinski	Heckler, Mass.
Biaggi	Diggs	Heinz
Biester	Dingell	Helstoski
Bingham	Donohue	Hicks
Blatnik	Drinan	Holifield
Boggs	Dulski	Holtzman
Boland	Eckhardt	Horton
Bolling	Edwards, Ala.	Hosmer
Brademas	Edwards, Calif.	Howard
Brasco	Ellberg	Jarman
Breckinridge	Erlenborn	Johnson, Calif.
Brooks	Esch	Jones, Ala.
Broomfield	Evans, Colo.	Jones, Okla.
Brown, Calif.	Fascell	Jordan
Brown, Mich.	Findley	Karth
Brown, Ohio	Fish	Kastenmeier
Buchanan	Flood	Kluczynski
Burke, Calif.	Flowers	Koch
Burke, Mass.	Foley	Kyros
Burlison, Mo.	Ford, Gerald R.	Lehman
Burton	Ford, William D.	Long, La.
Carey, N.Y.	Forsythe	Long, Md.
Carney, Ohio	Fraser	McClory
Carter	Frenzel	McCloskey
Chisholm	Fuqua	McCollister
Clark	Gaydos	McCormack
Clay	Giaimo	McDade
Cleveland	Gibbons	McFall
Cohen	Gilman	McKay
Collier	Grasso	Macdonald
Collins, Ill.	Green, Pa.	Madden
Conable		Mailliard
		Matsunaga

Mayne	Railsback	Steed
Mazzoli	Rangel	Steele
Meeds	Rees	Steelman
Melcher	Regula	Steiger, Wis.
Metcalfe	Reuss	Stokes
Mezvinsky	Rhodes	Stratton
Minish	Riegle	Stubblefield
Mink	Rinaldo	Stuckey
Minshall, Ohio	Robison, N.Y.	Studds
Mitchell, Md.	Rodino	Sullivan
Moakley	Roe	Symington
Mollohan	Roncalio, Wyo.	Teague, Calif.
Moorhead, Pa.	Rose	Teague, Tex.
Morgan	Rosenthal	Thone
Mosher	Rostenkowski	Tiernan
Moss	Roush	Towell, Nev.
Murphy, Ill.	Roy	Udall
Murphy, N.Y.	Roybal	Ullman
Natcher	Ruppe	Van Deerlin
Nedzi	Ryan	Vanik
Nix	St Germain	Vigorito
Obey	Sarasin	Whalen
O'Brien	Sarbanes	Wilson,
O'Hara	Saylor	Charles H.,
O'Neill	Schroeder	Calif.
Owens	Seiberling	Wilson,
Patten	Shipley	Charles, Tex.
Pepper	Sikes	Wolff
Perkins	Sisk	Wright
Peyser	Slack	Wyatt
Pickle	Smith, Iowa	Yates
Pike	Staggers	Yatron
Podell	Stanton,	Young, Ga.
Preyer	J. William	Young, Ill.
Price, Ill.	Stanton,	Young, Tex.
Pritchard	James V.	Zablocki
Quie	Stark	

NOT VOTING—37

Ashbrook	Hébert	Rarick
Badillo	Hillis	Reid
Bray	Hinshaw	Rooney, N.Y.
Breaux	Kazen	Rooney, Pa.
Clawson, Del	King	Sandman
Cronin	Landrum	Stephens
Danielson	Leggett	Thompson, N.J.
Davis, S.C.	Lujan	Thomson, Wis.
Fisher	McKinney	Waldie
Fulton	Madigan	Whitehurst
Gonzalez	Mathias, Calif.	Widnall
Gray	Patman	
Hanna	Quillen	

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. CONLAN

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

The Clerk read as follows:

Amendment offered by Mr. CONLAN: After "client." on line 13, page 25, insert a new subsection (e) to section 6:

"Nothing in this legislation shall be construed to deny eligible applicants for legal services the right to choose their own counsel. Recipients of legal services grants shall reimburse qualified attorneys who provide legal assistance to eligible clients pursuant to this section. Compensation shall be made in accordance with the minimum bar fee schedule of the State or county bar."

Mr. HAWKINS. Mr. Chairman, may I ask the gentleman in the well to either allow us to have the amendment reread, or give us a copy? We do not know what the gentleman is discussing before the body.

Mr. Chairman, I ask unanimous consent that the amendment be reread for the benefit of the Members.

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

There was no objection.

The Clerk reread the amendment.

Mr. CONLAN. Mr. Chairman, this amendment parallels the amendment offered by the gentleman from Ohio (Mr. LATTA) of a week or so ago on H.R. 77, which dealt with a prepaid legal program derived from bargaining relationships between management and unions, so far as arranging for legal counsel to be provided to the so-called working men.

This amendment does the same thing for the poor—it gives a freedom of choice in selection of counsel.

The amendment, as Members will recall, passed overwhelmingly, with a vote of something better than 2 to 1 in this body.

We have a situation here involving staff attorneys, as we did with respect to that management-labor bill, H.R. 77. The attorneys in this legal services program are free to pick their clients and their causes. But the client is not free to pick the attorney.

I say that is inequitable and unfair to the poor.

The attorneys have no economic constraints as to cost or incentive in determining what clients they will take. It is a closed panel system. If we opposed a closed panel system for workers, then I submit that we ought to oppose a closed panel system here. What is good for the working men of this country is just as good for the poor people of this country.

In this situation there are staff attorneys who are interested in causes. They concentrate on high impact cases, appeals and class actions; as has been said before they often consider themselves the cutting edge of social change.

In case after case, in instance after instance, which many Members know about, these staff attorneys were not taking the bread and butter cases of helping the poor. What happened to the poor? They were thrown into the revolving door, out on the streets, because the staff attorneys did not make enough time.

I say in that situation we should allow competitive discipline effect these staff attorneys. If they will not take a person as a client, if they are going to spend much time frivolous appeals and class actions, then let the poor go to the attorney of their choice and be reimbursed out of the recipient grant agency funds.

If Members are in favor of giving freedom of choice, this is the way to do it. If it was good enough for the workers a few weeks ago, I say it is good enough for the poor. I urge the adoption of the amendment.

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

The obvious purpose of the amendment is to provide a judicare program rather than a legal services program. We have done some testing and done some research. We do have under the present program ongoing judicare programs, so we have had some guidelines under which to measure the effectiveness of both of judicare and legal services programs.

There are some instances in which judicare is probably the only way really to bring legal services to the poor, where the population is sparse judicare programs are required in those instances.

I would direct the committee's attention to page 32, subsection (h), which provides:

(h) The corporation shall conduct a study of alternative methods of delivery of legal assistance to eligible clients including judicare, vouchers, prepaid legal insurance, and contracts with law firms.

Those are all the things the gentleman talks about and more, too.

This is being done by the Corporation which will be appointed by the President of the United States. I am sure these people are not going to be a bunch of wild-eyed people who are going to dash off and refuse to look at judicare. So far we have found that judicare, particularly in large populations, is much too costly to provide real legal assistance to the poor.

We simply do not have that kind of money. Now, Mr. Chairman, the legal services program, despite what the gentleman from Arizona (Mr. CONLAN) said about spending all their time with class actions and testing the law and a number of other things, the facts are quite different.

I would like to read from the report of the GAO, which is a cross section of a number of legal services programs in this Nation, published recently.

We spent approvimately $70 million; we have some 2,800 staff attorneys who are servicing some 1,500,000 clients.

The CHAIRMAN. The time of the gentleman from Washington (Mr. MEEDS) has expired.

(By unanimous consent, Mr. MEEDS was allowed to proceed for 3 additional minutes.)

Mr. MEEDS. Mr. Chairman, I shall continue to read from the report of the GAO.

Eighty percent of the cases which are litigated by legal services attorneys are won. Less than 2 percent of those cases involve law reform. That is less than 2 percent.

Indeed 90 percent of all cases represent a single client. Less than 1 percent of the litigated cases are class actions. The types of cases which are not class actions are as follows: 30 percent housing, 28 percent domestic relations, 13 percent administrative matters, 11 percent consumers and employment, and 18 percent miscellaneous.

Mr. Chairman, the members of the legal services have an admirable record for cases in the U.S. Supreme Court, a record which would be envied by any of the major law firms in the United States.

In the lower courts they have won and they win nationally 72 percent of their cases.

We can talk about the Legal Services not providing services or we can be mad at them, but maybe we ought to be mad at the courts, because at least 72 percent of the time they are correct, or at least the court agrees with them. They have lost 12 percent and they have settled 16 percent of their cases out of court.

Mr. Chairman, I think this is an enviable record. I think it is a record which we could never come close to competing with in a judicare program. Judicare is fine in some places, but I do not think we should, as the gentleman's amendment would provide, mandate it for the entire Nation.

Mr. ERLENBORN. Mr. Chairman, I move to strike the last word, and I rise in opposition to the amendment.

Mr. Chairman, this amendment has on the surface an appeal. The gentleman from Arizona (Mr. CONLAN) has suggested that it is quite similar to the one that was adopted last week to H.R. 77. Let me suggest there is a difference.

H.R. 77 provided for funds that would be negotiated between employee organizations and employers where certain amounts of money would be set aside for the provision of legal services. We are talking here about a governmental program.

We see here really a three-sentence judicare bill. Anybody who is familiar with the difficulties of legislating and anybody who is thinking of all the loopholes, the pitfalls, the restrictions, and all of those things that must be considered in drafting a bill knows that you cannot have a three-sentence judicare bill.

What would happen if we would pass something like this? Without any fiscal controls, without any limitations as to how many people would get service, how expensive that service would be, what would happen? I can tell you. We have a few instances to look to for some guidance.

What did happen to medicare even when we did have some controls and we had some estimates? The cost of medicare has gone way beyond the highest estimates of those who opposed medicare.

Look at medicaid. When the State of New York liberalized its provisions for eligibility, the State of New York was taking, as I recall, better than half of the total appropriation for medicaid for that one State, better than half of the total appropriation that was made for the whole country.

Mr. Chairman, not too long ago, this Congress enacted compensation for black lung disease, pneumoconiosis. There is a neat little provision in there that says whatever is paid for attorneys in the award of a State claim will be deducted from that State claim in determining how much the Federal payment will be to the individual.

As a result of that, the Federal Treasury paid more than $1 million to one attorney in the State of Kentucky last year. Three attorneys in that one county in the past several years have each received more than $1 million in fees, and that came out of the Federal Treasury.

Mr. Chairman, if you want to drill a great big hole in the bottom of the pot in which we keep the Federal funds, you can pass this amendment. If you want to see some responsible fiscal controls with a program that is well thought out, I hope you reject the amendment.

Mr. RAILSBACK. Will the gentleman yield?

Mr. ERLENBORN. I yield to the gentleman.

Mr. RAILSBACK. I thank the gentleman for yielding.

I cannot think of a better way to sink this legislation than to vote for this amendment.

Is it not also true many of the young lawyers who give up their time and are paid a rather modest amount may become expert in some of the cases that traditionally come before them, like rent control and marital cases?

I can see, if other lawyers were permitted to be brought in, with many of them having to do research for the first time, if they were paid the bar rates, this thing would break the bank and be the most exorbitant bill we could possibly pass.

Mr. ERLENBORN. I agree with and I thank the gentleman.

I wish to make a further point. We are talking about that segment of our society which is least sophisticated in protecting themselves against abuse. We have heard of medicare cases where people are run through a clinic with a doctor taking one little look at them and charging an exorbitant fee. Can you imagine what some unscrupulous attorney could do with this provision with the unsophisticated people that he can lure into his law office?

Mr. Chairman, I hope we do not pass this amendment.

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

I oppose the amendment, but I wish to commend the gentleman from Arizona for bringing the subject of judicare before the House so that it can be discussed.

I oppose the amendment because it is simply not feasible to engraft anything as fundamental as judicare on this legislation.

Appropriately we ought to beat this bill, and if the Committee on Education and Labor must do it, let that committee reconsider the subject and come back with a properly drafted bill involving the judicare concept.

Conceptually the idea is right. Conceptually the idea of legal services furnished by a so-called poverty lawyer is wrong in my opinion. If we wish to provide equal justice under the law, let us treat people equally. All citizens, rich and poor, should have the right to hire an attorney of their choice. Judicare is consistent with this right.

The difficulty here is that the amendment proposes a fundamental change that cannot be considered appropriately on the floor. It is with some regret that I must oppose the amendment and urge my colleagues to do likewise.

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

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

Mr. DENNIS. Mr. Chairman, I would like to associate myself with the remarks of my colleague, the gentleman from California (Mr. WIGGINS). I believe they make a great deal of sense.

I would like to add to the gentleman's remarks, and say that the reason we are faced with such an intolerable situation is the way the bill has been handled, with all due respect to everyone concerned. Here is a fundamental bill, and one that should have gone to the Committee on the Judiciary for consideration of judicare, and all these other matters, a committee of which the gentleman from California (Mr. WIGGINS) and I are members, and which is designed for the purpose of considering this type of legislation. Even if it did not go to that committee, the committee that handled it ought to have held hearings and considered these various alternatives. Instead, they bring this bill in here as a fait accompli and say "take it or leave it". You cannot accomplish anything as fundamental as this amendment by action here on the floor, it is true, but I hate to be talking against the concept which, actually, as the gentleman from California said, is the correct way to accomplish our objective.

Mr. STEIGER of Wisconsin. Mr. Chairman, if the gentleman will yield, I must say that I am somewhat amazed that people seem to have the idea that we sit around in a room somewhere and do not pay attention to alternatives such as the concept of judicare, for example. This is being used in Wisconsin, that is where it started out, and that is where it is being carried on. We are watching very, very closely what is happening to judicare. I might say that the average cost of a case is $93 in Wisconsin in contrast with the substantially lower figure in most of the staff attorney operations. Out in Washington Township, Calif., the average cost per case is $140. We have paid, I might say to the gentleman from California—and I can well understand his argument—we have paid very close attention to this other concept.

But I would concur with the gentleman that the amendment would be a serious mistake, and it would present a very fundamental problem.

As the gentleman from Illinois (Mr. ERLENBORN) has said, clearly it would break the bank of the program.

Mr. WILLIAM D. FORD. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

I will not take the full 5 minutes, but I would just like to point out to the Members a fatal defect in the amendment in that it would require payment of fees in accordance with the State or county bar fee schedules. I suppose we get busy down here and lose track of what is going on at home, but the court has determined that the so-called minimum fee schedules are illegal, and are in violation of the Federal antitrust laws. I have checked this out, and a Virginia court has declared in a litigated case that the minimum fee schedule is illegal, and is in violation of the antitrust laws.

The Justice Department, through Mr. Donald R. Baker, Director of Policy Planning, has made a special agency check as of February of this year in which he indicated it was the policy of the Justice Department to consider such fee schedules to be in violation of the Federal law.

Clief Clearwater, Special Assistant to the Attorney General for Antitrust, informs us that, when asked from around the country, that the Justice Department is now advising any bar association, State, local, or county, that they consider it a violation; that they believe that fee schedules are in violation of the antitrust law. And that is the present policy of the Justice Department.

I really do not feel that we ought to be legislating in the face of the Justice Department with all of the other problems they have at the moment.

Mr. CONLAN. Mr. Chairman, I move to strike the last sentence of the amendment, and substitute therefor that no compensation shall be paid other than those that are customarily set for such services in the community.

The CHAIRMAN. The Chair will state to the gentleman from Arizona that such a request would require unanimous consent.

Mr. CONLAN. If I may proceed for discussion purposes, and I will not ask for a rollcall vote——

The CHAIRMAN. The Chair will state that the gentleman from Arizona has previously spoken on the amendment. The gentleman may make a unanimous-consent request, but the gentleman may not proceed on any other subject without such a unanimous-consent request.

Mr. CONLAN. Mr. Chairman, I ask unanimous consent that I be permitted to modify my amendment.

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

Mr. WILLIAM D. FORD. Mr. Chairman, reserving the right to object, what specific amendment is the gentleman amending?

Mr. CONLAN. I am offering clarifying language to the amendment which the gentleman had pointed out quite correctly.

The CHAIRMAN. The Clerk will report the modification of the amendment.

The Clerk read as follows:

Strike out the last sentence of the amendment and insert the following: "Compensation shall be made in accordance with the customary fee for such services in the community."

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

Mr. WILLIAM D. FORD. Mr. Chairman, reserving the right to object, I do not want to object—I think we are ready to vote on this amendment—but I really do not think that the gentleman's amendment takes anything out of it. A rose by any other name is just as sweet. Whether you call it an agreed-upon fee schedule and it is out in the open, or whether you do it behind doors, the Justice Department has said you cannot have an agreed-upon fee schedule. The minute it is agreed-upon, or as is customary two lawyers get together and discuss it and set the amount, it is a violation of the antitrust law.

What we would be doing is inviting the lawyers to do that which the Department of Justice, supervising the bar associations, tells them not to do, and I do not think the gentleman's amendment is improved in any way. I will not object, but I think it is, if anything, worse.

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

There was no objection.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from Arizona as modified by the unanimous-consent request.

The Clerk read as follows:

Amendment offered by Mr. CONLAN: After "client." on line 13, page 25, insert a new subsection (e) to section 6:

"Nothing in this legislation shall be construed to deny eligible applicants for legal services the right to choose their own counsel. Recipients of legal services grants shall reimburse qualified attorneys who provide legal assistance to eligible clients pursuant to this section. Compensation shall be made in accordance with the customary fee for such services in the community.

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

Mr. Chairman, I should like to inquire of the distinguished members of the distinguished members of the committee handling legislation: Do I understand correctly that under section 7(g) and 7(h) some 10 percent of these funds are available for what are known as nonstaff activities and for payment to the private bar to handle the cases of poor people?

PARLIAMENTARY INQUIRY

Mr. COLLIER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COLLIER. Mr. Chairman, is not there an amendment to the amendment, to which no one has objected, pending before the House?

The CHAIRMAN. The original amendment as amended by unanimous consent is pending at the present time.

Mr. COLLIER. Mr. Chairman, is the gentleman addressing himself to an entirely different provision of the bill?

Mr. HUNGATE. The gentleman is discussing the issue of judicare which, if my ears have performed their services properly, has been mentioned frequently here.

Mr. COLLIER. Is the gentleman speaking to the amendment on the floor?

Mr. HUNGATE. I hope to be speaking on it. I am having trouble reaching it.

Would the gentleman please respond. Could all of the so-called nonstaff funds apply to judiciare funds? Could they be so used?

Mr. MEEDS. Will the gentleman yield?

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

Mr. MEEDS. I assume they could be, but I do not think they would be—all 10 percent of them, no.

Mr. HUNGATE. What is the experience on this legislation as it exists now?

Mr. MEEDS. There are a number of judicare test programs, and the gentleman from Wisconsin can tell us more about them because he has one in his State. There are a number of them which are being presently conducted under the present legal services programs. We have gotten from these cost analyses, and we have pretty much determined, so far at least, that in some instances judicare is probably the only thing that can really reach people because of the sparse population. But the cost runs at least four times as high as the other program.

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

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

Mr. STEIGER of Wisconsin. I know the gentleman from Missouri has a great interest in this. I will answer "yes" to the question he asked, all of the funds could go to that program. The gentleman will note in section (h) the committee recommended or adopted the language recommended by the administration that there should be not just a look at judicare, but at vouchers, the prepaid legal concept as well as judicare.

There are at least two major judicare programs now underway, one in northern Wisconsin and one in California, arranged by the Office of Economic Opportunity. In both cases, may I say to the gentleman from Missouri, the experience thus far has been that the cost is higher than the so-called staff attorney concept, and there has been less ability to fully implement the concerns of the client, that is to say, the time for appeals has been less, for example, and things like that. But clearly the experience is there and we are watching the experiments closely.

Mr. HUNGATE. I appreciate the gentleman's contribution, and share some of his views.

Let me ask one other question of the committee. It is my understanding the Board of Directors which approves grants would have to be divided politically, about six of one party and five of another.

Mr. MEEDS. That is, no more than six can be of one political party.

Mr. HUNGATE. Then six or more are to be attorneys?

Mr. MEEDS. Yes.

Mr. HUNGATE. When this money comes to the State council there is no requirement as to the political division?

Mr. MEEDS. The State board does not handle the money. The money will go directly to the client-oriented program. There is a requirement however that the majority of the members on that nine-member board be attorneys.

Mr. HUNGATE. But they could all be the same political party?

Mr. MEEDS. Yes.

Mr. HUNGATE. Where would the venue be for a suit against this District of Columbia corporation? Anywhere?

Mr. MEEDS. If it is incorporated under the District of Columbia statutes as a corporation in Washington, D.C., I assume it would be here.

Mr. HUNGATE. I thank the gentleman.

Mr. COLLIER. I rise in support of the amendment as amended, Mr. Chairman.

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

Mr. COLLIER. I yield to the gentleman from Arizona (Mr. CONLAN).

Mr. CONLAN. Mr. Chairman, I think there are a couple of things which need to be cleared up.

A statement was made that said section (g) of the bill on page 31 authorizes 10 percent of this fund to be used for judicare. There is no such wording in the bill. The report on page 13 thereof says:

Subsection (g) requires the corporation to spend ten percent of its money on non-staff-attorney programs, such as the combined

research and litigation work of the back-up centers.

This is precisely what that money was to be committed to. However, I do not want to prolong the debate but I appreciate what the gentleman from California said. What we have done in this whole critical area, what the subcommittee has done—and they are very fine people and very "moderate-conservative" types, including the gentleman from California (Mr. HAWKINS), the gentlewoman from Hawaii (Mrs. MINK), the gentlewoman from New York (Mrs. CHISHOLM), and the gentleman from Puerto Rico, and the gentleman from Missouri (Mr. CLAY)—there has been no discussion of alternative methods. They have worked hard on this bill, but what we are objecting to is there no alternatives were considered. That is what this provision is intended to do, that is to give the poor a chance to look at the program and look at judicare, and look at some other alternatives.

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

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

Mr. HAWKINS. Mr. Chairman, may I say this committee and the subcommittee as well as other committees have been conducting hearings into the subject of judicare. Also I think the gentleman from Wisconsin said studies are going on under the Office of Economic Opportunity. Also they are going on in at least two States, Wisconsin and California. We have tried to monitor those programs.

In addition no one on this side has given the impression that 10 percent would completely go to judicare. I think it was called to the attention of the gentleman that the committee and the administration recommended to us in section (h) on page 32 that the Corporation as directed is to conduct these studies and not only on judicare but also on alternative methods of delivering legal assistance.

I think we should probably more wisely wait for the results of the Wisconsin experiment and the California experiment and for the Corporation to report to us at a date which has been stated in the bill itself, and it has been stated that they shall report to the President and to the Congress on or before June 30, 1974. I think we are being very reasonable in trying to get reasonable methods and I submit this is the wiser way to do it and that we should not do it by a mandated program at the present time.

Mr. CONLAN. I thank the gentleman.

There is no provision for any authorization for expenditure and without that we cannot develop a test program.

Second, when somebody says this is a sky-is-the-limit type of thing, there is no such provision in the budget. This is no sky-is-the-limit situation.

Third, I just cannot understand why, if the workman can have freedom of choice of an attorney, why the poor cannot have freedom of choice of an attorney.

The CHAIRMAN. The question is on the amendment of the gentleman from Arizona (Mr. CONLAN) as modified.

The question was taken; and on a division (demanded by Mr. CONLAN) there were—ayes 22, noes 74.

So the amendment as modified, was rejected.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

GRANTS AND CONTRACTS

SEC. 7. (a) With respect to grants or contracts to provide legal assistance to eligible clients, the corporation shall in accordance with the Canons of Ethics and Code of Professional Responsibility of the American Bar Association—

(1) Insure the maintenance of the highest quality of service and professional standards, adherence to the preservation of attorney-clients relationships, and the protection of the integrity of the adversary process from any impairment in furnishing legal assistance to eligible clients;

(2) Establish, in consultation with the Director of the Office of Management and Budget, maximum income levels (taking into account family size and urban and rural differences) for those eligible for legal assistance under this Act (referred to in this Act as "eligible clients"); establish guidelines to insure that eligibility of clients will be determined by recipients on the basis of factors which include:

(A) the assets and income level of the client,

(B) the fixed debts, medical expenses and other factors which affect the client's ability to pay,

(C) the size of the client's family,

(D) the cost of living in the locality, and

(E) such other factors as relate to financial inability to afford legal assistance;

and establish priorities to insure that those least able to afford legal assistance are given preference in the furnishing of such assistance; except that no individual shall be eligible for the receipt of legal assistance if his lack of income results from his refusal, without good cause, to seek or accept employment commensurate with his health, age, education, and ability;

(3) Insure that grants are made and contracts are entered into so as to provide adequate legal assistance to persons in both urban and rural areas;

(4) Insure that attorneys, employed full time in legal assistance activities supported in whole or in part by the corporation, represent only eligible clients and refrain from any outside practice of law for compensation. Neither shall attorneys employed full time in legal assistance activities supported in whole or in part by the corporation engage in uncompensated outside practice of law except that deemed appropriate in guidelines promulgated by the corporation;

(5) Insure that no funds made available to recipients by the corporation shall be used at any time, directly or indirectly, to undertake to influence the passage or defeat of any legislation by the Congress of the United States, or by any State or local legislative bodies, except that personnel of any recipient may (A) testify or make other necessary representations (pursuant to guidelines promulgated by the corporation) in the course of providing legal assistance to an eligible client, or (B) testify when requested to do so by a legislative body, or a committee, or a member thereof;

(6) Insure that all attorneys, while engaged in legal assistance activities supported in whole or in part by the corporation, refrain from—

(A) any political activity; or

(B) any activity to provide voters or prospective voters with transportation to the polls or provide similar assistance in connection with an election (other than legal representation in civil or administrative proceedings); or

(C) any voter registration activity (other than legal representation);

and insure that attorneys receiving more than one-half of their annual professional income from legal assistance activities supported in whole or in part by the corporation refrain from the activities referred to in clauses (A), (B), and (C) while engaged in activities carried on by the corporation or by a recipient;

(7) Establish guidelines for consideration of possible appeals, to be implemented by each recipient to insure the efficient utilization of resources; except that such guidelines shall in no way interfere with the attorney's responsibilities;

(8) Insure that recipients solicit the recommendations of the organized bar in the community being served before filling staff attorney positions in any project funded pursuant to this Act and consideration be given in filling such positions to qualified persons who reside in the community to be served;

(9) Insure that all attorneys, while engaged in legal assistance activities supported in whole or in part by the corporation, refrain from the persistent incitement of litigation or any other activity prohibited by the Canons of Ethics and Code of Professional Responsibility of the American Bar Association.

(b) No funds made available by the corporation under this Act, either by grant or contract, may be used—

(1) To provide legal assistance with respect to any fee-generating case (except in accordance with guidelines promulgated by the corporation), to provide legal assistance with respect to any criminal proceeding or to provide legal assistance in civil actions to persons who have been convicted of a criminal charge where the civil action arises out of alleged acts or failures to act connected with the criminal conviction and is brought against an officer of the court or against a law enforcement official;

(2) For any of the political activities described in section (7)(a)(6);

(3) To award grants to or enter into contracts with any private law firm which expends 75 per centum or more of its resources and time litigating issues either in the broad interests of a majority of the public or in the collective interests of the poor, or both;

(4) To support or conduct training programs for the advocacy of, as distinguished from the dissemination of information about, particular public policies or which encourage political activities, labor or antilabor activities, boycotts, picketing, strikes, and demonstrations, except that this provision shall not be construed to prohibit the training of attorneys necessary to prepare them to provide adequate legal assistance to eligible clients;

(5) To organize, to assist to organize, or to encourage to organize, or plan for, the creation or formation of, or the structuring of, any organization, association, coalition, alliance, federation, confederation, or any similar entity, except for the provision of appropriate legal assistance in accordance with guidelines promulgated by the corporation;

(6) To provide legal assistance under this Act to any person under eighteen years of age without the written consent of one of such person's parents or guardians or any court of competent jurisdiction, except pursuant to criteria which the board shall prescribe for the purpose of providing adequate legal assistance for persons under eighteen years of age.

(c) In making grants or entering into contracts for legal assistance, the corporation shall insure that any recipient organized solely for the purpose of providing legal assistance to eligible clients is governed by a body a majority of which consists of lawyers who are members of the bar of a State in which the legal assistance is to be provided (except

pursuant to regulations issued by the corporation which allow a waiver of this requirement for recipients which because of the nature of the population they serve are unable to comply with such requirement); such lawyers shall not, while serving on such body, receive compensation from a recipient or from the corporation for any other service.

(d) The corporation shall monitor and evaluate programs supported in whole or in part under this Act to insure that the provisions of this Act and the bylaws of the corporation and applicable rules, regulations, and guidelines promulgated pursuant to this Act are carried out.

(e) Grants and contracts under this Act shall be made or entered into by the president in the name of the corporation, but the board shall review and approve any grant to or contract with a State or local government prior to such action by the president, and may by rule establish other classes of grants or contracts to be reviewed and approved by it prior to such action by the president.

(f) At least thirty days prior to the corporation's approval of any grant application or prior to entering into a contract, the corporation shall notify the Governor and the State bar association of the State in which the recipient will offer legal assistance. Notification shall include a reasonable description of the grant application or proposed contract and request their comments and recommendations.

(g) The corporation shall insure that no less than 10 per centum of the moneys it expends in any year shall go to activities which are non-staff-attorney oriented.

(h) The corporation shall conduct a study of alternative methods of delivery of legal assistance to eligible clients including judicare, vouchers, prepaid legal insurance, and contracts with law firms and shall make recommendations to the President and the Congress on or before June 30, 1974, concerning improvements, changes, or alternative methods for delivery of such systems.

Mr. HAWKINS (during the reading). Mr. Chairman, I ask unanimous consent that this section of 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 California?

There was no objection.

AMENDMENT OFFERED BY MR. PERKINS

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

The Clerk read as follows:

Amendment offered by Mr. PERKINS: On page 28, line 16, strike out "consideration be given" and insert in lieu thereof "give preference".

Mr. PERKINS. Mr. Chairman, this is the amendment that I stated in the full committee, that I would offer on the floor.

Whenever controversial legislation is presented to the House many Members offer amendments. There is no way to keep the House from working its will on any amendment on the floor.

Often, this legislation has been emotional in committee, and we have tried over a period of years to improve the legal services program. It has always been controversial and we have improved the program over the years.

However, today we are setting up a corporation separate and apart from the Office of Economic Opportunity to my way of thinking, and felt in committee when I offered the amendment that this legislation needed some balance by letting the local bar associations have some say-so, insofar as staff and personnel is concerned, to serve the poor.

Mr. Chairman, this amendment is designed to further insure the maintenance of the highest professional standards among the personnel of local legal services programs and bring these programs closer to the community by giving a hiring preference for those who have roots in the community, and know and care about its problems on the human and personal level.

We certainly do not intend to load legal services programs with second-class attorneys.

We should give the local attorneys an opportunity to participate in the program. It is that simple.

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

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

Mr. RAILSBACK. I commend the gentleman for his amendment. As I understand it, it gives preference to all the local people. So far as I am concerned, I have some people in my community working for this program who have done an excellent job, and I believe they should be given preference.

Mr. PERKINS. All the amendment does is give preference.

The recipient has the right to hire and fire. If qualified personnel are not recommended the recipients do not have to hire such personnel.

I cannot visualize any group of people anywhere who will do a better job than the local bar association in recommending staff attorneys for the local recipients.

This amendment will bring in the bar associations throughout this country. It will build up a good relationship between the bar and the Corporation, and give the highest type of service, in my judgment.

Mr. SMITH of New York. Mr. Chairman, will the gentleman yield?

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

Mr. SMITH of New York. I thank the gentleman for yielding.

Mr. Chairman, I rise in enthusiastic support of the gentleman's amendment. I believe a good deal of the problem with regard to giving legal service to the poor has arisen from the fact that at some times attorneys have been brought in from outside to serve as local counsel.

Mr. PERKINS. This would not prohibit attorneys from being brought in from the outside the local area, but it would certainly give preference to local attorneys recommended by the bar associations.

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in opposition to the amendment.

Members will notice that I walked down here very gingerly, because it is not pleasant under any circumstances to disagree with a man whom I admire as much as I admire the chairman of my committee, a man with whom I have been working since my first day in Congress.

Unfortunately, we are unable to agree on the import of what seems at first to be a very small amendment.

If I could, I should like to ask Members to look at the bill again. They will see on page 28 that the bill presently says:

Insure that recipients solicit the recommendations of the organized bar in the community being served before filling staff attorney positions in any project funded pursuant to this Act and consideration be given in filling such positions to qualified persons who reside in the community to be served;

It does not seem like much when the chairman suggests that we change the words "consideration be given" to "give preference" in filling such positions to qualified persons who reside in the community, but it is a very important change that could fundamentally change the whole concept of this program. What it says is not what the committee suggested. I fully believe we are right in saying the local bar should be consulted, such as, "Give us a list of lawyers that you think would make good poverty lawyers in this program."

Mr. Chairman, that is great. I might point out to you that the recipient we are talking about here is not somebody from Washington; the recipient is a group of local attorneys who get together—and you have to have a majority of the make-up of that board comprised of local attorneys—who get together, form a legal services program, and make an application to the corporation for money.

Now, who is it that we are telling them will get the preference? Who are we going to give this preferential list to? We are going to be giving the list to some of the same people who are doing the hiring, because the majority of the board which gets the money and does the hiring are already going to be local lawyers, and presumably active members of the local bar are going to be active members of this program.

But when we say instead that we are giving due consideration to local residents, that they will have preference, that means that we have got to hire every unemployed local lawyer, whether he has ever shown any interest in the special problems of poor people or not, before we can hire anyone else.

Mr. Chairman, there are parts of the country—and I can only think of my own experience in the State of Michigan—where it is not very likely that the unemployed lawyers who would be available, living in place, in the area where the program was going to take place, would be the best we could get for the salaries we are paying. And we would be replacing a staff of very young, energetic, committed lawyers who have run up a tremendous record in the courts of this country in the number of cases won. That, after all, is the best scorecard to look at.

Mr. Chairman, if this program was not working, these young lawyers would be losing the cases, but the fact is that they win 84 times out of every 100 times they

go to court, and that is a pretty good batting average for any law firm.

We would be making a fundamental change in the concept of what kind of committed young person we bring in temporarily.

These jobs are not intended to be permanent sinecures for lawyers. I do not conceive of this program as being a Federal patronage pot which will encourage young lawyers because of the level of payments of salaries.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. WILLIAM D. FORD) has expired.

(On request of Mr. PERKINS and by unanimous consent, Mr. WILLIAM D. FORD was allowed to proceed for 1 additional minute.)

Mr. PERKINS. Mr. Chairman, will the gentleman from Michigan yield to me?

Mr. WILLIAM D. FORD. Yes, I yield to the gentleman from Kentucky (Mr. PERKINS).

Mr. PERKINS. Mr. Chairman, let me state that I cannot visualize any bar association making recommendations that are based on political patronage. The bar associations are in my judgment, going to take this responsibility seriously and only recommend qualified attorneys who will provide high quality legal assistance to eligible clients.

Mr. WILLIAM D. FORD. No, the gentleman does not understand me correctly, because the control of the local program is already going to be in the local bar association. That is the agency which is going to be getting the money.

I am not a bit worried, Mr. Chairman, that my local bar association is going to control this. I was the president of a 250-member bar association when I was elected to Congress. I expect it will be one of the applicant groups. I hope they are going to get funded, and I do not have any worry about them hiring adequate personnel.

Mr. PERKINS. Mr. Chairman, it is my position that this should go toward building local responsibility in the community.

Mr. QUIE. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the amendment.

Mr. Chairman. I understand this amendment does not require the hiring of local attorneys who cannot do the job.

This amendment, as I understand it, is intended to give preference, as the amendment says, to qualified local attorneys and permit qualified local attorney to have the first chance at the job.

Mr. Chairman, I think that the poor will be served better if they are served by a local attorney who knows conditions in the area.

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

Mr. Chairman, I will not take the 5 minutes but I rise in support of the amendment offered by the gentleman from Kentucky, my distinguished chairman, and the same gentleman whom I so recently and so violently opposed a few hours ago on an earlier amendment.

I think this is a good amendment, however, but I think it is miscast. It is cast as an amendment which will staff legal aid programs not with old hacks but young hacks, if there is such a valid distinction. No old lawyers, but mostly younger lawyers are attracted to this kind of program. Older men of the law have established legal practices, but young lawyers are unemployed and, so, young lawyers—young hacks—will be attracted to the program.

I cannot imagine that sort of thing occurring in Kentucky or in Illinois or in any State of the Union. In any city of any size you can find young, dedicated, energetic, aggressive lawyers to pursue the cause of the poor, which is basically what the legal services program is supposed to accomplish.

Therefore, I do not think if this amendment were to be adopted, it would automatically cause unsympathetic, uninterested, hard-hearted lawyers to handle the cause of the poor who need a very sympathetic representation.

In fact, I think we can find good lawyers for the poor in our own towns, and if they have hiring preference, it seems to me that this is the better way.

One final thing, Mr. Chairman.

It occurs to me that we, in certain areas, are encouraged not to fear outside lawyers, because they allegedly come to us with the commitment and dedication and devotion and altruism to high causes so we need not worry about interim steps which may ruffle local feathers.

If that be the case and if that be what we must accept as part of a legal service program, why should we fear that the lawyers who grow up locally and who understand the people locally and who walk the local streets will be nothing more than legal hacks?

Why should we fear local people if we do not fear the outside people?

Mr. RAILSBACK. Will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman.

Mr. RAILSBACK. I want to commend the gentleman for his statement.

I found in my own particular community there was a great deal of resentment about a proposed legal services program. We had trouble even getting it off the ground. Once it did get off the ground there was a young man whose father happened to be a longtime respected practitioner in the community. That young man was given the job, and he performed as zealously as probably any lawyer ever performed anywhere in the country and did exactly what he could for his client, which was his responsibility.

I think those of us related with the community and with the fact that his father was so respected but particularly because he was not an outsider felt he was able to do things in my particular area that nobody else could have done.

I think it makes a great deal of sense to give some kind of preference.

Mr. MAZZOLI. I think the gentleman from Illinois made a very precise statement and hit the nail on the head.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky.

The amendment was agreed to.

AMENDMENT OFFERED BY MR. QUIE

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

The Clerk read as follows:

Amendment offered by Mr. QUIE: Page 25, lines 17 and 18, strike out "in accordance with the Canons of Ethics and Code of Professional responsibility of the American Bar Association".

Mr. QUIE. Mr. Chairman, it may seem odd to many in this body that one would move to strike out a reference to "the Canons of Ethics and Code of Professional Responsibility of the American Bar Association."

The reason for my amendment simply is that the reference in the lead sentence in section 7(a) is not appropriate and I am told that would create a needless ambiguity.

Section 7(a) deals with—among other things—prohibitions against lobbying and political activities by attorneys engaged in this program. These prohibitions are unequivocal and they are not intended to be modified by any consideration other than the explicit requirements of this act as determined by Congress. The reference to the canons and code here creates an ambiguity which is highly undesirable and suggests that the restrictions in the section may be modified by a private organization by changes in its suggested rules. The Congress should never yield legislative authority to a private organization.

Moreover, Mr. Chairman, there are two other references to the canons and code in this bill, at places appropriate to assure that the conduct of legal services attorneys, and the scope of their activities which are permitted under this act, is consistent with the Canons of Ethics and the Code of Professional Responsibility of the American Bar Association.

Accordingly I urge adoption of my amendment.

Mr. STEIGER of Wisconsin. Will the gentleman yield?

Mr. QUIE. I yield to the gentleman.

Mr. STEIGER of Wisconsin. I support the amendment of the gentleman from Minnesota (Mr. QUIE) because the language in section 7(a) is redundant and may cause confusion. Does the gentleman agree that section 6(a)(3) covers the various activities of the corporation?

Mr. QUIE. Yes, section 6(a)(3) states that the corporation shall not interfere with any attorney in carrying out his professional responsibility to his client.

I thank the gentleman from Wisconsin.

Mr. HAWKINS. Mr. Chairman, I move to strike the requisite number of words, and I wish to say that with the explanation given by the gentleman from Minnesota that I agree that the language could be considered redundant, and I agree to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. QUIE

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

The Clerk read as follows:

Amendment offered by Mr. QUIE: Page 26, beginning in line 16, strike out everything after "assistance" through line 20 and insert in lieu thereof: ", except that no individual, capable of gainful employment, shall be eligible for the receipt of legal assistance if his lack of income results from his refusal or unwillingness, without good cause, to seek or accept employment;".

Mr. QUIE. Mr. Chairman, this language prohibits the furnishing of legal assistance to the voluntary poor who freely choose that particular life style. There is a similar provision in the Economic Opportunity Act which was incorporated in the committee bill. However, it reads in terms of refusal to seek or accept employment commensurate with health, age, education, and ability, which seems to many of us to be extremely subjective criteria.

The language of the amendment relates to the originally introduced bill language, but adds the clause; "without good cause," which leaves it to the discretion of the Corporation to determine good cause. Even though it makes it less explicit, I feel it strengthens the hands of the Corporation to deal with the problem.

I shall just use one example of leaving in the word "education" as to a number of individuals who are highly educated, and who then are unemployed for a period of time, and that they should be required to accept employment, and not necessarily a job that requires a college degree.

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

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

Mr. DEVINE. Mr. Chairman, I thank the gentleman from Minnesota for yielding to me.

Mr. Chairman, in reading over the language of the amendment, you state "no individual, capable of gainful employment," and then you go on to say, "from his refusal or unwillingness, without good cause." By whose standards do you make this determination? Who judges who is unwilling, or who is capable?

Mr. QUIE. The Corporation will make that determination.

Mr. DEVINE. That is, the officer of the Corporation?

Mr. QUIE. That is correct. This is a limitation of language on the Corporation, and they shall then make the determination whether the individual is doing this on a voluntary basis, and he has to be willing to take work, and if he cannot, then it should be for good cause.

For instance, an individual may have a number of preschool children and, therefore, is unable to secure employment.

Mr. DEVINE. Mr. Chairman, if the gentleman will yield further, was there any particular reason why the gentleman struck out the language "commensurate with health, age, education, and ability"? Were not those the guidelines for the Corporation?

Mr. QUIE. Yes, but I did not feel they were the kind of guidelines that were necessarily valid, because a person should not be able to say that "I have an engineering degree; therefore, I cannot take that job," which would be involved with say construction for a period of time.

Mr. DEVINE. I thank the gentleman.

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

Mr. Chairman, I inquire of the author of the amendment, has this amendment ever been introduced in the Subcommittee on Education and Labor?

Mr. QUIE. Yes, it was, in the original bill I would say to the gentleman.

Mr. CONYERS. What happened to it?

Mr. QUIE. Without the clause. It was changed in the subcommittee.

Mr. CONYERS. Was it not defeated? I ask, was it not defeated?

Mr. QUIE. The amendment was adopted in the subcommittee as it appears in the bill.

Mr. CONYERS. How many more amendments does the gentleman have, if I could ask, since it is only 6:30 p.m., that we are going to get into before this bill is reported?

Mr. QUIE. I have six more amendments.

Mr. CONYERS. Six more amendments. How many have you offered all day long?

Mr. QUIE. There will be 11 in all.

Mr. CONYERS. Eleven in all. Have any of them ever been introduced in subcommittees?

Mr. QUIE. I put the amendments in the RECORD Tuesday so everybody could take a look at them.

Mr. CONYERS. That is not the question I am asking of the gentleman. I just thought that usually if one is on the committee that is handling the legislation, one brings the amendment up in the normal process, and I am just trying to find out if that happened.

Mr. QUIE. I have not introduced all of these in there.

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

Mr. CONYERS. No.

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

Mr. Chairman, may I ask the gentleman from Wisconsin whether under this amendment, as I understand from the amendment he is offering, it would be left up to the corporation to formulate guidelines, that the cooperation would determine those conditions under which good cause would be the basis on which an individual could refuse to accept employment. In doing so, and in striking the language "health, age, education, and ability," do I understand it is the gentleman's interpretation of the amendment that these factors could still be considered by the corporation in the setting of guidelines?

Mr. QUIE. The gentleman is correct.

Mr. HAWKINS. With that understanding, Mr. Chairman, I would urge that this amendment be adopted.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. QUIE

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

The Clerk read as follows:

Amendment offered by Mr. QUIE: Page 27, line 2, insert a semicolon after "law" and strike out everything that follows through line 6.

Mr. QUIE. Mr. Chairman, the committee bill would prohibit full-time attorneys in full or in part under the act to engage in the compensated outside practice of law, but would permit uncompensated outside practice as deemed appropriate by the Corporation. My amendment would prohibit all outside practice of law by full-time attorneys. My amendment does not seek to prohibit an attorney from performing such customary work as drawing a will for some of his own family. It would prohibit him from being involved in serving the public on the assumption that he is engaged full time in such work under this act, and that is where his full energy should be concentrated.

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, let us stop and think what we are doing here now. We have just passed an amendment that says that we can start hiring these local attorneys, and we will first hire from residents of the community until there are no more residents without a job, and then we will hire from whatever other sources we have. I presume they will be good citizens who belong to the local church, who belong to the local Rotary Club, who have children in the Boy Scout troops and Little League. In my own experience, I was called upon frequently, with no compensation, to incorporate Little League groups, to incorporate my Moose lodge for the purpose of building a building and acquiring a liquor license, and a variety of these things over a period of time.

If we are starting now to visualize the Legal Services lawyer as being this full local citizen we have been talking about, let us not have him subject to being fired if he prepares the articles of incorporation for a local Moose lodge to start building or apply for a mortgage, and that is the effect the amendment offered by the gentleman from Minnesota (Mr. QUIE) would have. If we agree none of these attorneys should be permitted to take penny 1 in compensation for legal services outside of their salary paid them for working for the Legal Services Corporation, I fully agree, but if they want to work without compensation for a whole variety of the kinds of things lawyers are always called upon to do particularly in the smaller communities, it seems unreasonable to cripple them in

this regard. I doubt very much if the lawyer for a particular church or lodge would say, "I am here and I could do it for free but you have to go uptown and hire somebody because even though I am a member of the lodge or the church the fellows in Washington say I will be fired from my job if I do it for you." I do not think given the present status of the bill that the Quie amendment should be adopted at this time.

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

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

Mr. QUIE. As the language presently reads it would require the Corporation to make the determination with appropriate guidelines as to the extent to which he could be involved in outside practice of the law uncompensated, but it is my feeling the community should not be looking at this lawyer as a man being paid by the Federal Government working for the poor in his on-duty hours and then be used for other purposes in the community. If he has time to practice law he ought to be devoting it to the poor.

Mr. WILLIAM D. FORD. I think if he takes 5 cents he ought to be fired but not if he does not accept compensation.

Mr. CONYERS. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Minnesota (Mr. QUIE).

This amendment is another example of what happens when nonlawyers start trying to tell the rest of the legal profession in this country what they ought to be doing. Everybody who has practiced law or has had association with lawyers knows perfectly well they are called upon to perform innumerable public services and it would be seriously misconstrued in their communities if they were to refuse them under the ambiguous mandate of this amendment. So substantively the amendment does not make sense.

But, Mr. Chairman, procedurally where was the gentleman on the committee when the subcommittee held hearings on the bill? Where was the gentleman when the full committee debated the bill? And why are we continuing to have a raft of amendments hour after hour on legislation that has been in the full committee for months?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE).

The question was taken; and on a division (demanded by Mr. QUIE) there were—ayes 47, noes 43.

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

A recorded vote was refused.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. QUIE

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

The Clerk read as follows:

Amendment offered by Mr. QUIE: Page 27, strike out lines 7 through 16 and insert in lieu thereof:

"(5) Insure that no funds made available to recipients by the corporation shall be used at any time, directly or indirectly, to undertake to influence any executive order or similar promulgation of any Federal, State, or local agency, or to undertake to influence the passage or defeat of legislation by the Congress of the United States, or by any State or local legislative bodies, except that the personnel of any recipient may (A) testify or make a statement when formally requested to do so by a governmental agency, or by a legislative body or a committee or member thereof, or (B) in the course of providing legal assistance to an eligible client (pursuant to guicelines promulgated by the corporation) make representations necessary to such assistance with respect to any executive order or similar promulgation and testify or make other necessary representations to a local governmental entity;".

Mr. QUIE. Mr. Chairman, this is the amendment that is necessary following the one that was adopted on page 25, in subsection 4, where we deleted from that subsection executive orders or similar enactments or promulgations. It fits better in this subsection 5 on page 27.

What this amendment will do, then, is to require that in lobbying before the Congress or a State legislature or any legislative body in regard to any Executive order or similar promulgation, first, that there is an exception that if they must be formally requested to do so by the governmental agency or by the legislative body or a committee or member thereof, they can then come and testify. This conforms with the way the legislation is in the bill.

However, the other exception, where the legal services attorney may give legal assistance to his client, he is permitted to do so in regard to any Executive order or similar promulgation, Federal, State or local. He may also represent an eligible client with legal assistance before any local governmental entity, because it seems to me the local governmental entity is probably both legislative and administrative, and to the extent that they are administrative, at least the client should have an opportunity to be represented by an attorney. That is the way many nonpoor approach a local governmental entity if they have problems, say with zoning, or some housing code problem, or something of that nature.

The controversy, in talking to my colleagues, as I see it, is the question of whether we should prohibit the legal services attorney from making representations before the State legislature or not. I do prohibit him, unless he is asked to by the State legislature or a committee of the State legislature or a member.

It is my feeling that legislators themselves are available to constituents, and therefore the poor people are no different than the other individuals, nonpoor, who usually do not secure an attorney to represent them before the legislature, but if they have a view on a piece of legislation, they express themselves by letters, phone calls, telegrams, visiting their legislator, seeing him at home when he comes home on the weekend.

Therefore, I believe it puts this in the fairest possible way and prohibits what we consider unreasonable lobbying but does not in any way prohibit a poor person, an eligible client, from securing legal assistance from the attorney in any case when he is directly affected, such as by any Executive order or promulgation or by the local government agency.

Mr. GERALD R. FORD. Mr. Chairman, will the gentleman yield?

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

Mr. GERALD R. FORD. I believe the gentleman from Minnesota is precisely right. An individual has a right to petition to a legislative body, but there is no essential requirement, no constitutional right, that the Government provide him legal counsel to carry out that right of petition to a legislative body.

I concur in the effort being made to provide legal counsel for those less fortunate in the ordinary and general legal sense. I do not believe there is a right of any kind that the Federal Government has to provide legal counsel for the submission of a person's view to a legislative body. The right of petition is guaranteed but there is no requirement that legal council be provided by the Government.

I support the gentleman's amendment.

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

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

Mr. RANGEL. While not getting into the question of constitutional rights, does the gentleman find anything immoral in poor people receiving legal guidance in preparing their case and/or take their grievances to those who have been elected to serve them?

Mr. QUIE. If I understand the question correctly, I believe the answer would be "no." I believe everybody ought to have the right to make a presentation himself to an elected official.

Mr. RANGEL. I do not believe the gentleman understood my question.

Mr. QUIE. Perhaps I did not.

Mr. RANGEL. I believe we have to accept as a fact that many poor people in this country are unable to articulate their views to an elected official, as the gentleman and I would wish. Notwithstanding what has been said by the distinguished minority leader as to whether it is constitutional, would the gentleman not believe that if we ask the poor to petition lawfully and legally, when it is possible for them to get counsel, we should assist in bringing that type of counsel to them?

Mr. QUIE. The prohibition here is for the legal services attorneys to go and make representation to the legislature without being requested to do so by them. That is where I feel the poor do not have any more right than anyone else, for that purpose.

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

Mr. Chairman, I rise in opposition to the amendment because it requires that a person can only testify at formal invitation by the Federal or State legislature.

The principle of equal justice under law demands that we recognize that the proper function of an attorney in our

complex industrial society is not and cannot be limited to activity in the courts.

Like it or not, government at all levels—Federal, State, and local—has a very real impact on the lives of all Americans.

Our system is founded on the principle that the Government must be responsive to the governed.

The work of this Congress, and every other legislative body in the Nation, is much more effective because it is based on solid information provided by those whom our work affects.

Indeed, we have encouraged this principle by allowing corporations to deduct their lobbyist's salaries and expenses from corporate income taxes.

No Member of this Congress can deny that a poor person is as much entitled to have his views made known on any given piece of legislation or regulation as any other citizen.

And in some areas, whether it is a municipal council considering a landlord-tenant ordinance or a new housing code, or a State legislature considering a consumer credit statute or changes in wage garnishment proceedings, or this Congress considering amendments to medicare or day-care legislation, the poor have a greater reason for having their views known than many other citizens.

It must be emphasized that this legislative advocacy activity of the legal services lawyer consists solely of the delivery of information.

Neither the legal services lawyer nor his client is given a vote in any legislative body by this legislation.

To place greater restrictions on this activity than those already contained in the bill is to deny to poor citizens their constitutional right to be heard, and to deny to Members of this Congress and every other legislative body the opportunity to have the information necessary to write effective laws.

I do not propose that legal services attornies spend all their time providing information to legislative bodies, and they have not done so.

Indeed, a recent evaluation of the legal services program by the general accounting office concluded that the program's lawyers devoted too much time to the everyday divorce and landlord-tenant cases, and neglected the opportunity to nip future cases in the bud by informing legislatures of their clients' problems.

Regardless of how much time is devoted to it, we should not deny to the poor an entirely appropriate and justified form of legal assistance.

LEGISLATIVE ADVOCACY EXAMPLES

I ask that this amendment be defeated.

Mr. Chairman, I want to give some examples of what this Quie amendment would do. It would preclude some of the advocacy in legislation that is needed particularily in a landlord-tenant area. Here are some examples:

Clients came into a legal services office who had been retaliated against by eviction, rent increases, and other means, for complaining to the housing inspection agency about housing code violations in their homes.

Since these clients had no retaliation under the State law, the attorneys went to the Massachusetts State legislature and successfully worked for a statute prohibiting landlords from evicting or otherwise changing the terms of a lease because a tenant had reported housing code violations.

That is one example. Here is another:

A tenant who had been evicted for withholding rent challenged his eviction in court on the grounds that he had a right to withhold because of housing code violations. The case was appealed through the courts, and the State supreme court held that as a tenant-at-sufferance rather than at-will he had no right to withhold rent. The client had automatically become a tenant-at-sufferance when the building he lived in was sold.

Therefore, having been denied redress in the courts, attorneys took the case to the State legislature and successfully advocated a bill providing that a tenant-at-will does not lose his status when the property is transferred.

Mr. Chairman, I could read five or six more actual cases where this type of work was made possible. But would very likely not be possible under the Quie amendment.

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

(By unanimous consent, Mr. BELL was allowed to proceed for 2 additional minutes.)

Mr. BELL. Mr. Chairman, there are many other cases where clients have been protected by the right of the attorney to go before State legislatures, but by the amendment offered by the gentleman from Minnesota (Mr. QUIE), by requiring formal invitations to testify, we would in many cases, in effect, be precluding the possibility of an attorney properly protecting his client under the law as we know it, and in the way under which our democratic form of government has survived.

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

Mr. Chairman, I rise in opposition to this amendment.

Of all the amendments which have been considered this afternoon, the amendment offered by the gentleman from Minnesota (Mr. QUIE) strikes at one of the very fundamental purposes of the Legal Services program. I can think of an example in my own case, where a lawyer who worked for the Legal Services program contacted me about a very difficult problem which was faced by local housing tenants, who were being evicted as the result of a Federal project being placed near an airport.

Under a bill which was then being considered by one of the committees of this House, the Relocation Assistance Act, there were various items being considered which provided some relief for the owners of property and the owners of businesses under such relocation circumstances, but no consideration was being given to the tenants of housing projects as the one under my particular jurisdiction.

Such a lawyer, if the Quie amendment were adopted, by the mere fact of having written to a Member of Congress seeking assistance and seeking to influence the passage of legislation, would have jeopardized the entire legal services program and required the corporation, if one had existed at that time, to turn down all of the funds of the entire legal services program in my State because one attorney seeking to represent the clients sought to contact me to see if there was some way through the legislative mechanism to help these people also to be considered in terms of relocation payments, because they were the very occupants being dismissed and discharged from occupying this particular Federal property.

So it seems to me when we say no funds can be spent whatever by a recipient grantee where an effort is being made by the attorneys in question to represent these clients and to do the best possible job attorneys are charged to do by their professional ethics, then I think you destroy the whole concept of what the legal services program is.

They ought to be given the same rights as any ordinary citizen in this society to petition for themselves and certainly to petition for their clients to seek that kind of redress from the legislature.

We are always talking about law and order. Let them go through the orderly process.

Here by an amendment we are saying to them you are going to be denied the opportunity to seek legislative redress in the Congress of the United States. The only way they can ever make a representation is if I somehow, by some clairvoyance, had instinctively realized what their problem was and wrote to them and said "I request you, Mr. Attorney, to provide me this information."

To place this kind of straitjacket on the program and to deny the attorneys the right to really effectively represent their clients will destroy one of the most meaningful ways in which we can establish a proper program for the poor in our community.

Mr. Chairman, I ask this House to vote down the amendment offered by the gentleman from Minnesota.

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

Mr. Chairman, I will not use the entire 5 minutes, but I feel that this amendment would do great harm really to legal services.

I have to realize there have been some abuses unquestionably of legislative advocacy. On the other hand, I am told by some of the Members from the State of Ohio, some of the legislators there have written them and expressed the feeling that there have been some fine efforts performed by legal services counsel acting as legislative advocates on behalf of their clients. I have one particular example that comes to mind that I

think really best reflects my concern for the Quie amendment. This was one case that occurred in the State of New Jersey. It involved the New Jersey legal services program.

This was a case involving child custody. The New Jersey statute required that the mother pay a filing fee before such an action could be commenced. This particular woman did not have any money. There was a statutory requirement, however. The trial court refused to waive it, and the appellate court upheld the trial court.

The only redress to this client's problem, which was a problem for hundreds if not thousands of parents who were seeking court determination of whether they are entitled to custody of their children, was to seek a change in the State law. The Legal Services lawyers representing this woman proceeded to consult with members of the State legislature concerning this problem, assisting in developing remedial legislation, and now after adopting this law the State of New Jersey provides for the waiver of filing fees in indigent cases.

It seems to me, Mr. Chairman, this is just one example of many examples that could be cited in justifying the fact that there ought to be in representing a client some form of legislative advocacy, and I hope we defeat the amendment.

Mr. MEEDS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I am indeed surprised that the gentleman from Minnesota (Mr. QUIE) has offered the amendment. The gentleman from Minnesota, it seems to me, has pretty much been following the White House line in the amendments the gentleman has offered today. But on May 11, 1973, when the President submitted this legislation to the House the President said and noted the important objective that lawyers in the program have full freedom to protect the best interests of their clients in keeping with the Canons of Ethics.

Mr. Chairman, I submit that the adoption of this amendment would invoke violations of the code of professional responsibility. I have the code of professional responsibility and the code of judicial conduct in my hand, and I read from section 8–1, which requires that:

Changes in human affairs and imperfections in human institutions make necessary constant efforts to maintain and improve our legal system. This system should function in a manner that commands public respect and fosters the use of legal remedies to achieve redress of grievances. By reason of education and experience, lawyers are especially qualified to recognize deficiencies in the legal system and to initiate corrective measures therein. Thus they should participate in proposing and supporting legislation and programs to improve the system.

Ethical Consideration 8–2 states:

If a lawyer believed that the existence or absence of a rule of law, substantive or procedural, causes or contributes to an unjust result, he should endeavor by lawful means to obtain appropriate changes in the law. He should encourage the simplification of laws and the repeal or amendment of laws that are outmoded. Likewise, legal procedures should be improved whenever experience indicates a change is needed.

Mr. Chairman, we asked specifically of the people who worked on the drafting of this Code of Professional Responsibility, one being a gentleman from the University of Texas, that if we were to effectively prohibit this kind of legislative advocacy, if that would not in effect require a breach of the Code of Professional Responsibility, and the gentleman said that it would.

So when the gentleman from Minnesota proposes an amendment which effectively stops legal advocacy, the gentleman is in effect asking every young or old lawyer who becomes a member of a legal service program to violate the Code of Professional Responsibility.

I do not believe, Mr. Chairman, that the House would want to do that.

Mr. DELLENBACK. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment offered by the gentleman from Minnesota (Mr. QUIE).

Mr. Chairman, I will not take my full 5 minutes. I merely wish to go on record as indicating that I think the adoption of this amendment would be a serious mistake. The need for the type of advocacy that is here called for is well known to many of us who have served in this Congress, or in State legislative bodies, and the desirability of this kind of advocacy is recognized by the amendment offered by my very good friend and colleague, the gentleman from Minnesota (Mr. QUIE) because the gentleman himself in his proposed amendment asks to make it in order in appearances before local governmental entities. I would point out to the Members of the House that if this is proper and oftentimes desirable, as it is, that need, priority and desirability do not stop with local entities.

Mr. Chairman, this is an amendment which ought not to be adopted, and should be defeated.

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

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

Mr. BELL. Mr. Chairman, I would ask the gentleman from Oregon are we not saying that when we deprive a legal services attorney of this ability, then are we not saying to our citizens, in effect, "We want to hear from corporations, whose lobbying we encourage with tax deductions, and we enjoy hearing from organized labor, and we appreciate hearing the views of those citizens who are well educated and sufficiently literate to write articulate letters; but we have no interest in learning of the problems or views of those citizens who may be poorly educated, and who in any event are too poor to listen to."

Mr. DELLENBACK. I am not sure I go as far as my colleague in saying that. I do agree with the conclusion that it would be unwise to adopt this amendment.

Mr. QUIE. The gentleman from California gives a false impression of the amendment, because if the State legislature enjoys hearing so much from the Legal Services Corporation attorneys, they can ask them. The bill provides that they can ask them; the legislatures can ask them; the committee can ask them; the Members can ask them. The question is, Are the poor, then, incapable of expressing themselves and do they have to have an attorney?

I have talked to poor people all over my district, and elsewhere. Most people are not that inarticulate. I have pride in them. I sat down in meetings with them. They told me they work with food stamps and direct distribution better than any attorney could, because they have had the experience with it. I think that is really the question here—whether an attorney feels he has to represent the poor all of the time, or whether the poor can express themselves. I think they can express themselves adequately before a legislative body.

Mr. DELLENBACK. Mr. Chairman, I agree that my colleague from Minnesota, who obviously feels very strongly on this matter, has in his own amendment provided that there should be representation before certain types of governmental bodies. I do not see any logical distinction between that and what is in the bill before us. It is a different level of body, but it is the same type of advocacy that he, himself, advocates.

Lastly, I would point out that in the bill as it appears there are adequate safeguards to be sure that the type of representation would not be irresponsible.

The amendment should be defeated.

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

Mr. Chairman, unfortunately, I am not an attorney; I am a Texas weather forecaster. But there is something I feel we have not gotten down to, really; that is the brass tacks of what we are trying to do. If I understand this amendment—and the author may correct me if I am wrong—the primary purpose of it is to prevent lobbying.

Mr. QUIE. The gentleman is correct, to prevent legislative advocacy, not to prevent administrative advocacy. The gentleman is absolutely correct.

Mr. MILFORD. The thing that I am interested in, and that I believe my constituents are interested in—in getting this bill passed—is to provide legal services to those who are unable to afford those legal services. I have a feeling that if we took every dollar that we are going to be able to get out of the Committee on Appropriations and started trying to help those who—without a doubt—need help; where there is no question of their eligibility, their need; then we could not even begin to scratch the surface. So why quibble around about some legal services attorney's rights to go before a legislative body? What I am interested in trying to get done in this bill is to see that the poor woman with children who is trying to find an absconded husband can get some help, or the poor woman with children who is being evicted from their house unfairly can get help. If we take care of those cases, those that without question need help, it is going to require more money than we are ever going to be able to appropriate in this bill.

I support the Quie amendment. I would like it clearly understood that I am for legal services program designed to assist in providing financial support for legal assistance in noncriminal matters to persons financially unable to afford that type of assistance.

The committee bill without amendment does not address itself to providing assistance to the poor. As a matter of fact, this bill does not protect the rights of the people it is supposed to help.

As every Member in this Chamber knows, there are more poor people with legal problems than the amount of money, authorized here, could ever help.

In other words, if we simply address ourselves to those individuals where there is no question of inability to pay, there is not enough money authorized in this bill to help them.

Therefore, all of these fancy arguments about where to draw the line on legal services attorney lobbying is ridiculous. The answer is simple—we should not lobby at all. Every dollar spent on his lobby activity is a dollar denied to the poor.

I am going to vote against this bill if it does not guarantee that its primary effort will be toward the poor. There are loopholes in this bill that will allow Legal Services to go on exactly as they have in the past. This amendment removes one of them.

I think every citizen in Dallas and Tarrant counties, Tex., are aware of the mess that we have had under the OEO legal services program.

Poor citizens in both counties have not been significantly helped in the past and they will not be helped in the future because this bill has no guarantee that the poor will be considered first.

I want to see a bill that will help the poor black mother fight illegal evictions—not one that will fight for the technical rights of an underground newspaper editor, who could pay his own bill.

The first effort of a Legal Services bill should be directed toward helping the divorced and unemployed mother who is trying to collect child-support payments from absconded fathers rather than spending the money to fight for the right of a high school kid that does not want to get a haircut.

In both Dallas and Tarrant Counties, we saw thousands of Legal Service dollars spent on school bus trials, while hundreds of poor families were shuttled from pillar to post because they could not obtain basic legal rights that would have allowed them to eat or have shelter.

Some lawyers have severely abused the legal services program. Their primary efforts were not to help the poor in day-to-day legal problems, but were directed toward making a name for themselves through challenging the various laws and through lobbying.

Please do not get me wrong. I am not against challenging unfair or unconstitutional laws. Any bad laws should be banished from the books. Neither am I in favor of writing bad laws. And the law we are trying to write today is a bad one. This amendment improves it significantly.

Our taxpayers are saddled with enough. I will not vote for a spending bill until I am sure that it will do what it is supposed to do.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. MILFORD. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. Mr. Chairman, one of the most patronizing things which I have heard this evening is that somehow all poor are inarticulate and, therefore, they must have a spokesman. I have seen some of the best educated, wealthiest people in the world who are far less articulate than are some of the poorest people in terms of financial dollars.

Second, as far as I am concerned here in the House, when people come to see me in Portland or in D.C., I would much rather talk to a constituent in my district who represents honestly and sincerely his views on a piece of legislation, be he rich or poor, than I would a lobbyist, a person hired to represent the views supposedly of some large group.

I think the gentleman in the well (Mr. MILFORD) has stated the case exactly right, and as I tried to do on a previous amendment. Are we passing legislation for help for the poor, as legal aid for the poor, or are we going to provide Federal funds for lobbying for a particular type of legislation, presenting a particular viewpoint?

It does not seem to me that the Federal funds ought to be spent for that purpose, so I join my colleague, the gentleman in the well, in support of the amendment offered by the gentleman from Minnesota. I think it is a good amendment and I think it ought to be passed.

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

Mr. Chairman, I rise to support the current Quie amendment which probably could properly be designated as the anti-lobbying amendment. I do so because I think it clarifies subsection 5 that appears on page 27 of the bill. It removes all doubt.

The gentleman from Wisconsin (Mr. STEIGER) earlier in the debate this afternoon made reference to a quotation from the Vice President of the United States, and in order to have that portion of his remarks not taken out of context I would like to quote for the RECORD, and as part of the legislative history, the position of Vice President AGNEW in an article that appeared in the American Bar Association Journal in September 1972, because this goes right to the very problem that the amendment offered by the gentleman is addressed.

Let me quote this excerpt from the Vice President's article:

> Because the program is not clearly defined, some visualize it as a program for social action, while others see it as a modern federally funded legal aid program. This ambiguity has been well documented. As a result, the legal services program has gone way beyond the idea of a governmentally funded program to make legal remedies available to the indigent and now expends much of its resources on efforts to change the law on behalf of one social class—the poor.
>
> We are not discussing merely reforming the law to rectify old injustices or correcting the law where it has been allowed to be weighted against the poor. We are dealing, in large part, with a systematic effort to redistribute societal advantages and disadvantages, penalties and rewards, rights and resources. As one distinguished commentator on the legal services program has stated: "This is not simply related to politics; it is politics."

The Vice President continues:

> To the extent that this is true, what we have is the Federal Government funding a program designed to effectuate major political changes. What we may be on the way to creating is a federally funded system manned by ideological vigilantes, who owe their allegiance not to a client, not to the citizens of a particular State or locality and not to the elected representatives of the people, but only to a concept of social reform.

Mr. Chairman, I urge adoption of the Quie amendment.

Mr. STEIGER of Wisconsin. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, it might not be quite so bad if this were just the antilobbying amendment. I suspect all of us might be able to agree that if we provide we should not have the legal services lawyers becoming lobbyists as I understand that word based on my experience in Wisconsin, and have to pay a fee, and spend extraordinary amounts of time with the legislature when it is in session. I think to legitimatize that kind of operation would not be appropriate, but I think this goes much further than that. For that reason, I believe the amendment ought not to be adopted.

I am somewhat perplexed by the logic of a proposal which acknowledges that legislative advocacy is a useful and productive activity at the local level, but is somehow inappropriate at the State and Federal level.

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

Mr. STEIGER of Wisconsin. I yield to the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, the problem at the local level is that local governments often have administrative responsibilities such as a city council, county commissioners, and if we are going to permit administrative advocacy, then we have to permit the local government to be included.

However, we have a clear demarcation between administrative responsibility and legislative responsibility as it exists on the State and Federal level. That is the only place where we have separate branches of Government, where there is a differentiation.

Mr. STEIGER of Wisconsin. Unfortunately, there are a number of cases in which city councils have legislative authority. That is a part of the job. I recognize it gets a little unclear, but I still fail to understand the basis on which we make this relatively hard determination that somehow an eligible client can be represented fully at the local level, but cannot be represented fully at the State or Federal level.

The gentleman from Texas, who preceded me in the well, talked about the problems of child custody. I would ask you to recall the example of the kind of work a legal services program has done in New Jersey, as recounted by the gentleman from Illinois (Mr. RAILSBACK).

That kind of case and that concept can be duplicated across this country. This amendment, in effect, says that a person cannot do it. It says, "If you are formally requested, you may testify." But, it says, "If you write a letter, if you contact a State legislator as an attorney on behalf of a client, somehow that is wrong."

That is the reason I think the gentleman from Minnesota's amendment is mischievous.

Let me talk a little bit about a situation in Wisconsin.

When the reservation status of the Menominee Tribe was terminated, Menominee Enterprise bonds were issued to the enrolled membership in return for the tribal lands. These bonds, redeemable in the year 2000, were subject to seizure by the State upon an individual's application for public assistance.

Although the bonds could not be marketed for a quarter century, to the Menominee, they represented a vested cultural interest in traditional lands and the hoped for success of their experiment in private enterprise. However, because of the seizure provision in the law, the poor and the disadvantaged—who ceded their tribal lands in exchange for the bonds—were faced with a cruel choice: allow the bonds to be attached, or forgo needed assistance in order to retain this link to their tribal heritage.

Fortunately, a legal services attorney, making necessary representations on behalf of an eligible client, was able to convince a legislator to introduce a corrective measure. Approval of this legislation has allowed the Menominee Tribe to preserve the integrity of their tribal bonds.

It would, I think, be a most callous act on the part of this body to say that the needs of a client could be brought before a city council, but not before the Congress of the United States. Are we to adopt the attitude, "Don't call us, we'll call you"?

Mr. Chairman, I am not willing to say that we should isolate ourselves from any individual whose problems, whether they be social legislation, veterans benefits, relocation or education, might be a matter of concern to this body. No one who has dealt with high pressured lobbyists has anything to fear from a single attorney representing a client in the legal services program. On the contrary, there is little if anything he can use aside from the simple powers of information, education and persuasion.

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

(At the request of Mr. BELL and by unanimous consent, Mr. STEIGER of Wisconsin was allowed to proceed for 1 additional minute.)

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

Mr. STEIGER of Wisconsin. I yield to gentleman from California (Mr. BELL).

Mr. BELL. Mr. Chairman, is it not true that so many of the problems involved at the local level such as county and city level, are perhaps even more so at State and Federal level?

Mr. STEIGER of Wisconsin. Yes, I think that is true.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 200, noes 181, not voting 52, as follows:

[Roll No. 256]

AYES—200

Abdnor	Giaimo	Powell, Ohio
Addabbo	Ginn	Price, Tex.
Andrews, N.C.	Goldwater	Quie
Andrews, N. Dak.	Goodling	Randall
Annunzio	Green, Oreg.	Rhodes
Archer	Gross	Rinaldo
Arends	Grover	Roberts
Armstrong	Gubser	Robinson, Va.
Bafalis	Gunter	Rogers
Baker	Guyer	Roncallo, N.Y.
Beard	Haley	Rousselot
Bennett	Hanrahan	Runnels
Bevill	Harsha	Ruth
Biaggi	Harvey	Sarasin
Blackburn	Hastings	Satterfield
Bowen	Hays	Saylor
Brinkley	Heckler, Mass.	Scherle
Brotzman	Henderson	Schneebeli
Brown, Mich.	Hogan	Sebelius
Brown, Ohio	Holt	Shipley
Broyhill, N.C.	Hosmer	Shoup
Broyhill, Va.	Huber	Shriver
Buchanan	Hungate	Shuster
Burgener	Hunt	Sikes
Burke, Fla.	Hutchinson	Skubitz
Burleson, Tex.	Jarman	Slack
Butler	Johnson, Colo.	Snyder
Camp	Johnson, Pa.	Spence
Carter	Jones, Ala.	Stanton, J. William
Casey, Tex.	Jones, N.C.	Steiger, Ariz.
Cederberg	Jones, Tenn.	Stratton
Chappell	Keating	Stubblefield
Clancy	Kemp	Stuckey
Clark	Ketchum	Sullivan
Clausen, Don H.	Kuykendall	Symms
Cleveland	Landgrebe	Talcott
Cochran	Latta	Taylor, Mo.
Collier	Litton	Taylor, N.C.
Collins, Tex.	Long, Md.	Teague, Calif.
Conlan	Lott	Thone
Crane	McCollister	Towell, Nev.
Daniel, Dan	McEwen	Treen
Daniel, Robert W., Jr.	Madigan	Ullman
Davis, Ga.	Mahon	Vander Jagt
Davis, Wis.	Mailliard	Veysey
de la Garza	Mallary	Vigorito
Delaney	Mann	Waggonner
Dennis	Maraziti	Walsh
Derwinski	Martin, Nebr.	Wampler
Devine	Martin, N.C.	Ware
Dickinson	Mayne	White
Downing	Mazzoli	Whitten
Dulski	Michel	Wiggins
Duncan	Milford	Williams
du Pont	Miller	Wilson, Bob
Edwards, Ala.	Mitchell, N.Y.	Winn
Flowers	Mizell	Wolff
Flynt	Montgomery	Wydler
Ford, Gerald R.	Moorhead, Calif.	Wylie
Fountain	Myers	Wyman
Frelinghuysen	Nelsen	Young, Alaska
Frey	Nichols	Young, Fla.
Froehlich	Parris	Young, Ill.
Fulton	Perkins	Young, S.C.
Fuqua	Pettis	Zion
Gettys	Pickle	Zwach
	Pike	
	Poage	

NOES—181

Abzug	Fraser	Owens
Adams	Frenzel	Passman
Alexander	Gaydos	Patten
Anderson, Calif.	Gibbons	Peyser
Anderson, Ill.	Gilman	Podell
Ashley	Grasso	Preyer
Aspin	Gray	Price, Ill.
Barrett	Green, Pa.	Pritchard
Bell	Gude	Railsback
Bergland	Hamilton	Rangel
Biester	Hanley	Rees
Bingham	Hanna	Regula
Boggs	Hansen, Idaho	Reuss
Boland	Hansen, Wash.	Robison, N.Y.
Bolling	Harrington	Rodino
Brademas	Hawkins	Roe
Brasco	Hechler, W. Va.	Roncalio, Wyo.
Breckinridge	Heinz	Rose
Brooks	Helstoski	Rosenthal
Brown, Calif.	Hicks	Rostenkowski
Burke, Calif.	Holifield	Roush
Burke, Mass.	Holtzman	Roy
Burlison, Mo.	Horton	Roybal
Burton	Howard	Ruppe
Carney, Ohio	Johnson, Calif.	Ryan
Chisholm	Jones, Okla.	St Germain
Clay	Jordan	Sarbanes
Cohen	Karth	Schroeder
Collins, Ill.	Kastenmeier	Seiberling
Conable	Kluczynski	Sisk
Conte	Koch	Smith, Iowa
Conyers	Kyros	Smith, N.Y.
Corman	Long, La.	Staggers
Cotter	McClory	Stanton, James V.
Coughlin	McCloskey	Stark
Culver	McCormack	Steed
Daniels, Dominick V.	McDade	Steele
Dellenback	McFall	Steelman
Dellums	McKay	Steiger, Wis.
Denholm	McSpadden	Stokes
Dent	Macdonald	Studds
Diggs	Madden	Symington
Dingell	Matsunaga	Teague, Tex.
Donohue	Meeds	Thornton
Drinan	Melcher	Tiernan
Eckhardt	Mezvinsky	Udall
Edwards, Calif.	Minish	Van Deerlin
Eilberg	Mink	Vanik
Erlenborn	Mitchell, Md.	Whalen
Esch	Moakley	Wilson, Charles H., Calif.
Eshleman	Mollohan	Wilson, Charles, Tex.
Evans, Colo.	Moorhead, Pa.	Wright
Evins, Tenn.	Morgan	Wyatt
Fascell	Mosher	Yates
Findley	Moss	Yatron
Fish	Murphy, Ill.	Young, Ga.
Flood	Natcher	Young, Tex.
Foley	Nedzi	Zablocki
Ford, William D.	Nix	
Forsythe	Obey	
	O'Brien	
	O'Hara	
	O'Neill	

NOT VOTING—52

Ashbrook	Hébert	Patman
Badillo	Hillis	Pepper
Blatnik	Hinshaw	Quillen
Bray	Hudnut	Rarick
Breaux	Ichord	Reid
Broomfield	Kazen	Riegle
Byron	King	Rooney, N.Y.
Carey, N.Y.	Landrum	Rooney, Pa.
Chamberlain	Leggett	Sandman
Clawson, Del	Lehman	Stephens
Cronin	Lent	Thompson, N.J.
Danielson	Lujan	Thomson, Wis.
Davis, S.C.	McKinney	Waldie
Dorn	Mathias, Calif.	Whitehurst
Fisher	Mathis, Ga.	Widnall
Gonzalez	Metcalfe	
Griffiths	Mills, Ark.	
Hammer-schmidt	Minshall, Ohio	
	Murphy, N.Y.	

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. QUIE

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

The Clerk read as follows:

Amendment offered by Mr. QUIE: Page 28, strike out lines 3 through 8 and insert in lieu thereof: "and insure that attorneys receiving more than one-half of their annual professional income from legal assistance ac-

tivities supported in whole or in part by the corporation refrain at any time during the period for which such compensation is received from the activities described in clauses (B) and (C) and from taking an active part in partisan or nonpartisan political management or in partisan or nonpartisan political campaigns".

Mr. QUIE. Mr. Chairman, this amendment restricts the Legal Services attorney's involvement in political activities. The committee bill would have permitted attorneys employed essentially full time in the program to engage, on their own time, in political activities such as providing voters with transportation to the polls in—the reference in clause (B) in the amendment—voter registration drives—clause (C)—and "any political activity"—clause (A), page 27, line 20. The amendment preserves these rights for part-time employees—those receiving less than one-half their annual professional income from the program—but forbids the activities set forth in clauses (B) and (C) at any time during the course of their employment.

However, I feel that you could not prohibit "any political activity"—which could include even voting—to a full-time employee in his time off the job. Accordingly, the prohibition adopts the mode of the Hatch Act, except that it is applied to both partisan and nonpartisan activities, and forbids "taking an active part in political management or political campaigns." This, together with the other amendments previously described, would take this program out of politics.

Let me recount. The person who receives more than half of his compensation from Legal Services Corporation as a project attorney could not be even in his off time involved in voter registration drives, or transporting voters to the polls, and he could not take an active part in political management or political campaigns, whether partisan or nonpartisan. The reason for adding nonpartisan is, as in many States—I know especially in the State of Minnesota—mayor races, county commissioner races, and so forth, are not partisan elections and do not carry a party label.

I urge the adoption of my amendment.

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

Mr. Chairman, I shall not take the full 5 minutes before we vote on what I call the political eunuch amendment. I believe the amendment to be unconstitutional, because I think it takes away rights of these people which are rights guaranteed by the Constitution and which they do not give up because they become Legal Service attorneys.

I also would point out, Mr. Chairman, that there may be a good equal protection clause question here, because if one earns 51 percent of his income from Legal Services, then he is stripped of all of these political rights, but if he earns only 49 percent, then he has all these political rights. I cannot understand why the distinction should be made between part-time and full-time Legal Service attorneys, but in any event this goes far beyond the Hatch Act, Mr. Chairman, which we all know is under attack right now and probably will be held unconstitutional. This goes far beyond that.

There is not much question in my mind, at least, that it is, as I stated here, unconstitutional.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE).

The question was taken; and on a division (demanded by Mr. QUIE) there were—ayes 62, noes 64.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 207, noes 171, not voting 55, as follows:

[Roll No. 257]

AYES—207

Abdnor	Fuqua	Price, Tex.
Alexander	Gettys	Quie
Andrews, N. Dak.	Gilman	Randall
Annunzio	Goldwater	Regula
Archer	Goodling	Rhodes
Arends	Green, Oreg.	Roberts
Armstrong	Gross	Robinson, Va.
Bafalis	Gubser	Robison, N.Y.
Baker	Gunter	Rogers
Beard	Guyer	Roncallo, N.Y.
Bell	Haley	Rousselot
Bennett	Hanrahan	Runnels
Bevill	Hansen, Idaho	Ruppe
Blackburn	Harsha	Ruth
Bowen	Hastings	Sarasin
Brinkley	Hays	Satterfield
Brooks	Heinz	Saylor
Brotzman	Henderson	Scherle
Brown, Mich.	Hogan	Schneebeli
Brown, Ohio	Holt	Sebelius
Broyhill, N.C.	Horton	Shipley
Broyhill, Va.	Hosmer	Shoup
Buchanan	Huber	Shriver
Burgener	Hunt	Shuster
Burke, Fla.	Hutchinson	Sikes
Burleson, Tex.	Ichord	Skubitz
Butler	Jarman	Smith, N.Y.
Byron	Johnson, Colo.	Snyder
Camp	Johnson, Pa.	Spence
Carter	Jones, N.C.	Stanton, J. William
Casey, Tex.	Jones, Tenn.	Steele
Cederberg	Kastenmeier	Steelman
Chappell	Keating	Steiger, Ariz.
Clancy	Kemp	Steiger, Wis.
Clark	Ketchum	Stubblefield
Cleveland	Kuykendall	Stuckey
Cochran	Landgrebe	Symington
Collier	Latta	Symms
Collins, Tex.	Litton	Talcott
Conable	Long, Md.	Taylor, Mo.
Conlan	Lott	Taylor, N.C.
Coughlin	McCollister	Teague, Calif.
Crane	McEwen	Thone
Daniel, Dan	Madigan	Towell, Nev.
Daniel, Robert W., Jr.	Mahon	Treen
Davis, Ga.	Mailliard	Veysey
Davis, Wis.	Mallary	Vigorito
de la Garza	Mann	Waggonner
Dellenback	Maraziti	Walsh
Dennis	Martin, Nebr.	Wampler
Derwinski	Martin, N.C.	Ware
Devine	Mayne	White
Dickinson	Mazzoli	Whitten
Downing	Michel	Wiggins
Dulski	Milford	Williams
Duncan	Miller	Wilson, Bob
du Pont	Mitchell, N.Y.	Wilson, Charles H., Calif.
Edwards, Ala.	Mizell	Winn
Eshleman	Montgomery	Wydler
Evins, Tenn.	Moorhead, Calif.	Wylie
Findley	Myers	Wyman
Fish	Nelsen	Young, Alaska
Flowers	Nichols	Young, Fla.
Flynt	O'Brien	Young, Ill.
Ford, Gerald R.	Parris	Young, S.C.
Forsythe	Perkins	Young, Tex.
Frelinghuysen	Pettis	Zion
Frey	Peyser	Zwach
Froehlich	Poage	
	Powell, Ohio	

NOES—171

Abzug	Giaimo	O'Neill
Adams	Gibbons	Owens
Addabbo	Ginn	Passman
Anderson, Calif.	Grasso	Patten
Anderson, Ill.	Gray	Pepper
Andrews, N.C.	Green, Pa.	Pickle
Ashley	Grover	Pike
Aspin	Gude	Podell
Barrett	Hamilton	Preyer
Bergland	Hanley	Price, Ill.
Biaggi	Hansen, Wash.	Pritchard
Biester	Harrington	Railsback
Boggs	Hawkins	Rangel
Boland	Hechler, W. Va.	Rees
Bolling	Heckler, Mass.	Reuss
Brademas	Helstoski	Rinaldo
Brasco	Hicks	Rodino
Breckinridge	Holifield	Roe
Brown, Calif.	Holtzman	Rose
Burke, Calif.	Howard	Rosenthal
Burke, Mass.	Hungate	Rostenkowski
Burlison, Mo.	Jones, Ala.	Roush
Burton	Jones, Okla.	Roy
Carney, Ohio	Jordan	Roybal
Chisholm	Karth	Ryan
Clay	Kluczynski	St Germain
Cohen	Koch	Sarbanes
Collins, Ill.	Kyros	Schroeder
Conte	Lehman	Seiberling
Conyers	Long, La.	Sisk
Corman	McClory	Slack
Cotter	McCloskey	Smith, Iowa
Culver	McCormack	Staggers
Daniels, Dominick V.	McDade	Stanton, James V.
Delaney	McFall	Stark
Dellums	McKay	Steed
Denholm	McSpadden	Stokes
Dent	Macdonald	Stratton
Diggs	Madden	Studds
Dingell	Matsunaga	Sullivan
Donohue	Meeds	Teague, Tex.
Drinan	Melcher	Thornton
Eckhardt	Mezvinsky	Tiernan
Edwards, Calif.	Minish	Udall
Eilberg	Mink	Ullman
Esch	Mitchell, Md.	Van Deerlin
Evans, Colo.	Moakley	Vanik
Fascell	Mollohan	Whalen
Flood	Moorhead, Pa.	Wilson, Charles, Tex.
Foley	Morgan	Wolff
Ford, William D.	Mosher	Wright
Fountain	Moss	Wyatt
Fraser	Murphy, Ill.	Yates
Frenzel	Murphy, N.Y.	Yatron
Fulton	Natcher	Young, Ga.
Gaydos	Nedzi	Zablocki
	Nix	
	Obey	
	O'Hara	

NOT VOTING—55

Ashbrook	Griffiths	Metcalfe
Badillo	Hammer-schmidt	Mills, Ark.
Bingham	Hanna	Minshall, Ohio
Blatnik	Harvey	Patman
Bray	Hébert	Quillen
Breaux	Hillis	Rarick
Broomfield	Hinshaw	Reid
Carey, N.Y.	Hudnut	Riegle
Chamberlain	Johnson, Calif.	Roncalio, Wyo.
Clausen, Don H.	Kazen	Rooney, N.Y.
Clawson, Del	King	Rooney, Pa.
Cronin	Landrum	Sandman
Danielson	Leggett	Stephens
Davis, S.C.	Lent	Thompson, N.J.
Dorn	Lujan	Thomson, Wis.
Erlenborn	McKinney	Vander Jagt
Fisher	Mathias, Calif.	Waldie
Gonzalez	Mathis, Ga.	Whitehurst
		Widnall

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. QUIE

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

The Clerk read as follows:

Amendment offered by Mr. QUIE: Page 29, line 15, strike out "75" and insert in lieu thereof "50".

Mr. QUIE. Mr. Chairman, this section 7(b)(3) is intended to prohibit grants to or contracts with so-called "public interest law firms" which are defined in

the committee bill as those which expend 75 percent or more of their resources and time litigating issues either in the broad interests of a majority of the public or in the collective interests of the poor, or both. The amendment changes the 75 percent to 50 percent, thus making it more difficult for such firms to qualify. The basic assumption is that these firms already are adequately financed by foundation and other private funds, and that such funding ought not be replaced by the limited resources available under this act.

Mr. MEEDS. Mr. Chairman, I move to strike the last word and rise in opposition to the amendment. I shall not take 5 minutes.

I would just like to point out that this amendment, it seems to me, works in exactly the reverse of what we would want it to do. It says in effect that the more a public interest law firm represents the poor, the more apt it is to be cut out from this act.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. QUIE

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

The Clerk read as follows:

Amendment offered by Mr. QUIE: Page 30, line 19, strike out "a majority" and insert in lieu thereof "at least two-thirds".

Mr. QUIE. Mr. Chairman, the committee bill—as did the introduced bill—required that the Corporation insure that "any recipient organized solely for the purpose of providing legal assistance to eligible clients is governed by a body a majority of which consists of lawyers who are members of the bar of a State in which the legal assistance is to be provided . . ." The amendment would raise a majority to "at least two-thirds". The purpose is to make even more certain that the program is tied closely to the legal profession. A simple majority of lawyers fit better in the context of services run by community action agencies, with all the attendant requirements for representing various interests. This program is meant to move away from that mode and to be firmly imbedded in our system of justice. It should, therefore, have a greater degree of professional direction.

Mr. MEEDS. Mr. Chairman, I move to strike out the last word and rise in opposition to the amendment.

Mr. Chairman, the gentleman from Minnesota has evidently become even more apprehensive than he was when he sponsored this legislation initially, because the legislation which he and others sponsored provided precisely what the committee bill provides right now, 50 percent or a majority attorneys. The gentleman from Minnesota has been a member of this committee for a long time, and I recall very, very well how he advocated strongly in the early days of the OEO program maximum feasible participation, and he said: One-third, one-third, and one-third.

Now he is the one who is sponsoring an amendment to require two-thirds attorneys. This means that the client community will have only one-third representation. I would think at least one-half attorneys or a majority, as the bill provides, would control the matter.

I do not think we have to go to two-thirds, and for that reason I oppose the amendment.

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

Mr. Chairman, I listened carefully to the explanation of my colleague from Minnesota, and I am a little bit perplexed by this. The committee reported bill provided that at least a majority had to be lawyers. Now we are changing that to say at least two-thirds have to be attorneys. Are we to indicate by that it is the intent of the gentleman from Minnesota to have 100 percent be lawyers?

Mr. QUIE. Will the gentleman yield?

Mr. STEIGER of Wisconsin. Of course.

Mr. QUIE. Of course, as the language is now at least 100 percent is a majority, so the question of whether they have 100 percent or not is in both versions. I require, however, that it shall be not less than two-thirds. You cannot say exactly two-thirds. You might have to split one body in two, and that is why you have to give a little flexibility to it. But this assures two-thirds are attorneys.

I say to the gentleman I introduced the administration bill the way they sent it up, because I felt they had a right to have it introduced that way, but I am bothered by the fact that we have so little direction in the selection of the board of local recipients. After trying in every possible way, I do not see how we can write specifically how they will be selected. The only way I can be certain is that lawyers who have gone through law school and are in the local area and have to be responsive to the citizens will use the best judgment as members of that board. I was concerned, if one of them was absent, they would not have a majority on the board.

Mr. STEIGER of Wisconsin. May I raise one other question with the gentleman from Minnesota not directly related to this amendment but on the same subject. One of the provisions in the bill is that which says that the Governor of the State and the State bar association shall be notified 30 days in advance prior to awarding of the grant or contract. Will the gentleman from Minnesota agree with me that one of the provisions that ought to be a part of any grant application which would then be available to the Governor and the State bar is the membership of a local board be 50 percent or two-thirds?

Mr. QUIE. I would say to the gentleman that is what I would expect to happen in talking to the people in the administration who worked on it, and that is what they would expect as well.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE).

The question was taken; and on a division (demanded by Mr. QUIE) there were—ayes 88, noes 70.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. PODELL

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

The Clerk read as follows:

Amendment offered by Mr. PODELL: Page 30, line 12, after "court of competent jurisdiction," strike out the remainder of the paragraph and insert the following: "except where such person under the age of eighteen is the victim of child abuse, involved in a 'Persons in Need of Supervision' (PINS) proceeding, or similar proceeding the subject of a custody proceeding after the termination of a marriage in divorce, or in such other circumstances as the board shall prescribe for the purpose of providing adequate legal assistance for persons under eighteen years of age."

Mr. PODELL. Mr. Chairman, while in most respects the legislation before us goes a long way to meeting the needs of the poor for adequate legal representation, I feel that this amendment is necessary if we are to do a complete job.

The children of the poor are often the ones most abused by the law. This is not limited to criminal action, where there is already a system of court-appointed attorneys and public defenders to meet the needs of the accused. There is, however, a severe gap in certain other areas of the law which affect minors, most notably in child abuse cases and in PINS—persons in need of supervision—cases.

We have all heard of how abused children are taken away from their battering parents, only to be returned a short time later to face continuing beatings and perhaps even death. Who looks after the interests of these children? The courts can do nothing until criminal proceedings are brought against the parents, and often such proceedings are never brought because nobody wants to become involved enough to be a witness in such a case. Doctors and social workers merely treat the battered child. Nobody really looks out for his welfare.

Would it not make sense to provide a system whereby, whenever a battered child is reported and removed from his parents' custody, that child could be provided with an attorney to protect his interests? In that case, when a decision is being made as to whether or not to return the child home, that child could have an attorney to act in his behalf, to insure that there will be no decisions made which are not in the best interests of the child.

Another area in which there is a crying need for legal representation for minors is in the PINS—person in need of supervision—cases.

Under existing PINS laws, minors may be incarcerated if their parents complain that they are "ungovernable." Very often, and in New York State especially, these laws are used as a disciplinary measure when the parents cannot, or more often, will not control their children themselves. It is used as a threat, as a punishment.

The true ugliness of PINS laws lies in the fact that a child or tennager may be taken into custody—jailed, in fact—without ever having committed any greater crime than coming in late or hanging out with companions that the parent dislikes. As a result, youngsters who are innocent of any criminal activity are incarcerated with other youngsters who already have criminal records. These children languish in jails, or in youth homes which might as well be jails, where the only thing they can learn is how to really become criminals.

Judge Margaret A. Haywood of the District of Columbia Superior Court ruled on Monday that the District of Columbia PINS law was unconstitutionally vague because it permits children to be locked up for "no crime, no violent act, under a statute which fails to give fair warning of what noncriminal behavior is," to use her words. Hopefully, Judge Haywood's learned decision will be only the first of any such overturning PINS laws across the Nation. But until there are no more such laws on the books—laws, which if applied to an adult, would be immediately struck down as violative of every principle of due process of law—we should make sure that the children involved in such proceedings can make themselves heard.

Amending this bill would provide such protection only to the minor children of families who qualify for legal services. We all know that such problems are not limited to the poor. But we do have to start somewhere to safeguard the rights of this Nation's children, and by starting here, we can set the standard for providing legal representation to all children in the country when they are placed in such circumstances.

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

Mr. Chairman, I believe that anyone who has any feelings at all toward young people certainly would go along with the amendment offered by the gentleman from New York (Mr. PODELL) and I assured the gentleman from New York, in considering the amendment, that we would accept the amendment on this side.

SUBSTITUTE AMENDMENT OFFERED BY MRS. GREEN OF OREGON

Mrs. GREEN of Oregon. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Substitute amendment offered by Mrs. GREEN of Oregon: Page 30, delete the word "consent" in line 10 and substitute therefor the word "request"; and delete all after the word "jurisdiction" in line 12 of subsection (6) through line 15, and replace the comma following the word "jurisdiction" with a period.

Mrs. GREEN of Oregon. Mr. Chairman, I appreciate the amendment that is offered by my colleague, the gentleman from New York (Mr. PODELL). The reason that I offer this amendment as a substitute is that I think we have done some very bad things as far as congressional policy is concerned in breaking down the American family unit.

Let me just cite two or three, because of the time. I think it is very bad for us, as a matter of national policy, to pay children who are 14, 15, and 16 years of age, through OEO, higher wages than their father receives. The child goes home and is led to believe that his father is no good. I think that this helps destroy families instead of strengthening them.

I think we have been unwise when we have financed gangs such as the Black Panthers in Chicago, and on the lower east side of New York. The net effect has been to require that youngsters join a gang in order to obtain funds—funds that they so desperately needed. In order to get a job or money, the child has to join a gang. Many times the parents have advised the child not to join the gangs in order to obtain jobs. But I submit as a Federal policy we have said that unless you join the gang you do not get a job, and you do not get paid. What does that do to the family structure?

I feel the same way about the provision that is in the bill here. I have great respect for what my friend says, but we do have a juvenile court system in this country, and the juvenile courts throughout the United States are for the protection of youngsters who are under 18 years of age.

In my district, legal aid officers have gone out, had business size cards printed and they have stood at entrances to high schools. On these cards is written a message to the effect, "If you get in trouble, we will defend you. Come and see us."

I think this invites youngsters in the teenage years, which are troublesome years anyhow, to defy parental discipline. I think it invites them to defy the discipline of the school. I think it is just bad policy.

The amendment I am offering here would substitute for the word "consent," "request." In other words, a legal aid officer would not go up and put pressure on a family, but the parents would have to request in writing that the legal aid officer represent their child if that child is under 18 years of age.

My amendment also would strike out the sum of the total words that Mr. PODELL strikes out, on lines 12, 13, 14; and 15. In other words, a legal aid officer could not represent a child under 18 years of age under any circumstances, but the bill says:

Except pursuant to criteria which the board shall prescribe for the purpose of providing adequate legal assistance for persons under eighteen years of age.

I would simply strike that out. There would be no special provisions, some cases where they could do it. So, if a child under 18 years of age is not protected by the juvenile court, or the parents think that he is not, and the parents request legal aid to represent their child, then fine, let us have legal aid go in and do it. But let us not have legal aid people inviting youngsters to have differences with their parents or with the schools, as would be allowed under this language.

That, Mr. Chairman, is precisely the purpose of my amendment.

Mr. PODELL. Mr. Chairman, will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from New York.

Mr. PODELL. Does the gentlewoman feel that in questions of child abuse the parent will request aid for a child? Does the gentlewoman feel in questions of proceeding where a person is in need of supervision, where a child is on the streets primarily because that child is homeless and without parents, or has run away, that that parent is going to request legal aid for that child, or aid by way of legal services for that child? Or, further, where a child is the unwitting participant of a hassle between two parents, shoved back and forth, each one claiming the jurisdiction over the child, is not the child entitled to some guidance and some advice of counsel? Is there anything so terribly wrong with that? If there is, I should like to know.

Mrs. GREEN of Oregon. The gentleman will notice that in the provision in the bill, which I leave in, it is upon the written consent of one of such child's parents, which might take care of a lot of cases, or a guardian, or any court of competent jurisdiction.

In my district, in my State, this is why the juvenile courts are set up, and I personally have more confidence in the juvenile court system in my city and my State than I do in the legal aid officers.

Mr. PODELL. The problems the gentlewoman alluded to are not criminal actions, because for criminal actions we do know that there is counsel that is afforded to the youngsters. We are now talking about citizens where there is no criminal action, where the child walks the streets of New York City, for example.

The CHAIRMAN. The time of the gentlewoman has expired.

(By unanimous consent (at the request of Mr. PODELL) Mrs. GREEN of Oregon was allowed to proceed for 1 additional minute.)

Mr. PODELL. Will the gentlewoman yield?

Mrs. GREEN of Oregon. I yield to the gentleman from New York.

Mr. PODELL. The child is walking the streets; the child is accosted by a policeman; she says, "I have no home; I have run away from home." That child is taken to a youth house or an institution in which there are hardened criminals. The child is not entitled to any legal counsel because the child cannot be convicted of any crime. The child cannot get her parent to request counsel because the parents, perhaps, lives in a different State, or the child has run away. Should that child be denied counsel?

Mrs. GREEN of Oregon. I suggest that under the juvenile court system any child in that circumstance can go to a detention home or can go to the juvenile court and seek help. They can go right now just as well as they can go to the legal aid officer. The question is, Do we have more confidence in the juvenile court system which has been established over a long period of time to protect juveniles under 18; a court of competent jurisdiction can also do it—or do we have more confidence in the legal aid group that maybe has a front store office? It

seems to me that as far as my observations are concerned, we will protect the child under the present circumstances under the juvenile court system and eliminate the abuses which we have at the present time with the legal aid when they are actually inviting disputes between children and their parents.

Mr. WILLIAM D. FORD. Mr. Chairman, I rise in opposition to the substitute amendment for the amendment.

Mr. Chairman, if the real world and real life were as the gentlewoman from Oregon has observed and not as many of us who practice law or who have served on the bench have observed it, then I would not be too concerned with the effect of her amendment.

While the gentlewoman misspoke herself a moment ago and said under the language she would leave in the bill it would require the written consent of the parent, that is not quite correct. If changed by her amendment it would require the written request of the parents before any legal advice could be given. And it may be precisely because of the conduct of the parents that the advice is needed.

At a time when throughout the United States the State legislatures and even this Congress, both here in the House and in the Senate have committees examining the phenomena surrounding child abuse, for example, we are going to be asked to think that in this century children are always protected by the people who occupy the relationship to them of parents and that there is some kind of presumption that a parent who beats or attempts to kill his child is a temporary or sort of occasional happening and that it is not a real problem in the society of this country. It is a very real phenomenon and a real problem.

The gentlewoman says if children need help let them go to court. Let me tell you what happens. There may be a drunken father off some place and the mother off doing something and the child is in an automobile accident. There is nobody even to consent to a surgical operation. Do the Members know what kind of position the doctor is in?

It means somebody will have to get to a lawyer who will find, for instance, in my State of Michigan a probate judge and he will get the judge to consent to the operation because the child being under the disability of being under 18 years of age cannot consent even to an operation that is short of an absolute total emergency.

Take the case of the young girl who brings a proceeding in my State for support of a child born out of wedlock. Is it too hard to believe that parents of a broken home are not going to be anxious to assist her in all cases with this kind of situation? We frequently see where the parent says, "She is a bum, let her go on her own." If we feel because a girl is 18 years and 2 months old that she can walk into the office and we should provide assistance, but if she is 17 years and 11½ months old we cannot provide for her. Is it because somehow we want to punish the young people more than people over 18 years of age? If so, then I suppose we should vote for this.

But the effect of the substitute amendment for the amendment will be to prevent the Corporation from writing any kind of rules and regulations that would permit representation of children under 18.

We should understand what the committee bill as amended by the gentleman would do. He speaks of specific types of situations where the child is already under the jurisdiction of the court. As he said, we do not have to worry about a child who has committed a crime.

The gentlewoman from Oregon (Mrs. GREEN) talks about passing out cards at a high school. That happened 4 years ago in her district. She complained about it and the situation was corrected. We have heard that story many times in the committee. The matter was taken care of. We all know the lawyer who passed out that card should have been disbarred for that. As a matter of fact the program was directed to make him stop and as far as we know nobody has ever repeated this any place in the country since that time 4 years ago.

But even more than that if in fact they were soliciting kids to come to them when they got into trouble with the law, they were wasting their time.

Because we have had a prohibition in this law ever since its beginning against legal services lawyers representing anybody regardless of their age in criminal proceedings. We do not provide under this act for legal services to anyone charged with a crime. As Mr. PODELL has indicated, it is not the kind of problem that this bill addresses itself to, because, pursuant to court decisions, if a child of 15, 16, or 17 goes out and steals a car, he is now by virtue of the decisions of the court entitled to counsel provided at public expense, but not under this bill.

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

Mr. Chairman, I rise in support of the amendment offered by Mrs. GREEN because what she is trying to do is close one of the flagrant loopholes in this bill, one that was opened up in committee after being blocked in the original bill.

The Members heard the discussion earlier. I showed them from the National Clearing House Review case after case where the lawyers have gone into the juvenile community to open up conflict between parent and child, between parent and school. This is one of the glaring loopholes in the bill. I commend the gentlewoman from Oregon for her discernment.

The amendment of the gentleman from New York is very skillfully drawn to confuse us. As the gentleman from Michigan has alluded to the area of the battered child syndrome, Mrs. GREEN completely demolished that by reference to the county attorney's role. But it is his wording after that which again opens up the loophole. Mrs. GREEN leaves the bill in a good condition with her amendments, and the battered child is protected in the juvenile courts and county attorney's offices. I commend her for it.

It does not open up the loophole which the Podell amendment would. I support the Green amendment.

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

Mr. Chairman, I hesitate in taking the time of this House because I know the hour is late and Members are anxious to vote on the final passage of this legislation, but I think that the amendment which is offered by my colleague, the gentlewoman from Oregon (Mrs. GREEN) is one on that I cannot really in good conscience remain silent and ask the House to simply consider, based upon the arguments that have already been made.

If we accept the amendment of the gentlewoman from Oregon, we are saying to the young people of this country 15, 16, and 17 years old, that they are not entitled to the protection of the law; they are not entitled to be treated as human beings; they are not entitled to get the kind of legal representation which they ought to have.

We agree that in most circumstances the written consent of the parents and guardians and a court of competent jurisdiction would be satisfactory, but in reviewing this whole matter, there were a number of situations, which were brought to the attention of the committee, which would not be adequately served by simply calling for the consent of the parents or guardians or the court.

We recognized that there were many other areas, such as child abuse and neglect, and expectant mother situations, or problems in school or problems with drugs or vagrancy or other difficult situations where a child cannot be expected to volunteer himself or herself up to a court of competent jurisdiction and say, "Help me." What we need to say to these young people is that because they are alienated from our society and they are alienated because they are poor and come from desperate circumstances, that here is a program which can help them.

The legal services programs are placed in these communities. These youth identify with these offices. To deny them the right to even go there and seek counsel, to ask these lawyers to take them to a court of competent jurisdiction which can give them representation and service, I think is a grave mistake. These young people are, I think, entitled to every consideration of the law.

I believe that the provisions written into the bill by the committee take due accord and recognition of parental control and parental decision with respect to minors.

There are many cases of child neglect, of child abuse, of delinquency, of child custody cases in which the parents are separated, and cases in which the child is dismissed from school and has no alternative, where parents refuse to intervene. Here is where we have an opportunity for a legal service counselor to intervene and to save this youngster from becoming a runaway delinquent in our community.

I can think of many cases in my own experience, where young 15-year-old girls have come to seek my advice, who have been pregnant 3 or 4 months and are afraid to reveal this information to their mothers and fathers.

It is impossible to expect a child to go home to get written consent to go to seek

a lawyer's advice with respect to a paternity proceeding or any other kind of assistance, which every other human being in our society is entitled to receive.

I ask the Members of the House today to regard these young people as equal to us. Perhaps we cannot envision poor people being a part of us, since we are accustomed to our own affluent condition. Let us try to remember that this legislation is designed for the poor in our society, for poor young people who do not have that kind of attitude that our own youngsters have with regard to courts of competent jurisdiction.

To deny them this precious right to justice which we say our country is all about I believe would be a grave mistake, and indeed it would create further alienation and stir resentment and lack of appreciation for what our country is all about for the young people in whom we are trying so desperately to nurture regard for our country, regard for law and order, and regard for our institutions.

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

Mr. Chairman, I yield to the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. I thank the gentleman from Iowa very much.

I seek this time, Mr. Chairman, and I am sorry to be imposing upon the House at this hour, because the gentleman from New York (Mr. PODELL) and I have talked about a possible compromise which would take care of the problems he outlines and I believe would take care of the problems I outline. It would be on that basis, Mr. Chairman, that I would hope I could have unanimous consent to offer an amendment to the amendment or a substitute, if the Chair would advise me which would be in order at this moment in the proceedings.

The CHAIRMAN. Does the gentlewoman from Oregon ask unanimous consent to withdraw her present substitute amendment?

Mrs. GREEN of Oregon. All right. I will do that, and then I will offer a substitute.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Oregon?

Ms. ABZUG. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The question is on the substitute amendment offered by the gentlewoman from Oregon——

Mr. GROSS. Mr. Chairman, I believe I still have time remaining.

The CHAIRMAN. The gentleman from Iowa has time remaining.

Mr. GROSS. Mr. Chairman, I yield to the gentlewoman from Oregon.

PARLIAMENTARY INQUIRY

Mr. ROBERTS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. Does the gentleman from Iowa yield for that purpose?

Mr. GROSS. Mr. Chairman, I yield for a parliamentary inquiry.

Mr. ROBERTS. Mr. Chairman, would it be in order for me to offer an amendment to the substitute amendment?

The CHAIRMAN. A proper amendment to the substitute amendment would be in order at the appropriate time.

Mr. ROBERTS. In that case, I offer the substitute proposed by the gentlewoman from Oregon.

The CHAIRMAN. Let the Chair ask the gentleman from Iowa if he will yield the floor for this purpose?

Mr. GROSS. Mr. Chairman, I yield to the gentlewoman from Oregon to read the proposed amendment.

Mrs. GREEN of Oregon. I thank the gentleman for yielding.

Mr. Chairman, the amendment which the gentleman from Texas seeks to offer is as follows:

Substitute offered by Mr. ROBERTS for the amendment offered by Mr. PODELL: On page 30, strike lines 7 through 15 and insert the following:

"(6) To provide legal assistance under this Act to any person under eighteen years of age without the written request of one of such person's parents or guardians or any court of competent jurisdiction except in child abuse cases, custody proceedings, and PINS proceedings."

Mr. Chairman, will the gentleman from Iowa (Mr. GROSS) yield further?

Mr. GROSS. I yield to the gentlewoman from Oregon (Mrs. GREEN).

Mrs. GREEN of Oregon. The purpose of this amendment is as follows—and I hope that someone is writing it down after the time of the gentleman from Iowa (Mr. GROSS) expires—this substitute would accomplish the purpose which I stated of preventing the legal service attorneys from soliciting as clients persons under 18. It would prevent such a thing as happened in my city where they distributed cards and told the youngsters that if they got in trouble, they could come to them and they would provide the legal aid for them. It would seem to me that it would prevent to change the policy that tends to destroy family units, which I think is an abuse of law.

At the same time the gentleman from New York (Mr. PODELL) has advised me that if we add those three cases which he has—and he specifies those are the only three—then it would take care of those youngsters who are runaways from home, who need some special help. In the State of New York and perhaps in other States the juvenile court system apparently does not serve their interests adequately. In my State the juvenile court system would take care of them. If a child is a runaway, that child could come to the attention and the concern of the juvenile court.

So, Mr. Chairman, I would hope that the Members of the House would be inclined to accept this substitute.

Mr. PODELL. Mr. Chairman, will the gentleman from Iowa yield?

Mr. GROSS. Yes, I yield to the gentleman from New York (Mr. PODELL).

Mr. PODELL. Mr. Chairman, will the gentlewoman from Oregon (Mrs. GREEN) please advise the body as to whether or not in those three situations that the gentlewoman has enumerated it is a fact that the child would not need to have parental consent in order to receive the benefit of legal services?

Mrs. GREEN of Oregon. The gentleman is correct.

Mr. PODELL. Mr. Chairman, I thank the gentlewoman.

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

The Chair will endeavor to state the parliamentary situation.

There is pending an amendment offered by the gentleman from New York (Mr. PODELL), and a substitute for that amendment offered by the gentlewoman from Oregon (Mrs. GREEN). The purported amendment to the substitute is, in fact, a substitute for the substitute, which would not be in order at this time.

However, the Chair might suggest that, if the gentlewoman would ask for unanimous consent to withdraw the original substitute, the substitute offered by the gentleman from Texas would then be in order.

Mrs. GREEN of Oregon. Mr. Chairman, I will now ask unanimous consent to withdraw the substitute which I had offered and to put this in as a substitute for the amendment offered by the gentleman from New York (Mr. PODELL).

Mr. WILLIAM D. FORD. Mr. Chairman, reserving the right to object—and I do not intend to object—I would like to ask the gentlewoman from Oregon (Mrs. GREEN) this question:

She just responded to the gentleman from New York (Mr. PODELL) and when he again used the words, "parental consent," she said, "yes."

Mr. Chairman, it is apparent in her discussions of this section of the bill that she uses "request of the parents" and "consent of the parents" interchangeably. The lawyers on the committee who have worked on this legislation for some time, do not think they are interchangeable words. They are words which make a significant difference in the availability of service.

So I would ask the gentlewoman if she would use the word, "consent," consistent with this bill, instead of the word, "request."

Mrs. GREEN of Oregon. Mr. Chairman, I would really prefer the word, "request," and I am glad the gentleman drew my attention to that. I did not mean to use the word "consent." I mean the parent has to request the legal aid except in the three cases that the gentleman from New York (Mr. PODELL) has outlined. The parents request legal aid services.

Mr. WILLIAM D. FORD. Mr. Chairman, my time is gone. However, I would just like to indicate to the gentlewoman from Oregon (Mrs. GREEN) that I am trying hard to support her.

I am trying hard to support the gentlewoman, but I really feel there ought to be some understanding of what her amendment suggests when it suggests that every poor kid in trouble has to find a parent who is willing to initiate a request. It is precisely the child who has neglectful parents that needs this help, and will not be able to get a parent to initiate anything. Their parents are not giving them any understanding, and it is not reasonable that they must find a parent or someone to pose as a parent in order to initiate the "request." It is reasonable to ask for "consent."

I am not going to object to the gentle-

woman's request, but I do not think it is reasonable to do it in this way.

The CHAIRMAN. The gentleman withdraws his reservation of objection.

Mr. HAYS. Mr. Chairman, further reserving the right to object, and I probably shall not object, I have been listening to this debate all day until 20 minutes to 9 tonight, and between the lawyers on the committee and the others it occurs to me that perhaps what the House ought to do is to have the committee rise and rerefer this bill to the Committee on the Judiciary.

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

There was no objection.

The CHAIRMAN. The Chair will now entertain a motion for the substitute.

SUBSTITUTE AMENDMENT OFFERED BY MR. ROBERTS FOR THE AMENDMENT OFFERED BY MR. PODELL

Mr. ROBERTS. Mr. Chairman, I offer a substitute amendment.

The Clerk read as follows:

Substitute amendment offered by Mr. ROBERTS for the amendment offered by Mr. PODELL: On page 30, strike lines 9 through 15 and insert the following:

"(6) To provide legal assistance under this Act to any person under 18 years of age without the written request of one of such person's parents or guardians or any court of competent jurisdiction, except in child abuse cases, custody proceedings, PINS proceedings".

Mr. ROBERTS. Mr. Chairman, first I would like to express appreciation to the House for its patience in this matter, and I yield to the gentleman from New York.

Mr. PODELL. I thank the gentleman for yielding.

For the purpose of legislative history, to determine a definition of these proceedings for persons in need of supervision, which are commonly known as PINS proceedings; they are proceedings for young people who are generally in need of supervision without available parents who may be homeless, runaway or from broken homes. This is a general term which applies to many youngsters. Not every State has a PINS proceeding, so included in your amendment, are proceedings which are similar to PINS proceeding? Is that not correct?

Mr. ROBERTS. That is correct. The gentleman is correct.

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

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

Mr. MEEDS. Mr. Chairman, I would ask the gentleman from Texas (Mr. ROBERTS) if the words "or similar proceedings" are included?

Mr. ROBERTS. They are included.

Mr. MEEDS. I thank the gentleman.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Texas (Mr. ROBERTS) for the amendment offered by the gentleman from New York (Mr. PODELL).

The substitute amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. PODELL) as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. MIZELL

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

The Clerk read as follows:

Amendment offered by Mr. MIZELL: Page 30, line 15, strike out the period and insert in lieu thereof a semicolon, and after line 15 insert the following:

"(7) To provide legal assistance with respect to any proceeding or litigation relating to the desegregation of any school or school system."

Mr. MIZELL. Mr. Chairman, I feel a great deal like the pitcher, Al Brazle, must have felt when he was in the bullpen in St. Louis. He threw 450 pitches warming up before they finally took out the starting pitcher and put Al in to pitch. My colleagues in the House have certainly kept me in the bullpen all day. I expect to throw you three strikes, and the first of these is the Mizell antibusing amendment which is now before the House, and that will be followed by one additional amendment. And if the House is in the mood that I think it is, the Members will act very affirmatively on the amendments, and do it very early and in a judicious manner.

I am sure the Members well realize that we have spent considerable time here today, and the debate has been extensive, and this certainly indicates the seriousness of the matter that we have before us. I think the number of amendments we have had offered here, and the length of time we have taken on them, is a further indication of the seriousness with which we consider this legislation.

Mr. Chairman, I rise for the purpose of offering an amendment to prohibit the Legal Services Corporation from participating in any proceeding or litigation relating to the desegregation of elementary and secondary school systems.

At my request, the Office of Economic Opportunity has provided me with well-substantiated evidence that an OEO grantee for legal services, the Harvard Center for Law and Education, has participated extensively in the prosecution of at least seven such cases over the last few years.

I have been informed that an average of $500,000 a year has been awarded by OEO to the Harvard center over the last 3 years to help finance these activities.

The most notable example of the Harvard center's OEO-financed activities in this field is the Detroit, Mich., busing case still pending before the courts. As my colleagues will remember, this is the case that presently calls for a massive busing program involving 780,000 school children in 53 different school districts.

The OEO files include a status report on the Detroit case, Bradley versus Milliken, written by Paul Diamond, a Harvard center attorney from Ann Arbor, Mich.

He writes that—

This is the Detroit metropolitan school desegregation case in which we are cocounsel with the NAACP . . . The case was begun in August of 1970, and after 50 days of trial and two trips to the court of appeals the district court found, in September of 1971, that Detroit is, as alleged, an illegally segregated school system.

Further hearings were held this spring as to relief, and on June 14 the district court held that a plan limited to Detroit proper would be constitutionally inadequate and educationally impracticable—thus necessitating metropolitan relief affecting approximately 780,000 pupils in Detroit and 52 neighboring districts.

In our view, Mr. Diamond continues:

The state is constitutionally responsible for providing equality of educational opportunity, including "just schools" in place of racially identifiable schools, and certain educationally unjustified state policies contributed to rendering Detroit a racially identifiable system (65 percent black) compared to its neighbors.

I call my colleagues' particular attention to the next passage, which reads:

Therefore, the state, which has no compelling interest in existing school district lines, is obliged to provide just schools for Detroit's children by disestablishing the inter-district segregation. The State and suburban defendants contend that such relief is unauthorized unless it can be shown that suburban districts themselves have actively discriminated. To note that this is a landmark case on these issues is to labor the obvious.

That is certainly true, Mr. Chairman, and I for one hope the landmark is established on the side of reason and responsibility for a change, and that the U.S. Supreme Court will reverse this incredible court order.

But more to the point today is the fact that the American taxpayers, who have been shown in poll after poll to be heavily opposed to forced busing, have paid almost $1.5 million in the courts of 3 years to help the Harvard Center prosecute this busing case from the lowest court on through the appeals process.

If this massive busing program is imposed on Detroit, the American taxpayer will have helped to foot the bill. And I am quite sure, Mr. Speaker, that if we are honest with each other, the taxpayers are not going to like that at all

Even worse, this same memo outlines similar efforts in court cases involving Indianapolis; Stamford, Conn.; Dayton, Ohio; suburban Pittsburgh; Stockton, Calif; and El Paso, Tex.

The legal services program was intended to guarantee to every American the right to due process of law and the right to be competently defended in the courts. The program was not intended to be a boon to forced busing any more than it was intended to provide a bankroll for political activity.

I urge my colleagues to join me today in putting an end to this federally financed promotion of forced busing and in preventing these abuses of the past from becoming precedents for the future.

I urge the adoption of my amendment.

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

Mr. Chairman, I want to go on record commending the gentleman from North Carolina and in complete support of what he said. I mentioned this earlier in debate on the bill. I would hope that we would support him right down the line.

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

Mr. Chairman, I realize it is rather late. I know every one wants to finish up. I know the argument on this amendment is predestined in the emotionalism of the situation in which we find ourselves in this country. I think at least someone should raise a voice in reference to constitutional rights of people.

While the sponsors of antibusing amendments may deny to those under this program the use of legal service of lawyers and may seek to tie the hands of lawyers under this program, I am confident that individuals in this country intend to see that the constitutional rights of people are safeguarded, regardless of how this body may vote on this particular issue. I have great faith in the American people and in our system, although I think that this type of emotionalism is a tremendous test. I know that Members of this body sometimes are driven by political pressures. One-half of my own district, I am quite sure, would vote in support of this amendment. Unfortunately, I think that constitutional rights are things that are not so easily voted away. I hope that we will, perhaps in another day, come back to try to rescue our people from this type of emotionalism in this country, and I hope that at least some of us will stand up and be counted for those rights tonight in opposition to this amendment.

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

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

Mr. WIGGINS. Mr. Chairman, I wish to associate myself with the gentleman's remarks. I do not have to be for forced busing to know that there is something basically improper to deny to an attorney the right to vindicate the 14th amendment rights of his client. That is what is involved here. The quarrel is really with the courts, not with the attorneys. Many people disagree with the busing opinions, but law is clear nevertheless, and attorneys should not be denied under any circumstances the right to proceed vigorously to protect all of the constitutional rights of their clients.

I very much oppose this amendment.

Mr. HAWKINS. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. MIZELL).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 221, noes 150, not voting 62, as follows:

[Roll No. 258]

AYES—221

Abdnor	Gilman	Powell, Ohio
Alexander	Ginn	Price, Tex.
Andrews, N.C.	Goldwater	Quie
Andrews, N. Dak.	Goodling	Randall
Annunzio	Grasso	Regula
Archer	Green, Oreg.	Rhodes
Arends	Gross	Rinaldo
Armstrong	Grover	Roberts
Bafalis	Gubser	Robinson, Va.
Baker	Gunter	Roe
Beard	Guyer	Rogers
Bennett	Haley	Roncallo, N.Y.
Bevill	Hanley	Rose
Biaggi	Hanrahan	Rostenkowski
Blackburn	Harsha	Rousselot
Bowen	Hastings	Roy
Brinkley	Hays	Runnels
Brooks	Henderson	Ruth
Brotzman	Hogan	St Germain
Broyhill, N.C.	Holt	Sarasin
Buchanan	Hosmer	Satterfield
Burgener	Huber	Saylor
Burke, Fla.	Hunt	Scherle
Burleson, Tex.	Hutchinson	Schneebeli
Burlison, Mo.	Ichord	Sebelius
Butler	Jarman	Shipley
Byron	Johnson, Pa.	Shoup
Camp	Jones, Ala.	Shriver
Carter	Jones, N.C.	Shuster
Casey, Tex.	Jones, Okla.	Sikes
Cederberg	Jones, Tenn.	Skubitz
Chappell	Keating	Slack
Clancy	Kemp	Snyder
Clark	Ketchum	Spence
Cochran	Kuykendall	Steed
Collier	Landgrebe	Steele
Collins, Tex.	Latta	Steelman
Conlan	Litton	Steiger, Ariz.
Cotter	Long, Md.	Stephens
Crane	Lott	Stratton
Daniel, Dan	McCollister	Stubblefield
Daniel, Robert W., Jr.	McDade	Stuckey
Daniels, Dominick V.	McEwen	Symms
Davis, Ga.	McSpadden	Talcott
de la Garza	Madigan	Taylor, Mo.
Delaney	Mahon	Taylor, N.C.
Dennis	Mann	Teague, Calif.
Dent	Martin, Nebr.	Teague, Tex.
Derwinski	Martin, N.C.	Thornton
Devine	Mazzoli	Tiernan
Dickinson	Michel	Towell, Nev.
Dingell	Milford	Treen
Downing	Miller	Veysey
Dulski	Minish	Vigorito
Duncan	Mitchell, N.Y.	Waggonner
Edwards, Ala.	Mizell	Walsh
Eilberg	Moakley	Wampler
Esch	Mollohan	Ware
Eshleman	Montgomery	White
Evins, Tenn.	Moorhead, Calif.	Whitten
Flowers	Murphy, Ill.	Williams
Ford, Gerald R.	Myers	Wilson, Bob
Ford, William D.	Natcher	Wilson, Charles, Tex.
Forsythe	Nedzi	Winn
Fountain	Nelsen	Wright
Frey	Nichols	Yatron
Froehlich	O'Hara	Young, Alaska
Fulton	Parris	Young, Fla.
Fuqua	Passman	Young, Ill.
Gaydos	Patten	Young, S.C.
Gettys	Pettis	Young, Tex.
Gibbons	Peyser	Zablocki
	Pickle	Zion
	Pike	Zwach
	Poage	

NOES—150

Adams	Brown, Ohio	Diggs
Abzug	Burke, Calif.	Donohue
Addabbo	Burke, Mass.	Drinan
Anderson, Calif.	Burton	du Pont
Anderson, Ill.	Carney, Ohio	Eckhardt
Aspin	Chisholm	Edwards, Calif.
Barrett	Clay	Evans, Colo.
Bell	Cleveland	Fascell
Bergland	Cohen	Findley
Biester	Collins, Ill.	Fish
Bingham	Conable	Flood
Boggs	Conte	Foley
Boland	Conyers	Fraser
Bolling	Corman	Frelinghuysen
Brademas	Coughlin	Frenzel
Brasco	Culver	Giaimo
Breckinridge	Davis, Wis.	Gray
Brown, Calif.	Dellenback	Green, Pa.
Brown, Mich.	Dellums	Gude
	Denholm	Hamilton
	Hansen, Idaho	Mayne
	Harrington	Meeds
	Hawkins	Melcher
	Hechler, W. Va.	Mezvinsky
	Heinz	Mink
	Helstoski	Mitchell, Md.
	Hicks	Moorhead, Pa.
	Holifield	Morgan
	Holtzman	Mosher
	Horton	Moss
	Howard	Murphy, N.Y.
	Hungate	Nix
	Johnson, Colo.	Obey
	Jordan	O'Brien
	Karth	O'Neill
	Kastenmeier	Owens
	Kluczynski	Perkins
	Koch	Podell
	Kyros	Price, Ill.
	Lehman	Pritchard
	Long, La.	Railsback
	McClory	Rangel
	McCloskey	Rees
	McCormack	Reuss
	McFall	Robison, N.Y.
	McKay	Rodino
	Macdonald	Rosenthal
	Madden	Roush
	Mailliard	Roybal
	Mallary	Ruppe
	Maraziti	Ryan
	Matsunaga	Sarbanes
		Schroeder
		Seiberling
		Sisk
		Smith, Iowa
		Smith, N.Y.
		Stanton, J. William
		Stanton, James V.
		Stark
		Steiger, Wis.
		Stokes
		Studds
		Symington
		Thone
		Udall
		Ullman
		Van Deerlin
		Vanik
		Whalen
		Wiggins
		Wilson, Charles H., Calif.
		Wolff
		Wyatt
		Wydler
		Wylie
		Wyman
		Yates
		Young, Ga.

NOT VOTING—62

Ashbrook	Hammer-schmidt	Minshall, Ohio
Ashley	Hanna	Patman
Badillo	Hansen, Wash.	Pepper
Blatnik	Harvey	Preyer
Bray	Hébert	Quillen
Breaux	Heckler, Mass.	Rarick
Broomfield	Hillis	Reid
Broyhill, Va.	Hinshaw	Riegle
Carey, N.Y.	Hudnut	Roncalio, Wyo.
Chamberlain	Johnson, Calif.	Rooney, N.Y.
Clausen, Don H.	Kazen	Rooney, Pa.
Clawson, Del	King	Sandman
Cronin	Landrum	Staggers
Danielson	Leggett	Sullivan
Davis, S.C.	Lent	Thompson, N.J.
Dorn	Lujan	Thomson, Wis.
Erlenborn	McKinney	Vander Jagt
Fisher	Mathias, Calif.	Waldie
Flynt	Mathis, Ga.	Whitehurst
Gonzalez	Metcalfe	Widnall
Griffiths	Mills, Ark.	

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MRS. GREEN OF OREGON

Mrs. GREEN of Oregon. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. GREEN of Oregon: On page 31, delete lines 23 through 25 (subsection (g)).

Mrs. GREEN of Oregon. Mr. Chairman, I have this amendment and one other amendment which is very short. Let me refer to the last amendment, which is simply to change the appropriation sums to an annual basis. The bill before us says the committee shall vote appropriations for 3 years.

I simply would strike that out and say that there would be annual appropriations.

Now, the amendment which has just been read by the Clerk is the other half of the amendment which I offered several hours ago. Its purpose is to do away with the backup centers. Those Members who were on the floor at that time will recall that I said we were spending millions of dollars in the name of providing legal aid for the poor when, as a matter of fact, we are financing the dozen or 16 backup centers for the purpose of making and influencing social policy.

Mr. Chairman, one of the centers, as I mentioned earlier, is at Harvard, although Harvard has no control over it. The federally financed people at that center for education and law joined with the NAACP and filed a suit in the Detroit school desegregation case. Now, there may be a place for that. I am not arguing that particular point, but I am suggesting that it should not be done under the name of providing legal aid for the poor. I suggest that if we want to finance or fund groups to be the cutting edge for social reform and to make over social policy in the country, then it ought to be under a separate piece of legislation.

By deleting the lines at the bottom of page 31, it buttresses the amendment which I offered earlier, which says that any research must be in-house research and that the Corporation will not contract and give grants to the various backup centers across the country.

In order to save time, Mr. Chairman, I think that this is a sufficient explanation, because of the lengthier explanation which I gave in some detail a few hours ago. I would hope that if we want to end this business of spending millions for some unspecified—unsupported social reform—the Members would vote for this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon (Mrs. GREEN).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 233, noes 139, present 1, not voting 60, as follows:

[Roll No. 259]

AYES—233

Abdnor	Conable	Grasso
Alexander	Conlan	Gray
Andrews, N.C.	Cotter	Green, Oreg.
Andrews, N. Dak.	Coughlin	Gross
Annunzio	Crane	Grover
Archer	Daniel, Dan	Gubser
Arends	Daniel, Robert W., Jr.	Gunter
Armstrong	Daniels, Dominick V.	Guyer
Bafalis	Davis, Ga.	Haley
Baker	Davis, Wis.	Hanley
Beard	de la Garza	Hanrahan
Bennett	Delaney	Harsha
Bevill	Dellenback	Hastings
Biaggi	Dennis	Hays
Blackburn	Derwinski	Henderson
Bowen	Devine	Hogan
Brinkley	Dickinson	Holifield
Brooks	Downing	Holt
Brotzman	Dulski	Horton
Brown, Mich.	Duncan	Hosmer
Brown, Ohio	Edwards, Ala.	Huber
Broyhill, N.C.	Eshleman	Hunt
Buchanan	Evins, Tenn.	Hutchinson
Burgener	Flowers	Ichord
Burke, Fla.	Ford, Gerald R.	Jarman
Burleson, Tex.	Forsythe	Johnson, Colo.
Butler	Fountain	Johnson, Pa.
Byron	Frelinghuysen	Jones, Ala.
Camp	Frey	Jones, N.C.
Carter	Froehlich	Jones, Okla.
Casey, Tex.	Fulton	Jones, Tenn.
Cederberg	Fuqua	Keating
Chappell	Gaydos	Kemp
Clancy	Gettys	Ketchum
Clark	Giaimo	Kuykendall
Cleveland	Gilman	Landgrebe
Cochran	Ginn	Latta
Cohen	Goldwater	Litton
Collier	Goodling	Lott
Collins, Tex.	Grasso	McCollister
	Gray	McKay
	Green, Oreg.	
	Gross	
	Grover	
	Gubser	
	Gunter	
	Guyer	
	Haley	
	Hanley	
	Hanrahan	
	Harsha	
	Hastings	
	Hays	
	Henderson	
	Hogan	
	Holifield	
	Holt	
	Horton	
	Hosmer	
	Huber	
	Hunt	
	Hutchinson	
	Ichord	
	Jarman	
	Johnson, Colo.	
	Johnson, Pa.	
	Jones, Ala.	
	Jones, N.C.	
	Jones, Okla.	
	Jones, Tenn.	
	Keating	
	Kemp	
	Ketchum	
	Kuykendall	
	Landgrebe	
	Latta	
	Litton	
	Lott	
	McCollister	
	McKay	
McSpadden	Randall	Sullivan
Madigan	Regula	Symington
Mahon	Rhodes	Symms
Mailliard	Rinaldo	Talcott
Mallary	Roberts	Taylor, Mo.
Mann	Robinson, Va.	Taylor, N.C.
Maraziti	Rogers	Teague, Calif.
Martin, Nebr.	Roncallo, N.Y.	Teague, Tex.
Martin, N.C.	Rose	Thone
Mayne	Rostenkowski	Towell, Nev.
Mazzoli	Rousselot	Treen
Michel	Roy	Ullman
Milford	Runnels	Veysey
Miller	Ruth	Vigorito
Mitchell, N.Y.	Ryan	Waggonner
Mizell	Sarasin	Walsh
Moakley	Satterfield	Wampler
Mollohan	Saylor	Ware
Montgomery	Scherle	White
Moorhead, Calif.	Schneebeli	Whitten
Murphy, Ill.	Sebelius	Wiggins
Myers	Shipley	Williams
Natcher	Shoup	Wilson, Bob
Nedzi	Shriver	Wilson, Charles H., Calif.
Nelsen	Shuster	Winn
Nichols	Sikes	Wright
O'Brien	Sisk	Wydler
Parris	Skubitz	Wyman
Passman	Slack	Yatron
Patten	Snyder	Young, Alaska
Pettis	Spence	Young, Fla.
Pickle	Stanton, J. William	Young, Ill.
Pike	Steed	Young, S.C.
Powell, Ohio	Steelman	Young, Tex.
Price, Tex.	Steiger, Ariz.	Zablocki
Pritchard	Stephens	Zion
Quie	Stubblefield	Zwach
Railsback	Stuckey	

NOES—139

Abzug	Flood	Nix
Adams	Foley	Obey
Addabbo	Ford, William D.	O'Hara
Anderson, Calif.	Fraser	O'Neill
Anderson, Ill.	Frenzel	Owens
Aspin	Gibbons	Pepper
Barrett	Green, Pa.	Perkins
Bell	Gude	Peyser
Bergland	Hamilton	Podell
Biester	Hansen, Idaho	Price, Ill.
Bingham	Harrington	Rangel
Blatnik	Hawkins	Rees
Boggs	Hechler, W. Va.	Reuss
Boland	Heckler, Mass.	Robison, N.Y.
Bolling	Heinz	Rodino
Brademas	Helstoski	Roe
Brasco	Hicks	Rosenthal
Breckinridge	Holtzman	Roush
Brown, Calif.	Howard	Roybal
Burke, Calif.	Hungate	Ruppe
Burke, Mass.	Jordan	St Germain
Burlison, Mo.	Karth	Sarbanes
Burton	Kastenmeier	Schroeder
Carney, Ohio	Koch	Seiberling
Chisholm	Kyros	Smith, Iowa
Clay	Lehman	Smith, N.Y.
Collins, Ill.	Long, La.	Stanton, James V.
Conte	Long, Md.	Stark
Conyers	McClory	Steele
Corman	McCloskey	Steiger, Wis.
Culver	McCormack	Stokes
Dellums	McDade	Stratton
Denholm	McFall	Studds
Dent	Macdonald	Thornton
Diggs	Madden	Tiernan
Dingell	Matsunaga	Udall
Donohue	Meeds	Van Deerlin
Drinan	Melcher	Vanik
du Pont	Mezvinsky	Whalen
Eckhardt	Minish	Wilson, Charles, Tex.
Edwards, Calif.	Mink	Wolff
Eilberg	Mitchell, Md.	Wyatt
Esch	Moorhead, Pa.	Wylie
Evans, Colo.	Morgan	Yates
Fascell	Mosher	Young, Ga.
Findley	Moss	
Fish	Murphy, N.Y.	

PRESENT—1

McEwen

NOT VOTING—60

Ashbrook	Clausen, Don H.	Flynt
Ashley	Clawson, Del	Gonzalez
Badillo	Cronin	Griffiths
Bray	Danielson	Hammer-schmidt
Breaux	Davis, S.C.	Hanna
Broomfield	Dorn	Hansen, Wash.
Broyhill, Va.	Erlenborn	Harvey
Carey, N.Y.	Fisher	Hébert
Chamberlain	Hillis	Mathias, Calif.
	Hinshaw	Mathis, Ga.
	Hudnut	Metcalfe
	Johnson, Calif.	Mills, Ark.
	Kazen	Minshall, Ohio
	King	Patman
	Kluczynski	Poage
	Landrum	Preyer
	Leggett	Quillen
	Lent	Rarick
	Lujan	Reid
	McKinney	Riegle
		Roncalio, Wyo.
		Rooney, N.Y.
		Rooney, Pa.
		Sandman
		Staggers
		Thompson, N.J.
		Thomson, Wis.
		Vander Jagt
		Waldie
		Whitehurst
		Widnall

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PREFERENTIAL MOTION OFFERED BY MR. HAYS

Mr. HAYS. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. HAYS moves that the Committee do now rise and report the bill back to the House with recommendation that the enacting clause be stricken out.

Mr. HAYS. Mr. Chairman, I hope the Committee will give me their attention for a few minutes. I hope to take less than 5.

I hesitate to make this motion. I have the highest regard for the chairman of the subcommittee, the gentleman from California (Mr. HAWKINS). He is a hard-working, knowledgeable, decent man. He has worked a long time on this. I would withdraw the motion if there is one person in this Chamber that would volunteer at this moment to get up and tell me what is in this bill, but I do not think anybody can.

I think the bill has been amended to the point now that none of us would know what we are voting on, and I think the best thing we can do is to put this bill on the shelf, have a bill reintroduced, have hearings on it, and come in here with a bill that has been thoroughly worked over, and I might find it possible in those circumstances to support it. I could not in these circumstances.

Let me say further, I do not know if the Members know it or not, but if we vote for the motion to strike the enacting clause, that will amount to a motion to abort the abortion amendment which is going to come up next, I am reliably informed. So if the Members want to debate and vote on the abortion amendment, knock this down; but if they do not, I think this is the way out, and I think the House ought to make a restart on this.

Mr. Chairman, I have nothing more to say.

Mr. QUIE. Mr. Chairman, I rise to oppose the motion.

Mr. Chairman, we have worked hard and long here and I will take the gentleman's challenge: an individual who knows what is in the bill. I know what is in the bill. I have followed every amendment and I know what is in every amendment. I believe we have a stronger bill than came out of the committee. I think it is a good bill. It ought to be adopted, and for that reason we ought to vote down the motion and go ahead with this bill, which is going to be the best possible bill we can get out of this body, and get on with our process of perfecting the legislation.

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

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

Mr. BURTON. Mr. Chairman, I would like to point out that the subcommittee and the committee worked arduously on this legislation. The gentleman from Minnesota has offered a number of amendments that were in issue in the committee, and the gentleman from Minnesota in some respects prevailed here on the floor. But, that is not to state the gentleman from Ohio is correct in his view that this bill is not worthy of consideration this evening.

The motion before us should be defeated. I concur fully with the gentleman from Minnesota that the House ought to work its will, as it has, to perfect this bill and send it on to the other body.

Mr. PERKINS. Mr. Chairman, I would certainly hope that the House would vote against striking the enacting clause. It would not matter if we considered this bill in any committee of the House every month and brought this bill to the floor month to month; we never eliminate the controversy. It is controversial, and there is no way to get rid of the controversy that surrounds this bill, regardless of what committee it comes from.

Mr. Chairman, I would certainly hope that the Members would all vote against this motion to strike the enacting clause. The House has worked its will and this is the best bill we are going to obtain.

Mr. QUIE. Mr. Chairman, 10 of the amendments which have been adopted are ones which I put in the RECORD 2 days ago, with explanations of the amendments. They could be looked at by every Member of the House, along with the committee bill and the report.

The other amendments which have been adopted are easily understood, beginning with the amendment of the gentlewoman from Oregon about the life of this bill, 5 years, unless reauthorized. There have been few amendments besides the ones I have offered which have been adopted.

Mr. Chairman, I think they were good amendments for the most part, and are easily understood.

The CHAIRMAN. The question is on the preferential motion offered by the gentleman from Ohio (Mr. HAYS).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 91, noes 283, not voting 59, as follows:

[Roll No. 260]

AYES—91

Annunzio	Clark	Dickinson
Archer	Collins, Tex.	Downing
Armstrong	Conlan	Duncan
Baker	Conyers	Edwards, Ala.
Beard	Crane	Evins, Tenn.
Bevill	Daniel, Dan	Flowers
Blackburn	Daniel, Robert W., Jr.	Froehlich
Broyhill, N.C.	Davis, Ga.	Gettys
Burgener	Davis, Wis.	Goldwater
Burke, Fla.	Delaney	Gray
Burleson, Tex.	Dellums	Gross
Camp	Denholm	Gubser
Chappell	Dennis	Haley
Clancy		Hays
Holt	Nichols	Symms
Hosmer	Parris	Taylor, Mo.
Huber	Passman	Teague, Tex.
Hungate	Powell, Ohio	Treen
Hutchinson	Price, Tex.	Veysey
Johnson, Colo.	Roberts	Waggonner
Jones, Ala.	Robinson, Va.	Whitten
Jones, N.C.	Rousselot	Wiggins
Jordan	Ruth	Wilson, Charles H., Calif.
Ketchum	Satterfield	Winn
Landgrebe	Sebelius	Young, Alaska
Latta	Sikes	Young, Fla.
Lott	Slack	Young, S.C.
Martin, Nebr.	Snyder	Zion
Michel	Spence	
Mizell	Stanton, James V.	
Montgomery	Steiger, Ariz.	
Moorhead, Calif.	Stuckey	

NOES—283

Abdnor	Ford, William D.	Melcher
Abzug	Forsythe	Mezvinsky
Adams	Fountain	Milford
Addabbo	Fraser	Miller
Alexander	Frelinghuysen	Minish
Anderson, Calif.	Frenzel	Mink
Anderson, Ill.	Frey	Mitchell, Md.
Andrews, N.C.	Fulton	Mitchell, N.Y.
Andrews, N. Dak.	Fuqua	Moakley
Arends	Gaydos	Mollohan
Aspin	Gialmo	Moorhead, Pa.
Barrett	Gibbons	Morgan
Bell	Gilman	Mosher
Bennett	Ginn	Moss
Bergland	Goodling	Murphy, Ill.
Biaggi	Grasso	Murphy, N.Y.
Biester	Green, Oreg.	Myers
Bingham	Green, Pa.	Natcher
Blatnik	Grover	Nedzi
Boggs	Gude	Nelsen
Boland	Gunter	Nix
Bolling	Guyer	Obey
Bowen	Hamilton	O'Brien
Brademas	Hanley	O'Hara
Brasco	Hanrahan	O'Neill
Breckinridge	Hansen, Idaho	Owens
Brinkley	Hansen, Wash.	Patten
Brooks	Harrington	Pepper
Brotzman	Harsha	Perkins
Brown, Calif.	Hastings	Pettis
Brown, Mich.	Hawkins	Peyser
Brown, Ohio	Hechler, W. Va.	Pickle
Buchanan	Heckler, Mass.	Pike
Burke, Calif.	Heinz	Poage
Burke, Mass.	Helstoski	Podell
Burlison, Mo.	Henderson	Price, Ill.
Burton	Hicks	Pritchard
Butler	Hogan	Quie
Byron	Holifield	Railsback
Carney, Ohio	Holtzman	Randall
Carter	Horton	Rangel
Casey, Tex.	Howard	Rees
Cederberg	Hunt	Regula
Chisholm	Ichord	Reuss
Clay	Jarman	Rhodes
Cleveland	Johnson, Pa.	Rinaldo
Cochran	Jones, Okla.	Robison, N.Y.
Cohen	Jones, Tenn.	Rodino
Collier	Karth	Roe
Collins, Ill.	Kastenmeier	Rogers
Conable	Keating	Roncallo, N.Y.
Conte	Kemp	Rose
Corman	Kluczynski	Rosenthal
Cotter	Koch	Rostenkowski
Coughlin	Kuykendall	Roush
Culver	Kyros	Roy
Daniels, Dominick V.	Lehman	Roybal
de la Garza	Litton	Runnels
Dellenback	Long, La.	Ruppe
Dent	Long, Md.	St Germain
Derwinski	McClory	Sarasin
Devine	McCloskey	Sarbanes
Diggs	McCollister	Saylor
Dingell	McCormack	Scherle
Donohue	McDade	Schneebeli
Drinan	McEwen	Schroeder
Dulski	McFall	Seiberling
du Pont	McKay	Shipley
Eckhardt	McSpadden	Shoup
Edwards, Calif.	Macdonald	Shriver
Eilberg	Madden	Shuster
Esch	Madigan	Sisk
Eshleman	Mahon	Skubitz
Evans, Colo.	Mailliard	Smith, Iowa
Fascell	Mallary	Smith, N.Y.
Findley	Mann	Stanton, J. William
Fish	Maraziti	Stark
Flood	Martin, N.C.	Steed
Foley	Matsunaga	Steele
Ford, Gerald R.	Mayne	Steelman
	Mazzoli	Steiger, Wis.
	Meeds	Stephens
Stokes	Ullman	Wright
Stratton	Van Deerlin	Wyatt
Stubblefield	Vanik	Wydler
Studds	Vigorito	Wylie
Sullivan	Walsh	Wyman
Symington	Wampler	Yates
Talcott	Ware	Yatron
Taylor, N.C.	Whalen	Young, Ga.
Teague, Calif.	White	Young, Ill.
Thone	Williams	Young, Tex.
Thornton	Wilson, Bob	Zablocki
Tiernan	Wilson, Charles, Tex.	Zwach
Towell, Nev.	Wolff	
Udall		

NOT VOTING—59

Ashbrook	Griffiths	Minshall, Ohio
Ashley	Hammer-schmidt	Patman
Badillo	Hanna	Preyer
Bafalis	Harvey	Quillen
Bray	Hébert	Rarick
Breaux	Hillis	Reid
Broomfield	Hinshaw	Riegle
Broyhill, Va.	Hudnut	Roncalio, Wyo.
Carey, N.Y.	Johnson, Calif.	Rooney, N.Y.
Chamberlain	Kazen	Rooney, Pa.
Clausen, Don H.	King	Ryan
Clawson, Del	Landrum	Sandman
Cronin	Leggett	Staggers
Danielson	Lent	Thompson, N.J.
Davis, S.C.	Lujan	Thomson, Wis.
Dorn	McKinney	Vander Jagt
Erlenborn	Mathias, Calif.	Waldie
Fisher	Mathis, Ga.	Whitehurst
Flynt	Metcalfe	Widnall
Gonzalez	Mills, Ark.	

So the preferential motion was rejected.

The result of the vote was announced as above recorded.

Mr. HAWKINS. Mr. Chairman, I ask unanimous consent that all debate on this pending section 7 and all amendments thereto be terminated in 15 minutes.

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

Mr. FROEHLICH. Mr. Chairman, I object.

MOTION OFFERED BY MR. HAWKINS

Mr. HAWKINS. Mr. Chairman, I move that all debate on section 7 and all amendments thereto close in 15 minutes.

The motion was agreed to.

AMENDMENT OFFERED BY MR. WHITE

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

The Clerk read as follows:

Amendment offered by Mr. WHITE: Page 28, line 24, by changing the period to a comma, and adding the following wording: "and insure that such attorneys refrain from personal representation for a private fee for a period of two years any cases which are first presented to them while engaged in such legal assistance activities".

Mr. WHITE. Mr. Chairman, this is a noncontroversial amendment. I have talked to managers on both sides of the aisle, who understand its import; the principal thrust of the amendment is that an attorney in the legal assistance program who interviews a possibly profitable case such as a personal injury case, cannot take it to his private office and handle it to his personal gain. The amendment obviates an attorney contriving to enjoy a personal monetary advantage by preventing private representation in such case for 2 years. There have been some complaints in the past charging such abuses, and this amendment is designed to plug this loophole. It removes the temptation.

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

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

Mr. CONYERS. Mr. Chairman, does the gentleman from Texas believe that he really has to introduce this amendment, and that we do not have enough safeguards in this bill now, after more than 15 amendments, and all the deals that have been worked up on this matter, that it is necessary to add that language?

Mr. WHITE. Yes, because I do not believe that this particular type of abuse has been covered.

Mr. CONYERS. It is in the Canon of Ethics.

Mr. WHITE. Some legal assistance attorneys allegedly have been doing this right now, and I felt that the prohibition should be spelled out more explicitly so that there is no future problem.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. WHITE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HOGAN

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

The Clerk read as follows:

Amendment offered by Mr. HOGAN: Page 30, line 15, strike out the period and insert in lieu thereof a semicolon, and after line 15 insert:

"(7) To provide legal assistance with respect to any proceeding or litigation relating to abortion."

Mr. HOGAN. Mr. Chairman, this amendment is very simple. It would prohibit the Legal Services Corporation from becoming involved in litigation on abortion. Legal services lawyers have been very much involved in abortion litigation so this amendment is absolutely essential.

Congress expressly prohibited the use of family planning grants for abortion. In spite of this, in 1970, Dr. George Contis of OEO Headquarters' Health Office, writing in his 5-year plan for OEO's family planning activities, made reference to the congressionally imposed special prohibition, but indicated nevertheless, the legal services attorneys in community action agencies should help clients obtain such services.

In addition, Alan F. Charles, staff attorney for OEO's national legal program on health programs for the poor, writing in an OEO publication, Clearinghouse Review, in February 1970, solicited legal services lawyers around the country for the purpose of opposing statutes that forbade abortions. After presenting a list of States in which cases attacking antiabortion statutes were pending, Mr. Charles stated that OEO legal services offices were participating directly in abortion legal actions in the California and New York actions. This statement buttresses Dr. Contis' judgment about legal services lawyers participating in abortion actions. Mr. Charles also added that "although the legal services attorneys cannot directly represent the defendants in criminal abortion actions, some legal programs may wish, in an appropriate case, participate amicus," that is, file "friend-of-the-court" briefs.

In Marin County, Calif., legal services lawyers were also active in abortion cases entitled, Jane Doe and Janet Roe against State Department of Social Welfare. In December 1970, California Social Welfare Department policy required that parents of an unmarried pregnant minor and the father of the unborn child be contacted prior to the issuance of a medicaid card or other authorization of aid for getting an abortion. A legal services lawyer contested the case.

An article in the November 1972, Clearinghouse Review argued that, since medicaid was designed to alleviate the health problems of the poor, elective abortion should be allowed under medicaid. The specific case referred to was handled by legal services lawyers who sued the New York Welfare Commission for refusing to allow elective abortions under medicaid. They appealed the case—Klein against Nassau County Medical Center—and the court held that a distinction between nonhealth and a health abortion was invalid; that is, a denial of equal protection to the medicaid recipient.

Newark Legal Services challenged the New Jersey prohibition against abortion in 1970. They argued that normal childbirth involved more of a risk of death than abortion.

Two legal services agencies, Community Action for Legal Services in New York and South Brooklyn Legal Services, attacked an antiabortion law in that State.

So clearly there is a need for this amendment.

If this amendment does not prevail, I can foresee suits being brought to force doctors, nurses, and hospitals to engage in abortion. I can also foresee suits similar to the one we had in Maryland where a mother took her teenaged daughter to court to force her to have an abortion.

Legal services lawyers, whose actions were ostensibly supposed to bring economic justice to the poor, instead fragmented the families of the poor by attacking the rights of the parents to prevent their children from having abortions. In the July 1971 issue of OEO's Clearinghouse Review it was argued that "the requirement of parental consent is harmful to the child in need of birth control and to those in need of abortion." The article also added that there was the "interest in reducing the growing need for welfare and in reducing the frightening population growth." The conclusion of the article made recommendations for the District of Columbia, urging that the age of informed consent for abortion be lowered to 16. The legal services lawyers made no recommendations for lowering the age of consent to be operated on for tonsillectomy and appendectomy. Why are they so interested in pushing for a lowering of the age of consent for abortion to 16?

Instead of taking just those cases which would have helped the poor receive social justice, legal services lawyers have been crusading to minimize the number of poor people by exterminating the unborn children of poor parents.

Since the Supreme Court handed down its decision on January 22 of this year legalizing abortion across the country up to the day of natural birth, there has been much debate over what should be done to respond to this shocking and far-reaching decision.

Mr. Chairman, I have sponsored a constitutional amendment which would guarantee the right to life to every human being, from the moment of conception. Ultimately, this is the only answer if we are to preserve any respect for the value and dignity of human life.

Three weeks ago the House saw fit to deny funds to the National Institute of Health for any experimentation on live infants, the products of abortion. That was a step in the right direction. Today the House again has the opportunity to reaffirm this body's conviction that every human being is of value and has the right to live. If this amendment is approved, it will be another indication of the strong sentiment of this body to protect life. It will also protect doctors and nurses who oppose abortion from suits, paid for by the taxpayers, forcing them to violate their conscience and perform abortions.

I have received thousands of letters from all over the country from people shocked and dismayed at the Supreme Court's decision. I am sure that every Member in this Chamber has received similar letters. Today we have the opportunity to stand up and be counted. The vote on this amendment will indicate to our constituents whether or not we are willing to be included among those who cherish the value and dignity of every human life.

I support the adoption of this amendment, not only because I think it serves a worthwhile purpose in this bill, but also because it is another small step toward the protection of those least able to defend themselves, the unborn.

Ms. ABZUG. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I do not believe that Members of the Congress should act on this amendment based upon their views on abortion. The gentleman in the well just said that he could not see how this could possibly affect any poor person. The fact is that we do have a Supreme Court decision in this country which says that there is a constitutional right, the right of privacy to abortion. One of the main effects of that will be to help poor women who have had difficulty in obtaining an abortion, to obtain them.

Should the constitutional right, which is now a matter of Supreme Court decision, be violated and a poor woman unable to receive that abortion, in violation of what is now the law by the Supreme Court be abandoned and discriminated against? It seems to me that she has a right to seek legal counsel for assistance under this act. Whether or not the Members agree that a woman should have a right to abortion, it is, nevertheless, the law. The Member from Maryland who proposes this amendment has often asserted the remedy he seeks to change that law by efforts to change

the Constitution. He has no right to use his personal views to deprive poor women of their fundamental rights. I believe to vote against the right of a poor woman to be able to seek redress from the courts is inappropriate.

I urge the Members to vote down the amendment.

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

Mr. DU PONT. Mr. Chairman, will the gentleman yield?

Mr. STEIGER of Wisconsin. I yield to the gentleman from Delaware.

Mr. DU PONT. I have a question for the sponsor of the amendment. Does the gentleman's amendment mean that if a woman received an abortion in a hospital and was injured as the result of medical malpractice, that the attorneys in the corporation would not be able to handle her suit?

Mr. HOGAN. No; I do not intend that at all. What I do intend is that no suit can be brought against a doctor or a nurse or a hospital that will not perform an abortion to force them to do so.

Mr. DU PONT. I understand what the gentleman intends, but what does his amendment say?

Mr. HOGAN. The amendment says:

To provide legal assistance with respect to to any proceedings or litigation—

Relating to abortion.

SUBSTITUTE AMENDMENT OFFERED BY MR. FROEHLICH FOR THE AMENDMENT OFFERED BY MR. HOGAN

Mr. FROEHLICH. Mr. Chairman, I offer a substitute amendment for the amendment offered by the gentleman from Maryland.

The Clerk read as follows:

Substitute amendment offered by Mr. FROEHLICH for the amendment offered by Mr. HOGAN: Page 30, line 15 strike out the period and insert in lieu thereof a semicolon, and after line 15 insert the following:

"(8) To provide legal assistance with respect to any proceeding or litigation which seeks to procure a non-therapeutic abortion or to compel any individual or institution to perform an abortion, or assist in the performance of an abortion, or provide facilities for the performance of an abortion, contrary to the religious beliefs or moral convictions of such individual or institution."

Mr. FROEHLICH. Mr. Chairman, I think this wording will correct the defect pointed out in the Hogan amendment. My wording prohibits legal corporation lawyers from working to procure a non-therapeutic abortion for an individual or to force a hospital, institution, or doctor to participate in an abortion if it is against their policy or beliefs. I have presently in my district a hospital which is in court, and the court suit is being funded by one of the private organizations furnishing legal services to individuals. According to this bill some of these private institutions could get some of this money to continue this type of fight and keep harassing these hospitals who say as a matter of policy they are not going to permit abortions in their institutions. This is a perfecting amendment. I hope it is adopted.

The CHAIRMAN. The question is on the substitute amendment offered by the gentleman from Wisconsin (Mr. FROEHLICH) for the amendment offered by the gentleman from Maryland (Mr. HOGAN).

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

RECORDED VOTE

Mr. RONCALLO of New York. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 316, noes 53, not voting 64, as follows:

[Roll No. 261]

AYES—316

Abdnor	Eilberg	McCollister
Addabbo	Esch	McDade
Alexander	Eshleman	McEwen
Anderson, Ill.	Findley	McFall
Andrews, N.C.	Fish	McKay
Andrews, N. Dak.	Flood	McSpadden
	Flowers	Macdonald
Annunzio	Ford, Gerald R.	Madden
Archer	Ford, William D.	Madigan
Arends		Mahon
Armstrong	Forsythe	Mailliard
Aspin	Fountain	Mallary
Baker	Frelinghuysen	Mann
Beard	Frenzel	Maraziti
Bennett	Frey	Martin, Nebr.
Bergland	Froehlich	Martin, N.C.
Bevill	Fuqua	Mayne
Biaggi	Gaydos	Mazzoli
Biester	Gettys	Melcher
Bingham	Giaimo	Michel
Blackburn	Gibbons	Miller
Blatnik	Gilman	Minish
Boggs	Ginn	Mitchell, N.Y.
Boland	Goldwater	Mizell
Bowen	Goodling	Moakley
Brademas	Grasso	Mollohan
Brasco	Gray	Montgomery
Breckinridge	Green, Oreg.	Moorhead, Calif.
Brinkley	Green, Pa.	
Brooks	Gross	Moorhead, Pa.
Brotzman	Grover	Morgan
Brown, Mich.	Gubser	Mosher
Brown, Ohio	Gude	Murphy, Ill.
Broyhill, N.C.	Gunter	Murphy, N.Y.
Buchanan	Guyer	Myers
Burgener	Haley	Natcher
Burke, Fla.	Hamilton	Nedzi
Burke, Mass.	Hanley	Nelsen
Burleson, Tex.	Hanrahan	Nichols
Burlison, Mo.	Hansen, Idaho	Nix
Butler	Hansen, Wash.	Obey
Byron	Harsha	O'Brien
Camp	Hastings	O'Hara
Carter	Hays	O'Neill
Casey, Tex.	Hechler, W. Va.	Owens
Cederberg	Heckler, Mass.	Parris
Chappell	Heinz	Passman
Clancy	Helstoski	Patten
Clark	Henderson	Pepper
Cleveland	Hicks	Perkins
Cochran	Hogan	Pettis
Cohen	Holt	Peyser
Collier	Horton	Pickle
Collins, Tex.	Hosmer	Pike
Conable	Huber	Poage
Conlan	Hungate	Powell, Ohio
Conte	Hunt	Price, Ill.
Cotter	Hutchinson	Price, Tex.
Coughlin	Ichord	Quie
Crane	Jarman	Railsback
Daniel, Dan	Johnson, Colo.	Randall
Daniel, Robert W., Jr.	Johnson, Pa.	Regula
	Jones, Ala.	Reuss
Daniels, Dominick V.	Jones, N.C.	Rhodes
	Jones, Okla.	Rinaldo
Davis, Ga.	Jones, Tenn.	Roberts
Davis, Wis.	Karth	Robinson, Va.
de la Garza	Keating	Robison, N.Y.
Delaney	Kemp	Rodino
Dellenback	Ketchum	Roe
Denholm	Kluczynski	Rogers
Dennis	Kuykendall	Roncalio, N.Y.
Dent	Kyros	Rose
Derwinski	Landgrebe	Rostenkowski
Devine	Latta	Roush
Dickinson	Lehman	Rousselot
Donohue	Litton	Roy
Downing	Long, La.	Runnels
Dulski	Long, Md.	Ruppe
Duncan	Lott	Ruth
Edwards, Ala.	McClory	Ryan
St Germain	Stephens	Whitten
Sarasin	Stratton	Wiggins
Sarbanes	Stubblefield	Williams
Satterfield	Stuckey	Wilson, Bob
Saylor	Studds	Wilson, Charles H., Calif.
Scherle	Sullivan	
Schneebeli	Symington	
Sebelius	Symms	Wilson, Charles, Tex.
Shipley	Talcott	
Shoup	Taylor, Mo.	Winn
Shriver	Taylor, N.C.	Wolff
Shuster	Teague, Calif.	Wright
Sikes	Thone	Wyatt
Skubitz	Thornton	Wydler
Slack	Tiernan	Wylie
Smith, Iowa	Towell, Nev.	Wyman
Smith, N.Y.	Treen	Yates
Snyder	Udall	Yatron
Spence	Ullman	Young, Alaska
Stanton, J. William	Vanik	Young, Fla.
	Veysey	Young, Ga.
Stanton, James V.	Vigorito	Young, Ill.
	Waggonner	Young, S.C.
Steed	Walsh	Young, Tex.
Steele	Wampler	Zablocki
Steelman	Ware	Zion
Steiger, Ariz.	Whalen	Zwach
Steiger, Wis.	White	

NOES—53

Abzug	du Pont	Matsunaga
Adams	Eckhardt	Meeds
Anderson, Calif.	Edwards, Calif.	Mezvinsky
	Evans, Colo.	Milford
Ashley	Fascell	Mink
Bell	Foley	Mitchell, Md.
Bolling	Fraser	Podell
Brown, Calif.	Hanna	Pritchard
Burke, Calif.	Harrington	Rangel
Burton	Hawkins	Rees
Chisholm	Holifield	Rosenthal
Clay	Holtzman	Roybal
Collins, Ill.	Howard	Schroeder
Conyers	Jordan	Seiberling
Corman	Kastenmeier	Sisk
Culver	Koch	Stark
Dellums	McCloskey	Stokes
Drinan	McCormack	Van Deerlin

NOT VOTING—64

Ashbrook	Fisher	Metcalfe
Badillo	Flynt	Mills, Ark.
Bafalis	Fulton	Minshall, Ohio
Barrett	Gonzalez	Moss
Bray	Griffiths	Patman
Breaux	Hammer-schmidt	Preyer
Broomfield		Quillen
Broyhill, Va.	Harvey	Rarick
Carey, N.Y.	Hébert	Reid
Carney, Ohio	Hillis	Riegle
Chamberlain	Hinshaw	Roncalio, Wyo.
Clausen, Don H.	Hudnut	Rooney, N.Y.
	Johnson, Calif.	Rooney, Pa.
Clawson, Del	Kazen	Sandman
Cronin	King	Staggers
Danielson	Landrum	Teague, Tex.
Davis, S.C.	Leggett	Thompson, N.J.
Diggs	Lent	Thomson, Wis.
Dingell	Lujan	Vander Jagt
Dorn	McKinney	Waldie
Erlenborn	Mathias, Calif.	Whitehurst
Evins, Tenn.	Mathis, Ga.	Widnall

So the substitute amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland (Mr. HOGAN) as amended.

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

PARLIAMENTARY INQUIRY

Mr. GERALD R. FORD. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GERALD R. FORD. Mr. Chairman, my parliamentary inquiry is this:

Did the Chairman say that the noes appeared to have it?

The CHAIRMAN. The gentleman is correct.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 301, noes 68, not voting 64, as follows:

[Roll No. 262]

AYES—301

Abdnor	Frey	Moorhead, Calif.
Addabbo	Froehlich	Moorhead, Pa.
Alexander	Fuqua	Morgan
Anderson, Ill.	Gaydos	Murphy, Ill.
Andrews, N.C.	Gettys	Murphy, N.Y.
Andrews, N. Dak.	Giaimo	Myers
Annunzio	Gibbons	Natcher
Archer	Gilman	Nedzi
Arends	Ginn	Nelsen
Armstrong	Goodling	Nichols
Aspin	Grasso	O'Brien
Baker	Gray	O'Hara
Beard	Green, Oreg.	O'Neill
Bennett	Green, Pa.	Owens
Bergland	Gross	Parris
Bevill	Grover	Passman
Biaggi	Gude	Patten
Biester	Gunter	Pepper
Blackburn	Guyer	Perkins
Blatnik	Haley	Pettis
Boggs	Hamilton	Peyser
Boland	Hanley	Pickle
Bowen	Hanrahan	Pike
Brasco	Hansen, Wash.	Poage
Breckinridge	Harsha	Powell, Ohio
Brinkley	Hastings	Price, Ill.
Brooks	Hays	Price, Tex.
Brotzman	Hechler, W. Va.	Pritchard
Brown, Ohio	Heckler, Mass.	Quie
Broyhill, N.C.	Heinz	Railsback
Broyhill, Va.	Helstoski	Randall
Buchanan	Henderson	Regula
Burgener	Hicks	Rhodes
Burke, Fla.	Hogan	Rinaldo
Burke, Mass.	Holt	Roberts
Burleson, Tex.	Horton	Robinson, Va.
Burlison, Mo.	Hosmer	Rodino
Butler	Huber	Roe
Byron	Hungate	Rogers
Camp	Hunt	Roncallo, N.Y.
Carter	Hutchinson	Rose
Casey, Tex.	Ichord	Rostenkowski
Cederberg	Jarman	Roush
Chappell	Johnson, Colo.	Rousselot
Clancy	Johnson, Pa.	Roy
Clark	Jones, Ala.	Runnels
Cleveland	Jones, N.C.	Ruppe
Cochran	Jones, Okla.	Ruth
Cohen	Jones, Tenn.	Ryan
Collier	Karth	St Germain
Collins, Tex.	Keating	Sarasin
Conable	Kemp	Sarbanes
Conlan	Ketchum	Satterfield
Conte	Kluczynski	Saylor
Cotter	Kuykendall	Scherle
Coughlin	Kyros	Schneebeli
Crane	Landgrebe	Sebelius
Daniel, Dan	Latta	Shipley
Daniel, Robert W., Jr.	Lehman	Shoup
	Litton	Shriver
Daniels, Dominick V.	Long, La.	Shuster
	Long, Md.	Sikes
Davis, Ga.	Lott	Skubitz
Davis, Wis.	McClory	Slack
de la Garza	McCollister	Smith, Iowa
Delaney	McDade	Smith, N.Y.
Denholm	McEwen	Snyder
Dennis	McFall	Spence
Dent	McKay	Stanton, J. William
Derwinski	McSpadden	
Devine	Macdonald	Stanton, James V.
Dickinson	Madden	
Donohue	Madigan	Steed
Downing	Mahon	Steele
Dulski	Mailliard	Steelman
Duncan	Mann	Steiger, Ariz.
Edwards, Ala.	Maraziti	Steiger, Wis.
Eilberg	Martin, Nebr.	Stephens
Esch	Martin, N.C.	Stratton
Eshleman	Mayne	Stubblefield
Evins, Tenn.	Mazzoli	Studds
Fish	Melcher	Sullivan
Flood	Michel	Symms
Flowers	Miller	Talcott
Ford, Gerald R.	Minish	Taylor, Mo.
Ford, William D.	Mitchell, N.Y.	Taylor, N.C.
	Mizell	Teague, Calif.
Forsythe	Moakley	Thone
Fountain	Mollohan	Thornton
Frelinghuysen	Montgomery	Tiernan
Towell, Nev.	Whitten	Wydler
Treen	Wiggins	Wylie
Udall	Williams	Wyman
Ullman	Wilson, Bob	Yatron
Vanik	Wilson, Charles H., Calif.	Young, Alaska
Veysey		Young, Fla.
Vigorito		Young, Ill.
Waggonner	Wilson, Charles, Tex.	Young, S.C.
Walsh		Young, Tex.
Wampler	Winn	Zablocki
Ware	Wolff	Zion
Whalen	Wright	Zwach
White	Wyatt	

NOES—68

Abzug	Eckhardt	Milford
Adams	Edwards, Calif.	Mink
Anderson, Calif.	Evans, Colo.	Mitchell, Md.
	Fascell	Mosher
Ashley	Findley	Nix
Bell	Foley	Obey
Bingham	Fraser	Podell
Bolling	Frenzel	Rangel
Brademas	Hanna	Rees
Brown, Calif.	Harrington	Reuss
Brown, Mich.	Hawkins	Robison, N.Y.
Burke, Calif.	Holifield	Rosenthal
Burton	Holtzman	Roybal
Chisholm	Howard	Schroeder
Clay	Jordan	Seiberling
Collins, Ill.	Kastenmeier	Sisk
Conyers	Koch	Stark
Corman	McCloskey	Stokes
Culver	McCormack	Stuckey
Dellenback	Mallary	Symington
Dellums	Matsunaga	Van Deerlin
Drinan	Meeds	Yates
du Pont	Mezvinsky	Young, Ga.

NOT VOTING—64

Ashbrook	Fulton	Metcalfe
Badillo	Gonzalez	Mills, Ark.
Bafalis	Griffiths	Minshall, Ohio
Barrett	Gubser	Moss
Bray	Hammer-schmidt	Patman
Breaux		Preyer
Broomfield	Hansen, Idaho	Quillen
Carey, N.Y.	Harvey	Rarick
Carney, Ohio	Hébert	Reid
Chamberlain	Hillis	Riegle
Clausen, Don H.	Hinshaw	Roncalio, Wyo.
	Hudnut	Rooney, N.Y.
Clawson, Del	Johnson, Calif.	Rooney, Pa.
Cronin	Kazen	Sandman
Danielson	King	Staggers
Davis, S.C.	Landrum	Teague, Tex.
Diggs	Leggett	Thompson, N.J.
Dingell	Lent	Thomson, Wis.
Dorn	Lujan	Vander Jagt
Erlenborn	McKinney	Waldie
Fisher	Mathias, Calif.	Whitehurst
Flynt	Mathis, Ga.	Widnall

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. CONLAN).

(By unanimous consent, Mr. CONLAN yielded his time to Mr. WAGGONNER.)

AMENDMENT OFFERED BY MR. WAGGONNER

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

The Clerk read as follows:

Amendment offered by Mr. WAGGONNER: Page 30, after line 15, insert:

"(9) To provide legal assistance under this Act with respect to any matter arising out of a violation of The Selective Service Act or of desertion from the Armed Forces of the United States".

Mr. WAGGONNER. Mr. Chairman, this amendment is simple. It is intended to do one thing. It is intended to prohibit the use of Legal Services Corporation moneys to defend those who seek amnesty because of a violation of the Selective Service Act.

Mr. MEEDS. Mr. Chairman, it is unfortunate the gentleman from Louisiana did not read the bill. Had he done so he would have realized that what he seeks to prohibit has already been prohibited. This bill prevents representation for criminal actions by these attorneys and his amendment would only add one more prohibition against something that is already prohibited.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. WAGGONNER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MIZELL

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

The Clerk read as follows:

Amendment offered by Mr. MIZELL: Page 30, line 15, strike out the period and insert in lieu thereof a semicolon, and after line 15 insert the following:

"(7) To provide legal assistance with respect to any proceeding or litigation relating to the desegregation of any institution of higher education."

Mr. MIZELL. Mr. Chairman, this amendment is very simple and clear. It is just a follow up to my amendment earlier, so that once we have eliminated them from participating in suits to bring about forced busing in our elementary and secondary schools. This amendment will prohibit them from focusing their attention on our higher educational institutions, and harassing them.

Mr. Chairman, I urge the committee to adopt my amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina (Mr. MIZELL).

The amendment was agreed to.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

RECORDS AND REPORTS

SEC. 8. (a) The corporation shall have authority to require such reports as it deems necessary from recipients.

(b) The corporation shall have authority to prescribe the keeping of records with respect to funds provided by grant or contract and shall have access to such records at all reasonable times for the purpose of insuring compliance with the grant or contract.

(c) The corporation shall publish an annual report which shall be filed by the corporation with the President and the Congress.

(d) Copies of all reports pertinent to the evaluation, inspection, or monitoring of recipients shall be maintained in the principal office of the corporation for a period of at least five years subsequent to such evaluation, inspection, or monitoring. Such reports shall be available for public inspection during regular business hours and copies shall be furnished, upon request, to interested parties upon payment of such reasonable fees as the corporation may establish.

(e) The corporation shall be subject to the provisions of the Freedom of Information Act.

(f) The corporation shall afford notice and reasonable opportunity for comment to interested parties prior to issuing rules, regulations, and guidelines, and it shall publish in the Federal Register on a timely basis all its bylaws, rules, regulations, and guidelines.

AUDITS

SEC. 9. (a) The accounts of the corporation shall be audited annually. Such audits shall be conducted in accordance with generally accepted auditing standards by independent certified public accountants who are certified by a regulatory authority of the jurisdiction in which the audit is undertaken.

(b) The audits shall be conducted at the

place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audits shall be made available to the person or persons conducting the audits; and full facilities for verifying transactions with the balances and securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons. The report of the annual audit shall be filed with the General Accounting Office and shall be available for public inspection during business hours at the principal office of the corporation.

(c) In addition to the annual audit, the financial transactions of the corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited by the General Accounting Office in accordance with such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of the corporation are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, records, files, and all other things, papers, or property belonging to or in use by the corporation pertaining to its financial transactions and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the corporation shall remain in the possession and custody of the corporation. A report of such audit shall be made by the Comptroller General to the Congress and to the President, together with such recommendations with respect thereto as he shall deem advisable.

(d) The corporation shall audit each recipient annually or require each recipient to provide for an annual audit. The report of each such audit shall be maintained for a period of at least five years at the principal office of the corporation. The Comptroller General of the United States shall receive copies of such reports and may, in addition, inspect the books, accounts, records, files, and all other papers, things, or property belonging to or in use by the recipients, which relate to the disposition or use of funds received from the corporation. The audit reports shall be available for public inspection, during regular business hours, at the principal office of the corporation. Notwithstanding this subsection, neither the corporation nor the Comptroller General shall have access to individual case records subject to the attorney-client privilege.

FINANCING

SEC. 10. (a) There are authorized to be appropriated such sums as may be necessary to carry out the activities of the corporation. The first such appropriation may be made available to the board at any time after six or more members have been appointed and qualified. Subsequent appropriations shall be for three-year periods or such other periods as appropriation Acts may designate, and, if for more than one year, shall be paid to the corporation in annual installments at the beginning of each fiscal year in such amounts as may be specified in the appropriation Acts. Funds appropriated pursuant to this section shall remain available until expended.

(b) Funds received by the corporation, from a source other than such corporation or by any recipient from a source other than the corporation, shall be accounted for and reported as receipts and disbursements separate and distinct from Federal funds.

RIGHT TO REPEAL, ALTER, OR AMEND

SEC. 11. The right to repeal, alter, or amend this Act at any time is expressly reserved.

TRANSITION PROVISION

SEC. 12. (a) Effective July 1, 1973, or the date of enactment of this Act, whichever is later, the Secretary of Health, Education, and Welfare shall take such action as he deems necessary, including the provision (by grant or otherwise) of financial assistance to recipients and the corporation and the furnishing of services and facilities to the corporation—

(1) to assist the corporation in preparing to undertake, and in the initial undertaking of, its responsibilities under this Act, and

(2) to assist recipients in the provision of legal assistance until the date provided for in subsection (c).

(b) Effective July 1, 1973, or the date of enactment of this Act, whichever is later—

(1) all rights of the Office of Economic Opportunity to property in the possession of legal services programs assisted pursuant to section 222(a)(3), 230, 232, or any other provision of the Economic Opportunity Act of 1964, shall be transferred to the Secretary of Health, Education, and Welfare until the date provided for in subsection (c) and shall thereafter be the property of the corporation, and

(2) all assets, liabilities, property, and records determined by the Director of the Office of Management and Budget to be held or used primarily in connection with any function of the Director of the Office of Economic Opportunity under such section 222(a)(3) shall be transferred to the Secretary of Health, Education, and Welfare until the date provided for in subsection (c) and shall thereafter be the property of the corporation.

(c) Effective ninety days after the date of the first meeting of the board of directors of the corporation, such meeting to occur following the appointment and qualification of at least six members of such Board, section 222(a)(3) of the Economic Opportunity Act of 1964 is repealed, and the authority of the Secretary of Health, Education, and Welfare under subsection (a) is terminated.

(d) There are authorized to be appropriated for the fiscal year ending June 30, 1974, such sums as may be necessary for carrying out subsection (a).

Mr. QUIE (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of 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 Minnesota?

There was no objection.

AMENDMENT OFFERED BY MR. QUIE

Mr. QUIE. Mr. Chairman, I offer an amendment, which I will say is my last amendment.

The Clerk read as follows:

Amendment offered by Mr. QUIE: Page 36, strike out lines 7 through 11 and insert in lieu thereof:

"(b) Non-Federal funds received by the corporation, and funds received by any recipient from a source other than the corporation, shall be accounted for and reported as receipts and disbursements separate and distinct from Federal funds, but shall not be expended by recipients for any purpose prohibited by this Act (except that this provision shall not be construed in such a manner as to make it impossible to contract or make other arrangements with private attorneys or private law firms, or with legal aid societies which have separate public defender programs, for rendering legal assistance to eligible clients under this Act)".

Mr. QUIE. Mr. Chairman, I offer this amendment because the introduced bill had a prohibition against the commingling of Federal and non-Federal funds by the corporation or a recipient of assistance. The committee bill did not use the term "commingled" but rather spelled out the essence of the prohibition, which is to maintain separate accounts. The amendment adds all of the language following the comma after "Federal funds." The purpose is to assure that non-Federal funds of a recipient shall not be used for a purpose prohibited under the act. However, in the instance of grants made to private attorneys or law firms, or in the experiments with the use of private attorneys or firms, it is recognized that such a prohibition would not be feasible. For example, private attorneys or firms typically would be using non-Federal resources for representation in criminal cases—an activity prohibited by the act.

This keeps their funds separate.

MOTION OFFERED BY MR. HAWKINS

Mr. HAWKINS. Mr. Chairman, I move that debate on the remaining sections of the bill and all amendments, including the amendment offered by Mr. QUIE and all other amendments, close at the hour of 11 p.m.

The CHAIRMAN. The question is on the motion offered by the gentleman from California.

PARLIAMENTARY INQUIRY

Mr. MYERS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MYERS. Mr. Chairman, there is one motion pending before the motion made by the gentleman from California. Is this a substitute motion?

The CHAIRMAN. There is an amendment pending, but the motion of the gentleman from California is in order at this time.

The question is on the motion offered by the gentleman from California (Mr. HAWKINS) that all debate on the bill and all pending amendments thereto close at 11 p.m.

The motion was agreed to.

PARLIAMENTARY INQUIRY

Mr. QUIE. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. QUIE. Mr. Chairman, can we get a vote on my amendment at this time?

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. QUIE).

The amendment was agreed to.

The CHAIRMAN. Members standing at the time the motion of the gentleman from California was agreed to will be recognized for one-half minute each.

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

Mr. PEYSER. Mr. Chairman, after about 11 hours on the floor, 30 seconds, I guess, is all anybody can listen to any more, so I just want to make one statement.

This is still a sound bill. In spite of the many arguments that are against it that have been presented, if we, in the House of Representatives, cannot guarantee the poor of this country decent legal representation, which this bill offers, then there is little hope for their future.

If every Member on the floor who has spoken for the poor today will vote for the bill it should be unanimous in its passage.

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

AMENDMENT OFFERED BY MR. HAYS

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

The Clerk read as follows:

Amendment offered by Mr. HAYS: On page 38, insert a new section which reads: "No assistance shall be given to indigent, abandoned Watergate defendants."

Mr. HAYS. Mr. Chairman, the amendment speaks for itself.

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

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

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

A recorded vote was refused.

So the amendment was agreed to.

The CHAIRMAN. The Chair recognizes the gentlewoman from Oregon (Mrs. GREEN).

AMENDMENT OFFERED BY MRS. GREEN OF OREGON

Mrs. GREEN of Oregon. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. GREEN of Oregon: Section 10(a), Delete all after the word "qualified" in line 23, line 24 continuing on page 36, lines 1 through and including the word "Acts" in line 5.

Mrs. GREEN of Oregon. Mr. Chairman, in the 30 seconds I will say the only purpose of this amendment is to strike out those words which require a 3-year appropriation. By deleting the words which were read by the Clerk we will have an annual appropriation for the bill.

I hope the Members will support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon (Mrs. GREEN).

The amendment was greed to.

The CHAIRMAN. The Chair recognizes the gentleman from Arizona (Mr. CONLAN).

(By unanimous consent, Mr. CONLAN yielded his time to Mr. LANDGREBE.)

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

(By unanimous consent, Mr. ROUSSELOT yielded his time to Mr. LANDGREBE.)

Mr. LANDGREBE. Mr. Chairman, I do not rise to offer an amendment. I rise to inform the Members that I will be offering a motion to recommit this silly bill to the Committee on Education and Labor. I believe this is what we ought to do.

I hope that when the right time comes there will not be a single Member who will miss the opportunity to put this bill back in the committee, to let us come back and offer a respectable bill every Member can vote for and be proud of.

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

Mr. GRAY. Mr. Chairman, I gladly yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. FROEHLICH).

Mr. FROEHLICH. Mr. Chairman, I yield back my time.

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

Mr. HUNT. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Massachusetts (Mr. BURKE).

(By unanimous consent, Mr. BURKE of Massachusetts yielded his time to Mr. CONYERS.)

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. CONYERS

Mr. CONYERS. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mr. CONYERS: Strike out all after the enacting clause and insert in lieu thereof the following:

That this act may be cited as the "Legal Services Corporation Act."

DECLARATION OF PURPOSE

SEC. 2. The Congress hereby finds and declares that—

(1) it is in the public interest to encourage and promote resort to attorneys and appropriate institutions for the orderly resolution of grievances and as a means of securing orderly change, responsiveness, and reform;

(2) many low-income Americans are unable to afford the cost of legal services or of access to appropriate institutions;

(3) access to legal services and appropriate institutions for all citizens of the United States not only is a matter of private and local concern, but also is of appropriate and important concern to the Federal Government;

(4) the integrity of the attorney-client relationship and of the adversary system of justice in the United States require that there be no political interference with the provision and performance of legal services;

(5) existing legal services programs have provided economical, effective, and comprehensive legal services to the client community so as to bring about a peaceful resolution of grievances through resort to orderly means of change;

(6) a private nonprofit corporation should be created to encourage the availability of legal services and legal institutions to all citizens of the United States, free from extraneous interference and control.

ESTABLISHMENT OF CORPORATION

SEC. 3. (a) There is hereby established in the District of Columbia a private nonmembership nonprofit corporation which shall be known as the "Legal Services Corporation" (hereinafter in this Act referred to as the "corporation"), for the purpose of providing financial support for legal assistance in noncriminal matters to persons financially unable to afford legal assistance (hereinafter in this Act referred to as "eligible clients").

(b) The corporation shall maintain its principal office in the District of Columbia and shall, at all times, maintain therein a designated agent to accept service of process for the corporation. Notice to or service upon the agent shall be deemed notice to or service upon the corporation.

(c) The corporation, and legal services programs assisted by the corporation, shall be eligible to be treated as an organization described in section 170(c)(2)(B) of the Internal Revenue Code of 1954 or as an organization described in section 501(c)(3) of the Internal Revenue Code of 1954 which is exempt from taxation under section 501(a) of such Code. If such treatments are conferred in accordance with the provisions of such Code, the corporation, and legal services programs assisted by the corporation, shall be subject to all provisions of such Code relevant to the conduct of organizations exempt from taxation.

GOVERNING BODY

SEC. 4. (a) The corporation shall have a board of directors (hereinafter in this Act referred to as the "board") consisting of eleven voting members appointed by the President, by and with the advice and consent of the Senate, without regard to political affiliation or professional occupation: *Provided*, That none shall be an employee of the United States, any State or political subdivision thereof, or an officer, employee or candidate of any political party.

(b) The term of office of each member of the board shall be three years except that of the members first appointed five members designated by the President shall serve for a term of two years. For purposes of this subsection, the term of office of the initial members of the board shall be computed from the date of enactment of this Act. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of that term. The term of each member other than initial members shall be computed from the date of termination of the preceding term. No member shall be reappointed immediately following his initial term.

(c) The members of the board shall not, by reason of such membership, be deemed officers or employees of the United States.

(d) The board of directors shall select from among the voting members of the board a chairman, who shall serve for a term of one year.

(e) A member of the board may be removed by a vote of seven members for malfeasance in office, or persistent neglect of, or inability to perform, duties and for no other cause.

(f) Within six months following the appointment of all members of the board, the board shall request the Governor of each State to appoint a nine-member advisory council for his State. Appointments to the Advisory Council shall be made without regard to political affiliation or professional occupation: *Provided*, That none shall be an employee of the United States, any State or political subdivision thereof, or an officer, employee, or candidate of any political party. Should the Governor fail to appoint the advisory council within ninety days of receipt of said request from the board, the board shall appoint such a council. The advisory council shall be charged with notifying the corporation of any violation of the provisions of this Act and applicable rules, regulations, and guidelines promulgated pursuant to this Act. The advisory council shall, at the same time, furnish a copy of the notification to any recipient affected thereby, and the corporation shall allow such recipient a reasonable time (but in no case less than sixty days) to reply to any allegation contained in the notification.

(g) All meetings of the board, of any executive committee of the board, and of State advisory councils shall be open to the public, unless the membership of such bodies, by two-thirds vote of those eligible to vote, determines that an executive session should be held on a specific occasion.

(h) The board shall meet at least four times during each calendar year.

OFFICERS AND EMPLOYEES

SEC. 5. (a) The board shall appoint the president of the corporation, who must be a member of the bar of the highest court of a State and shall be a nonvoting, ex officio member of the board, and such other officers as the board determines to be necessary. No officer of the corporation may receive any salary or other compensation or services from any source other than the corporation during his period of employment by the corporation, except as authorized by the board. All officers shall serve at the pleasure of the board.

(b) The president of the corporation, subject to general policies established by the board, may appoint and remove such employees of the corporation as he determines to be necessary to carry out the purposes of the corporation.

(c) No member of the board may participate in any decision, action, or recommendation with respect to any matter which directly benefits such member or any firm or organization with which that member is then currently associated.

POWERS, DUTIES, AND LIMITATIONS

SEC. 6. (a) In addition to the powers conferred upon a nonprofit corporation by the District of Columbia Nonprofit Corporation Act (except for section 1005(o) of title 29 of the District of Columbia Code) the corporation shall have authority—

(1) To make grants to, and to contract with, individuals, partnerships, firms, organizations, corporations, State and local governments, and other appropriate entities (referred to in this Act as "recipients") for the purpose of providing legal assistance to eligible clients;

(2) To accept in the name of the corporation, and employ or dispose of in furtherance of the purposes of this Act, any money or property, real, personal, or mixed, tangible or intangible, received by gift, devise, bequest, or otherwise: *Provided*, That no authority exercised under this subsection shall have the effect of abolishing or reducing the powers or functions of the corporation, any component thereof, or any program administered pursuant to provisions of this Act; and

(3) To undertake, either directly or by grant or contract, the following activities relating to the delivery of legal assistance—

(A) research,

(B) training and technical assistance, and

(C) to serve as a clearinghouse for information.

(b)(1) The corporation shall have authority to insure the compliance of recipients with the provisions of this Act and the rules, regulations and guidelines promulgated pursuant to this Act, and to terminate, after a hearing, financial support to a recipient which fails to comply.

(2) The corporation shall not interfere with any attorney in carrying out his professional responsibility to his client as established in the Canons of Ethics and Code of Professional Responsibility of the American Bar Association or abrogate the authority of a State to enforce the standards of professional responsibility which apply to the attorney.

(3) No attorney shall receive any compensation, either directly or indirectly, for the provision of legal assistance under this Act, unless such attorney is authorized to practice law in the State where the rendering of such assistance is initiated.

(4) The corporation shall insure that its employees and employees of recipients, which employees receive a majority of their annual professional income from legal assistance under this Act, shall while engaged in activities carried on by the corporation or by a recipient, refrain from participation in picketing, boycotts, or strikes. The Board, within ninety days of the date of enactment of this Act, shall issue guidelines to insure enforcement of this subsection, the Canons of Judicial Ethics, the laws of the United States, and State, and local governments.

Such guidelines shall include criteria (i) for suspension of legal assistance support under this Act, (ii) for suspension or termination of compensation to an employee of the corporation, and (iii) which shall be used by recipients in any action by them for the suspension or termination of their employees, for violations of this subsection.

(c)(1) The corporation shall not participate in litigation on behalf of clients other than the corporation.

(2) The corporation shall have no power to issue any shares of stock, or to declare or pay any dividends.

(3) No part of the income or assets of the corporation shall inure to the benefit of any director, officer, or employee, except as reasonable compensation for services.

(4) Neither the corporation nor any recipient shall contribute or make available corporate funds or program personnel or equipment provided pursuant to this Act to any political party, political association, or candidate for elective office.

GRANTS AND CONTRACTS

SEC. 7. (a) With respect to grants or contracts to provide legal asisstance to eligible clients, the corporation shall in accordance with the Canons of Ethics and Code of Professional Responsibility of the American Bar Association—

(1) Insure the maintenance of the highest quality of service and professional standards, adherence to the preservation of attorney-client relationships, and the protection of the integrity of the adversary process from any impairment in furnishing legal assistance to eligible clients;

(2) Establish, in consultation with the Director of the Office of Management and Budget, maximum income levels (taking into account family size and urban and rural differences) for those eligible for legal assistance under this Act (referred to in this Act as "eligible clients"); establish guidelines to insure that eligibility of clients will be determined by recipients on the basis of factors which include:

(A) the assets and income level of the client,

(B) the fixed debts, medical expenses an other factors which affect the client's ability to pay.

(C) the size of the client's family,

(D) the cost of living in the locality, and

(E) such other factors as relate to financial inability to afford legal assistance:

and establish priorities to insure that those least able to afford legal assistance are given preference in the furnishing of such assistance; except that no individual shall be eligible for the receipt of legal assistance if his lack of income results from his refusal, without good cause, to seek or accept employment commensurate with his health, age, education, and ability;

(3) Insure that grants are made and contracts are entered into so as to provide adequate legal assistance to persons in both urban and rural areas;

(4) Insure that attorneys, employed full time in legal assistance activities supported in whole or in part by the corporation, represent only eligible clients and refrain from any outside practice of law for compensation.

(5) Insure that all attorneys, while engaged in legal assistance activities supported in whole or in part by the corporation, refrain from—

(A) any political activity; or

(B) any activity to provide voters or prospective voters with transportation to the polls or provide similar assistance in connection with an election (other than legal representation in civil or administrative proceedings); or

(C) any voter registration activity (other than legal representation);

and insure that attorneys receiving more than one-half of their annual professional income from legal assistance activities supported in whole or in part by the corporation refrain from the activities referred to in clauses (A), (B), and (C) while engaged in activities carried on by the corporation or by a recipient;

(6) Establish guidelines for consideration of possible appeals, to be implemented by each recipient to insure the efficient utilization of resources; except that such guidelines shall in no way interfere with the attorney's responsibilities;

(7) Insure that recipients solicit the recommendations of the organized bar in the community being served before filling staff attorney positions in any project funded pursuant to this Act and consideration be given in filling such positions to qualified persons who reside in the community to be served;

(b) No funds made available by the corporation under this Act, either by grant or contract, may be used—

(1) To provide legal assistance with respect to any fee-generating case (except in accordance with guidelines promulgated by the corporation), to provide legal assistance with respect to any criminal proceeding or to provide legal assistance in civil actions to persons who have been convicted of a criminal charge where the civil action arises out of alleged acts or failures to act connected with the criminal conviction and is brought against an officer of the court or against a law enforcement official;

(2) For any of the political activities described in section (7)(a)(6);

(3) To award grants to or enter into contracts with any private law firm which expends more than 50 per centum of its resources and time litigating issues in the broad interests of a majority of the public;

(4) To support or conduct training programs for the advocacy of, as distinguished from the dissemination of information about, particular public policies or which encourage political activities, labor or anti-labor activities, boycotts, picketing, strikes, and demonstrations, except that this provision shall not be construed to prohibit the training of attorneys necessary to prepare them to provide adequate legal assistance to eligible clients;

(5) To organize, to assist to organize, or to encourage to organize, or plan for, the creation or formation of, or the structuring of, any organization, association, coalition, alliance, federation, confederation, or any similar entity, except for the provision of appropriate legal assistance in accordance with guidelines promulgated by the corporation;

(6) To provide legal assistance under this Act to any person under eighteen years of age without the written consent of one of such person's parents or guardians or any court of competent jurisdiction, except pursuant to criteria which the board shall prescribe for the purpose of providing adequate legal assistance for persons under eighteen years of age.

(c) The corporation shall monitor and

evaluate programs supported in whole or in part under this Act to insure that the provisions of this Act and the bylaws of the corporation and applicable rules, regulations, and guidelines promulgated pursuant to this Act are carried out.

(d) Grants and contracts under this Act shall be made or entered into by the president in the name of the corporation, but the board shall review and approve any grant to or contract with a State or local government prior to such action by the president, and may by rule establish other classes of grants or contracts to be reviewed and approved by it prior to such action by the president.

(e) Within thirty days after the corporation's approval of any grant application or after entering into a contract, the corporation shall notify the Governor and the State bar association of the State in which the recipient will offer legal assistance. Notification shall include a reasonable description of the grant application or proposed contract.

(f) The corporation shall insure that no less than 10 per centum of the moneys it expends in any year shall go to activities which are non-staff-attorney oriented.

(g) The corporation shall conduct a study of alternative methods of delivery of legal assistance to eligible clients including judicare, vouchers, prepaid legal insurance, and contracts with law firms and shall make recommendations to the President and the Congress on or before June 30, 1974, concerning improvements, changes, or alternative methods for delivery of such systems.

RECORDS AND REPORTS

SEC. 8. (a) The corporation shall have authority to require such reports as it deems necessary from recipients.

(b) The corporation shall have authority to prescribe the keeping of records with respect to funds provided by grant or contract and shall have access to such records at all reasonable times for the purpose of insuring compliance with the grant or contract.

(c) The corporation shall publish an annual report which shall be filed by the corporation with the President and the Congress.

(d) Copies of all reports pertinent to the evaluation, inspection, or monitoring of recipients shall be maintained in the principal office of the corporation for a period of at least five years subsequent to such evaluation, inspection, or monitoring. Such reports shall be available for public inspection during regular business hours and copies shall be furnished, upon request, to interested parties upon payment of such reasonable fees as the corporation may establish.

(e) The corporation shall be subject to the provisions of the Freedom of Information Act.

(f) The corporation shall afford notice and reasonable opportunity for comment to interested parties prior to issuing rules, regulations, and guidelines, and it shall publish in the Federal Register on a timely basis all its bylaws, rules, regulations, and guidelines.

AUDITS

SEC. 9. (a) The accounts of the corporation shall be audited annually. Such audits shall be conducted in accordance with generally accepted auditing standards by independent certified public accountants who are certified by a regulatory authority of the jurisdiction in which the audit is undertaken.

(b) The audits shall be conducted at the place or places where the accounts of the corporation are normally kept. All books, accounts, financial records, reports, files, and other papers, things, or property belonging to or in use by the corporation and necessary to facilitate the audits shall be made available to the person or persons conducting the audits; and full facilities for verifying transactions with the balances and securities held by depositories, fiscal agents, and custodians shall be afforded to such person or persons. The report of the annual audit shall be filed with the General Accounting Office and shall be available for public inspection during business hours at the principal office of the corporation.

(c) In addition to the annual audit, the financial transactions of the corporation for any fiscal year during which Federal funds are available to finance any portion of its operations may be audited by the General Accounting Office in accordance with such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of the corporation are normally kept. The representatives of the General Accounting Office shall have access to all books, accounts, records, files, and all other things, papers, or property belonging to or in use by the corporation pertaining to its financial transactions and necessary to facilitate the audit, and they shall be afforded full facilities for verifying transactions with the balances or securities held by depositories, fiscal agents, and custodians. All such books, accounts, records, reports, files, papers, and property of the corporation shall remain in the possession and custody of the corporation. A report of such audit shall be made by the Comptroller General to the Congress and to the President, together with such recommendations with respect thereto as he shall deem advisable.

(d) The corporation shall audit each recipient annually or require each recipient to provide for an annual audit. The report of each such audit shall be maintained for a period of at least five years at the principal office of the corporation. The Comptroller General of the United States shall receive copies of such reports and may, in addition, inspect the books, accounts, records, files, and all other papers, things, or property belonging to or in use by the recipients, which relate to the disposition or use of funds received from the corporation. The audit reports shall be available for public inspection, during regular business hours, at the principal office of the corporation. Notwithstanding this subsection, neither the corporation nor the Comptroller General shall have access to individual case records subject to the attorney-client privilege.

FINANCING

SEC. 10. (a) There are authorized to be appropriated such sums as may be necessary to carry out the activities of the corporation. The first such appropriation may be made available to the board at any time after six or more members have been appointed and qualified. Subsequent appropriations shall be for two-year periods or such other periods as appropriation Acts may designate, and, if for more than one year, shall be paid to the corporation in annual installments at the beginning of each fiscal year in such amounts as may be specified in the appropriation Acts. Funds appropriated pursuant to this section shall remain available until expended.

(b) Funds received by the corporation, from a source other than such corporation or by any recipient from a source other than the corporation, shall be accounted for and reported as receipts and disbursements separate and distinct from Federal funds.

RIGHT TO REPEAL, ALTER, OR AMEND

SEC. 11. The right to repeal, alter, or amend this Act at any time is expressly reserved.

TRANSITION PROVISION

SEC. 12. (a) Effective July 1, 1973, or the date of enactment of this Act, whichever is later, the Secretary of Health, Education, and Welfare shall take such action as he deems necessary, including the provision (by grant or otherwise) of financial assistance to recipients and the corporation and the furnishing of services and facilities to the corporation—

(1) to assist the corporation in preparing to undertake, and in the initial undertaking of, its responsibilities under this Act, and

(2) to assist recipients in the provision of legal assistance until the date provided for in subsection (c).

(b) Effective July 1, 1973, or the date of enactment of this Act, whichever is later—

(1) all rights of the Office of Economic Opportunity to property in the possession of legal services programs assisted pursuant to section 222(a)(3), 230, 232, or any other provision of the Economic Opportunity Act of 1964, shall be transferred to the Secretary of Health, Education, and Welfare until the date provided for in subsection (c) and shall thereafter be the property of the corporation, and

(2) all assets, liabilities, property, and records determined by the Director of the Office of Management and Budget to be held or used primarily in connection with any function of the Director of the Office of Economic Opportunity under such section 222(a)(3) shall be transferred to the Secretary of Health, Education, and Welfare until the date provided for in subsection (c) and shall thereafter be the property of the corporation.

(c) Effective ninety days after the date of the first meeting of the board of directors of the corporation, such meeting to occur following the appointment and qualification of at least six members of such Board, section 222(a)(3) of the Economic Opportunity Act of 1964 is repealed, and the authority of the Secretary of Health, Education, and Welfare under subsection (a) is terminated.

(d) There are authorized to be appropriated for the fiscal year ending June 30, 1974, such sums as may be necessary for carrying out subsection (a).

DEFINITIONS

SEC. 13. As used in this Act, the term—

(1) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Trust Territory of the Pacific Islands, and any other territory or possession of the United States.

(2) "Governor" means the chief executive officer of a State.

(3) "Legal assistance" means the provision of any legal services under this Act.

(4) "Staff attorney" means an attorney who receives more than one-half of his annual professional income from a recipient organized solely for the provision of legal assistance to eligible clients under this Act.

Mr. CONYERS (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment in the nature of a substitute be dispensed with.

Mr. WILLIAM D. FORD. Mr. Chairman, I ask unanimous consent that further reading of the amendment in the nature of a substitute be dispensed with and that it be printed at this point in the RECORD so that we may dispose of it.

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

There was no objection.

Mr. CONYERS. Mr. Chairman, when we came onto this floor earlier today and yesterday, I was prepared to swallow the compromise agreement that had been worked out on the legal services bill. I respected the work that this distinguished subcommittee had put in during several months in conducting hearings and in negotiating backward and forward.

However, there must come a time in every Member's existence where he reaches the breaking point, and I am leaving this bill as of right now. I refuse in the name of common decency and the respect that this body ought to be accorded by its own Members, before they dare to ask the American people to support it, to continue my support of this bill.

Mr. Chairman, I am not going to participate in this travesty. I hope the Members support my amendment in the nature of a substitute.

The CHAIRMAN. The time of the gentleman from Michigan (Mr. CONYERS) has expired.

(By unanimous consent, Ms. ABZUG yielded her time to Mr. CONYERS.)

Mr. CONYERS. Mr. Chairman, the substitute in essence is the Legal Services Corporation bill minus all of the prohibitions which have been restated and misstated in the form of these extraneous amendments throughout this evening. It is a bill that authorizes 2 years instead of 3 years or 1 year. It is a bill that removes the restrictions upon attorneys as citizens who participate in the American policy process.

Mr. Chairman, the substitute I am offering today makes the following changes to the Legal Services Corporation Act:

First, the President will be required to appoint the Board of Directors without regard to political affiliation or professional occupation. In addition, members of the Board may not be employees of the United States, a State, or political subdivision. A similar provision is included with regard to appointment of advisory councils by the Governors of each State.

These provisions are necessary to shield the legal services program from political influences. Appointments to the Board would be made on a nonpartisan basis rather than a bipartisan basis. The objective, of course, would be to insure that the Board of Directors should be responsive to all the people and should not disproportionately come from any particular occupation. If we are to shield the program from political pressures, the Board should not be exclusively the domain of lawyers is not logical that on one hand this legislation mandates representation of attorneys on boards and at the same time places restrictions upon the activities of field attorneys representing the interests of the poor; this is what we attempt to avoid in this legislation.

Second, my amendments provide that no member of the Board shall serve consecutive terms. The purpose of this provision is to give as many of the competent people available for service on the Board an opportunity to make their contribution and provide fresh ideas to the program.

Third, my amendments provide that the authority to dispose of money or property under the act will not be used to abolish, or reduce, the powers or functions of the Corporation. This provision is necessary in order to avoid the kind of unlawful, bad faith application of a similar provision in the Economic Opportunity Act of 1968, which was utilized to assault and dismantle the Office of Economic Opportunity.

Fourth, my amendment removes the restrictions upon legal services attorneys' participation in the influence and passage of legislation before the Congress of the United States, the States, and local governments. I strongly believe that we must make a clear distinction between legislative advocacy on behalf of a client or clients and patent political activity such as supporting candidates for political office. The legislation before us does not make this distinction, but rather makes broad prohibitions upon what a lawyer can and cannot do. In the process it severely restricts the legitimate bounds of legal services attorneys.

Fifth, my amendment removes all language from the committee bill which unjustifiably refers to obvious unlawful activity and professional irresponsibility that is covered by State, local, and Federal law and the canons of ethics and code of professional responsibility of the American Bar Association. It is obvious that the language of the committee bill was intended to proscribe unlawful activity which a negligible number of legal services attorneys may have indulged in in the past. However, I see no need to chastise past practices—so slight in comparison with the extraordinary professional competence which the vast majority of legal services attorneys have exercised.

Other changes in the committee bill which my amendment makes include:

First. The appointment of the Chairman of the Corporation's Board of Directors by the Board itself and not by the President.

Second. The removal of restrictions upon the award of grants to private law firms involved in litigating cases in the collective interest of the poor.

Third. The authorization of the program for 2 years rather than 3.

Fourth. The requirement of notification of Governors and State bar associations at least 30 days in advance of the approval of grants or contracts has been changed to 30 days after the awards are made.

In conclusion, I believe that my amendment is critical to the success and integrity of the legal services program.

The CHAIRMAN. The question is on the amendment in the nature of a substitute offered by the gentleman from Michigan (Mr. CONYERS).

The amendment in the nature of a substitute was rejected.

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

Mr. MYERS. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Idaho (Mr. SYMMS).

Mr. SYMMS. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan (Mr. WILLIAM D. FORD).

Mr. WILLIAM D. FORD. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Washington (Mr. MEEDS).

Mr. MEEDS. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, I yield back my time.

The CHAIRMAN. The Chair recognizes the gentleman from Minnesota (Mr. QUIE).

Mr. QUIE. Mr. Chairman, I yield back my time.

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

Mr. HAWKINS. Mr. Chairman, I yield back my time.

The CHAIRMAN. The question is on the Committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the Chair, Mr. ECKHARDT, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 7824) to establish a Legal Services Corporation, and for other purposes, pursuant to House Resolution 435, he reported the bill back to the House with an amendment 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 to the committee amendment in the nature of a substitute adopted in the Committee of the Whole?

Ms. ABZUG. Mr. Speaker, I demand a separate vote on the so-called Hogan amendment as amended.

The SPEAKER. Is a separate vote demanded on any other amendment? If not, the Clerk will report the amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment:

Page 30, line 15, strike out the period and insert in lieu there of a semicolon, and after line 15 insert the following:

"(8) To provide legal assistance with respect to any proceeding or litigation which seeks to procure a non-therapeutic abortion or to compel any individual or institution to perform an abortion, or assist in the per-

formance of an abortion, or provide facilities for the performance of an abortion, contrary to the religious beliefs or moral convictions of such individual or institution."

The amendment was agreed to.

The SPEAKER. The question is on the amendment adopted in the Committee of the Whole.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. LANDGREBE

Mr. LANDGREBE. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. LANDGREBE. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. LANDGREBE moves to recommit the bill H.R. 7824 to the Committee on Education and Labor.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The question was taken; and the Speaker being in doubt, the House divided, and there were—ayes 91, noes 189.

Mr. LANDGREBE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were refused.

So the motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. GERALD R. FORD. 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 276, nays 95, present 5, not voting 57, as follows:

[Roll No. 263]

YEAS—276

Abdnor	Brinkley	Delaney
Adams	Brooks	Dellenback
Addabbo	Brotzman	Dent
Alexander	Brown, Calif.	Diggs
Anderson, Calif.	Brown, Mich.	Dingell
	Brown, Ohio	Donohue
Anderson, Ill.	Buchanan	Drinan
Andrews, N.C.	Burke, Calif.	Dulski
Andrews, N. Dak.	Burke, Mass.	Duncan
	Burlison, Mo.	du Pont
Annunzio	Carney, Ohio	Eckhardt
Arends	Carter	Edwards, Calif.
Ashley	Casey, Tex.	Eilberg
Aspin	Cederberg	Esch
Barrett	Chisholm	Eshleman
Beard	Clark	Evans, Colo.
Bell	Clay	Fascell
Bennett	Cleveland	Findley
Bergland	Cochran	Fish
Biaggi	Cohen	Flood
Biester	Collier	Flowers
Bingham	Collins, Ill.	Foley
Blatnik	Conable	Ford, Gerald R.
Boggs	Conte	Ford, William D.
Boland	Corman	
Bolling	Cotter	Forsythe
Bowen	Coughlin	Fraser
Brademas	Daniels, Dominick V.	Frelinghuysen
Brasco		Frenzel
Breckinridge	de la Garza	Frey
Fulton	Martin, N.C.	Saylor
Fuqua	Matsunaga	Schroeder
Gaydos	Mayne	Seiberling
Gettys	Mazzoli	Shipley
Giaimo	Meeds	Shoup
Gibbons	Melcher	Shriver
Gilman	Mezvinsky	Sisk
Ginn	Milford	Skubitz
Grasso	Miller	Slack
Gray	Minish	Smith, Iowa
Green, Oreg.	Mink	Smith, N.Y.
Green, Pa.	Mitchell, N.Y.	Stanton, J. William
Grover	Mizell	
Gude	Moakley	Stanton, James V.
Gunter	Mollohan	
Guyer	Moorhead, Pa.	Stark
Hamilton	Morgan	Steed
Hanley	Mosher	Steele
Hanna	Moss	Steelman
Hansen, Idaho	Murphy, Ill.	Steiger, Wis.
Hansen, Wash.	Murphy, N.Y.	Stephens
Harsha	Natcher	Stokes
Hastings	Nedzi	Stratton
Hawkins	Nelsen	Stubblefield
Hechler, W. Va.	Nix	Stuckey
Heckler, Mass.	Obey	Studds
Heinz	O'Brien	Sullivan
Helstoski	O'Hara	Symington
Hogan	O'Neill	Talcott
Holifield	Owens	Taylor, N.C.
Holt	Patten	Teague, Calif.
Holtzman	Pepper	Thone
Horton	Perkins	Thornton
Howard	Pettis	Tiernan
Ichord	Peyser	Towell, Nev.
Jones, Okla.	Pickle	Udall
Jones, Tenn.	Pike	Ullman
Jordan	Podell	Van Deerlin
Karth	Price, Ill.	Vanik
Keating	Pritchard	Vigorito
Kemp	Quie	Walsh
Kuczynski	Railsback	Wampler
Koch	Randall	Ware
Kuykendall	Rangel	Whalen
Kyros	Rees	White
Lehman	Regula	Williams
Litton	Reuss	Wilson, Bob
Long, La.	Rhodes	Wilson, Charles, Tex.
Long, Md.	Rinaldo	
McClory	Robison, N.Y.	Winn
McCloskey	Rodino	Wolff
McCollister	Roe	Wright
McCormack	Roncallo, N.Y.	Wyatt
McDade	Rose	Wydler
McFall	Rosenthal	Wylie
McKay	Rostenkowski	Wyman
McSpadden	Roush	Yates
Macdonald	Roy	Yatron
Madden	Roybal	Young, Ga.
Madigan	Runnels	Young, Ill.
Mahon	Ruppe	Young, Tex.
Mailliard	Ryan	Zablocki
Mallary	St Germain	Zwach
Mann	Sarasin	
Maraziti	Sarbanes	

NAYS—95

Archer	Goldwater	Passman
Armstrong	Goodling	Poage
Baker	Gross	Powell, Ohio
Bevill	Gubser	Price, Tex.
Blackburn	Haley	Roberts
Broyhill, N.C.	Hanrahan	Robinson, Va.
Broyhill, Va.	Hays	Rogers
Burgener	Henderson	Rousselot
Burke, Fla.	Hicks	Ruth
Burleson, Tex.	Hosmer	Satterfield
Butler	Huber	Scherle
Byron	Hungate	Schneebeli
Camp	Hunt	Sebelius
Chappell	Hutchinson	Shuster
Clancy	Jarman	Sikes
Collins, Tex.	Johnson, Colo.	Snyder
Conlan	Johnson, Pa.	Spence
Conyers	Jones, Ala.	Steiger, Ariz.
Daniel, Dan	Jones, N.C.	Symms
Daniel, Robert W., Jr.	Kastenmeier	Taylor, Mo.
	Ketchum	Teague, Tex.
Davis, Ga.	Landgrebe	Treen
Davis, Wis.	Latta	Veysey
Dellums	Lott	Waggonner
Denholm	McEwen	Whitten
Dennis	Martin, Nebr.	Wiggins
Derwinski	Michel	Wilson, Charles H., Calif.
Devine	Montgomery	
Dickinson	Moorhead, Calif.	Young, Alaska
Downing		Young, Fla.
Edwards, Ala.	Myers	Young, S.C.
Fountain	Nichols	Zion
Froehlich	Parris	

PRESENT—5

Abzug	Culver	Mitchell, Md.
Burton	Harrington	

NOT VOTING—57

Ashbrook	Gonzalez	Mills, Ark.
Badillo	Griffiths	Minshall, Ohio
Bafalis	Hammer-schmidt	Patman
Bray		Preyer
Breaux	Harvey	Quillen
Broomfield	Hébert	Rarick
Carey, N.Y.	Hillis	Reid
Chamberlain	Hinshaw	Riegle
Clausen, Don H.	Hudnut	Roncalio, Wyo.
	Johnson, Calif.	Rooney, N.Y.
Clawson, Del	Kazen	Rooney, Pa.
Crane	King	Sandman
Cronin	Landrum	Staggers
Danielson	Leggett	Thompson, N.J.
Davis, S.C.	Lent	Thomson, Wis.
Dorn	Lujan	Vander Jagt
Erlenborn	McKinney	Waldie
Evins, Tenn.	Mathias, Calif.	Whitehurst
Fisher	Mathis, Ga.	Widnall
Flynt	Metcalfe	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Thompson of New Jersey for, with Mr. Chamberlain against.

Mr. Thomson of Wisconsin for, with Mr. Quillen against.

Mr. Erlenborn for, with Mr. Bray against.

Mr. Broomfield for, with Mr. King against.

Mr. Harvey for, with Mr. Whitehurst against.

Mr. Staggers for, with Mr. Rarick against.

Mr. Breaux for, with Mr. Crane against.

Mr. Cronin for, with Mr. Fisher against.

Mr. Preyer for, with Mr. Hébert against.

Mr. Metcalfe for, with Mr. Mathis of Georgia against.

Mr. Widnall for, with Mr. Hinshaw against.

Until further notice:

Mr. Reid with Mr. Mills of Arkansas.

Mr. Riegle with Mr. Landrum.

Mr. Carey of New York with Mr. Don H. Clausen.

Mr. Danielson with Mr. Minshall of Ohio.

Mr. Davis of South Carolina with Mr. Mathias of California.

Mr. Leggett with Mr. Hammerschmidt.

Mr. Roncalio of Wyoming with Mr. Ashbrook.

Mr. Rooney of New York with Mr. Del Clawson.

Mr. Rooney of Pennsylvania with Mr. Bafalis.

Mr. Waldie with Mr. Lujan.

Mr. Johnson of California with Mr. Dorn.

Mrs. Griffiths with Mr. Badillo.

Mr. Gonzalez with Mr. Evins of Tennessee.

Mr. Kazen with Mr. Flynt.

Mr. Patman with Mr. Hudnut.

Mr. Hillis with Mr. Lent.

Mr. McKinney with Mr. Vander Jagt.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HAWKINS. 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 California?

There was no objection.

LEGISLATIVE PROGRAM

Mr. O'NEILL. Mr. Speaker, the first item tomorrow will be H.R. 6187, negotiated contracts, which will be brought up by unanimous consent at the request of the Committee on Merchant Marine and Fisheries.

The second bill will be H.R. 8510, National Science Foundation authorization, followed by H.R. 8662, HUD—science—veterans appropriations.

Of course, in view of the fact that the National Science Foundation is included in the HUD appropriation bill, the authorization should be passed first.

ADJOURNMENT TO 11 A.M. FRIDAY, JUNE 22, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock a.m. on Friday, June 22, 1973.

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

There was no objection.

Mr. MYERS. Mr. Speaker, reserving the right to object——

The SPEAKER. The Chair will recognize the gentleman from Indiana for 1 minute.

Mr. MYERS. Mr. Speaker, what is going to be the procedure next week? We have a number of bills that will be pending next week. Is this going to happen next week, where we come to Thursday night and are in session late, or are we going to wait until Friday?

The SPEAKER. The Chair recognized the gentleman from Indiana for 1 minute, not for the purpose of cross examining the Chair.

PROVIDING FOR CONSIDERATION OF H.R. 8825, HOUSE JOINT RESOLUTION 542, H.R. 8877, AND MOTIONS TO SUSPEND THE RULES, WEEK OF JUNE 25, 1973

Mr. SISK, from the Committee on Rules, reported the following privileged resolutions (H. Res. 453, Rept. No. 93–314; H. Res. 456, Rept. No. 93–317; H. Res. 455, Rept. No. 93–316, and H. Res. 454, Rept. No. 93–315) which were referred to the House Calendar and ordered to be printed:

H. RES. 453

Resolved, That during the consideration of the bill (H.R. 8825) making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes, the provisions of clause 2, Rule XXI are hereby waived.

H. RES. 456

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 joint resolution (H.J. Res. 542) concerning the war powers of Congress and the President. After general debate, which shall be confined to the joint resolution and shall continue not to exceed three hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Foreign Affairs, the joint resolution shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the joint resolution for amendment, the Committee shall rise and report the joint resolution to the House with such amendments as have been adopted, and the previous question shall be considered as ordered on the joint resolution and amendments thereto to final passage without intervening motion except one motion to recommit.

H. RES. 455

Resolved, That during the consideration of the bill (H.R. 8877) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1974, and for other purposes, the provisions of clause 2, Rule XXI are hereby waived.

H. RES. 454

Resolved, That it shall be in order for the Speaker at any time during the week of June 25, 1973, to entertain motions to suspend the rules, notwithstanding the provisions of clause 1, Rule XXVII.

AUTHORIZING CLERK TO CORRECT SECTION NUMBERS AND INSERT PUNCTUATION IN ENGROSSMENT OF H.R. 7824

Mr. McFALL. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill just passed (H.R. 7824) the Clerk be authorized to correct section numbers and to insert punctuation.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from California?

There was no objection.

VIOLENCE MUST BE CONDEMNED

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

Mr. KOCH. Mr. Speaker, in today's New York Times, there is a report of two acts of violence which occurred in the city of New York within the last 24 hours. I want to condemn them both. The earlier incident involved the throwing of red paint on the Soviet Mission to the United Nations at 136 East 67th Street allegedly by four young persons now charged with criminal mischief and who are allegedly members of the Jewish Defense League.

The second and more egregious act of violence was committed yesterday at 3:39 a.m. when a car belonging to a Soviet diplomat was firebombed and demolished in the Borough of Queens. It is reported in the New York Times article that when David Fish, executive director of the Jewish Defense League, was asked about both incidents, he said that the red paint on the Mission symbolized "the blood of Soviet Jews that is being spilled in Russia." His comment on the burning of the car was that the incident was "news to me," but added, "we applaud the act."

I do not know who was involved in either incident, but I do know that when the Jewish Defense League through its executive director supports and applauds violence, it does a great disservice to the cause of Soviet Jewry. Along with tens of thousands of other Jews and non-Jews in this country, I have condemned Soviet barbarism in refusing to permit Soviet Jews to emigrate and in repressing Jewish culture within the U.S.S.R. The Soviet Union harasses its non-Jewish citizens as well, but singles out the Jews for special torment.

It must be acknowledged that the JDL has been instrumental in focusing American and world opinion on the plight of Soviet Jewry. But likewise, the JDL must be condemned when it engages in or praises acts of violence. We must not lose sight of the fact that a good cause may be destroyed if terrorism and violence are employed.

I have stood on this floor and condemned Black Panther and Arab terrorist violence and I will not hesitate to condemn violence or its support by the Jewish Defense League. I believe that lawful protest is always in order and I will picket, march, boycott, and speak out in support of those issues I hold dear. And the cause of Soviet Jewry for me is second to none. But I will not stand silently by when that cause is injured by those who engage in violence. For those who want to do something positive and helpful now in support of Soviet Jewry, let them press as I am doing, for the adoption of the Jackson-Mills-Vanik amendment.

WHAT IS THE POINT?

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

Mr. ROUSH. Mr. Speaker, over a month ago now the House of Representatives denied an administration request and voted 219 to 188 to prohibit Pentagon funds in this second supplemental appropriations bill from being used to pay for bombing operations in Cambodia. This unprecedented action was the first time the House made such a positive statement of intent to put a stop to further implication of this country in the wars of Southeast Asia. I was among those opposing the funds for bombing Cambodia.

On May 31, the Senate with a resounding vote of 63 to 19 prohibited all funds not only in this bill, but funds previously appropriated, from being used in support of combat activities in or over Cambodia and Laos as well.

Since the House and Senate conferees could not agree on the differences in the two Cambodia statements, we shall cast another vote in the House shortly. At that time I intend to support the Senate amendment because it prohibits the use

of past appropriations for combat activities as well as those in the supplemental appropriations bill and encompasses Laos as well as Cambodia.

It has taken a long time to complete action on this second supplemental appropriations bill, partially because there were several areas of disagreement between the House and Senate versions, but also because there were those who wished to delay the vote to buy more time for Dr. Kissinger to resume negotiations with North Vietnam to shore up the January ceasefire agreement. Those meetings have come and gone and "peace with honor" still seems to elude us.

Meanwhile the arguments to wait and perfect the cease-fire, the warning against tying the President's hands in negotiations, the expressed fears of damage to future negotiations—all are beginning to fall on deaf ears. The American people have expressed themselves in letters to their Congressmen. I have received a number of them. Moreover, a recent Gallup poll survey indicates that the American people are opposed to bombing Cambodia and Laos by a 2-to-1 margin and by approximately the same ratio they think bombing will lead to a reinvolvement of American troops in Southeast Asia.

We might do well to listen to the voices of the American people and to those in Congress who warn of the dangers of further involvement. For myself, I agree with Senator MILTON YOUNG, ranking Republican member of the Senate Appropriations Committee, who summarized the argument in a nutshell when he said that: "We have got our prisoners out with honor" and then added, "what is the point of going on supporting a government that seems to have no will to fight and is corrupt?" What is the point? The answer I believe is that there is none. And it is time that the Congress act accordingly by denying funds for a pointless, fruitless, and dangerous military operation in Southeast Asia.

FOOD PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. FORSYTHE) is recognized for 5 minutes.

Mr. FORSYTHE. Mr. Speaker, recently we have witnessed a swirling controversy regarding the cost of food, and in particular the cost of meat. With the crescendo of noise and recriminations between farmers, wholesalers and retailers regarding who, if anyone, is to be blamed, I fear that the true victim of this situation is not being heard. I refer to the American consumer; to the person who in the face of steadily mounting costs sees his wage or salary increase measured by a more restrictive guideline.

There can be no doubt about the gravity of the problem. Wholesale food prices soared 4.1 percent in May of this year, rising at an annual rate of 43.4 percent in the last three months and at a 51.5 percent rate in the three months preceding that. Retail prices have only just begun to reflect this dramatic price rise. At the current pace, we can expect retail food prices to continue their relentless upward march.

The impact of this trend in food prices on the consumer is made clear by the fact that in 1971 Americans' personal outlays for food and beverages were estimated at $136.6 billion. By contrast, 1971 automobile expenditures totaled $46.2 billion; clothing and shoes; $57 billion; housing, $99.7 billion; and furniture and household equipment, $39.5 billion.

For 20 years, the American consumer has witnessed a steady increase in the cost of food. To explain the 20-year trend of rising prices, it is necessary to examine the cost structure of the three major components of the food marketing chain; the farmer the wholesaler, and the retailer.

For raw agricultural products, there have been substantial increases in prices. However, the farmer has seen his production costs rise an average of 50 percent. Despite these increases in operating costs, farm prices have risen only 6 percent in the past 20 years. Farmers have been able to survive only by virtue of their increased productivity—223 percent over the past 20 years.

While farm prices have risen 6 percent, wholesale prices have jumped 20 percent. Most of the difference can be attributed to increased costs at the wholesale level. Labor costs have risen 300 percent, freight costs 140 percent; services—rent, insurance, telephone, and so forth—240 percent, containers 160 percent, fuel, power, and light costs have jumped 135 percent, while the costs of new plants and machinery have increased 192 percent. Throughout this period of rising costs, the profit margin for wholesalers has hovered around 1 percent.

For the third component of the food marketing chain, the retailer, prices have spurted 43 percent in the last 20 years. Again, most of this increase can be attributed to rising operating costs, particularly for labor, which accounts for 50 percent of expenses. Most analysts would probably agree that for the retail food industry after tax profits as a percentage of sales should ideally average around 1.5 percent. Actual profits have traditionally been lower, peaking at 1.41 percent in 1965. In 1971, the food chain industry's profits on the dollar, after taxes, was down to 0.83 percent. The picture was not any brighter in 1972, as industry profits were 0.65 percent in 1972.

Underlying the rising costs within the food marketing chain is the steadily mounting consumer demand. Consumer consumption of beef, for example, has more than doubled over the last 20 years, increasing from 56.1 pounds per capita to 115.5 pounds per capita. Over the last 7 years, the increase was 30 percent. This steadily rising demand for meat has sustained high prices. Indeed it has been a significant force in pulling these prices up. The most frequent estimate heard is that we would need about 10 more pounds per capita this year to see a return to 1971 retail beef price levels. In 1971, the total meat supply was 192 pounds per capita. This sunk to 188 pounds last year. The predictions for this year is that supply will merely return to the 1971 level, rather than increasing to meet additional demand.

To help alleviate this continuing problem of supply relative to demand there are three initiatives to which we must give serious attention. The first is the permanent lifting of import quotas. The President has for the balance of 1973 already suspended import quotas for meat. This means that the amount of foreign meat that can be imported is no longer restricted to 6.7 percent of U.S. production.

However, only limited relief in the supply situation can be expected from the President's action. I say this because foreign suppliers are not likely to jump to the American market, possibly losing other markets to competitors, when there is no assurance that import quotas will not be reinstituted at the end of this year. And before devaluation, the American market offered no substantial financial incentives as U.S. beef prices were only three-fourths of 1 cent above the world level.

To overcome some of this anticipated hesitancy on the part of foreign suppliers, I have introduced legislation repealing the section of the Meat Import Act of 1964 which established the import quota system.

The permanent lifting of import restrictions could result in some change in world market patterns, bringing a larger supply of beef to the United States. It is, however, unlikely that a permanent lifting of the import quotas would increase the supply of beef to the extent that it would depress prices. Rather, the effect would be to prevent consumer demand from further outstripping supply, thus decelerating the rate of price increase.

The second initiative is to abolish existing tariffs on meat imports; tariffs which not only increase prices but which deter importers from bringing more meat to U.S. consumers. In 1971, the United States imported 2.35 billion pounds of meat at a cost of $1.44 billion. Tariffs of up to 3 cents per pound on certain meat products and up to 10 percent of market value on others have a significant impact on both supply and ultimate cost. To provide additional relief to the American consumer, I have introduced legislation repealing these tariffs.

The third initiative is to undertake a program to expand domestic food production. Every year approximately 50 to 58 million acres of cropland are held out of production under the farm subsidy program. I have long believed that productive use of this land should be permitted. If, for example, grazing of this land were allowed, it would provide substantial additional feed and pastureland for the existing 116 million head of cattle on U.S. farms and ranches, thus permitting an increase in the size of the national herd.

I am pleased that in February of this year the Secretary of Agriculture issued regulations allowing the productive use of this set-aside cropland. I applaud this action as I believe it portends a long term increase in the supply of meat and other products.

Pursuing a policy of expansion will send additional supplies to the supermarket and could possibly provide welcome relief for the current balance of payments dilemma. Agricultural exports are already one of the few bright spots in the bleak U.S. trade picture. In fiscal year 1973, the United States will export $11.1 billion of agricultural products. It will import, estimates the Department of Agriculture, $6.8 billion. After subtracting the $1 billion of foreign aid foodstuffs from the export total, a $3.8 billion cash surplus in agriculture remains. Of course the current fiscal year does not represent the norm because of the $1 billion grain sale to Russia. However, the fact remains that agricultural exports have risen steadily from $5.7 billion in fiscal year 1969 to $8.1 billion in fiscal year 1972. A report entitled, "Agricultural Trade and the Proposed Round of Multilateral Trade Talks," prepared for the White House last year concludes that the United States could achieve agriculture exports of $18 billion in 1980 if conditions continue to be favorable.

Stimulating production because of anticipated high levels of domestic and foreign demand implicitly carries with it a new responsibility. We cannot abandon our farmers if the demand they have been striving to satisfy suddenly evaporates. Assume the international market deteriorates over one season because of increased foreign production. While American farmers adjust to the new demand level, we must be prepared to require, for later utilization, that seasons excess. Without this insurance, fear of overproduction may restrain farmers from increasing production to the level justified by current demand. I am indeed pleased that the new agricultural legislation now pending before the House and Senate embodies the principle I am enunciating.

From both the consumer's point of view and from the standpoint of our balance-of-payments deficit, the expansion of farm production is clearly in our best interest. It is unlikely that either domestic or foreign demand will relent. The productive potential of America's farms, where productivity has risen 223 percent in the past 20 years, is truly an untapped national resource.

The short-term solution to the food-price crisis is to be found in the careful scrutiny of the pricing policies of the food marketing industry and in a revision of certain policies of the Cost of Living Council and the Department of Agriculture. In the food industry, retailers are wary of what the effect of constant price ranges may have on the consumer. Therefore, the retail pricing policies exhibit a lag phenomenon. That is, when wholesale prices begin rising, retailers hold the line until wholesale prices reach a trigger point. At that point, retailers raise their prices. During this lag time, retailers experience shrinking profits. This loss is recovered when wholesale prices begin to decline because the higher retail prices are maintained until wholesale prices drop below another trigger level. When that level is reached, retailers drop their prices. This downside lag compensates retailers for the upturn lag.

Combined with the Price Commissions volatile pricing rule, this lag pricing characteristic of the retail food industry set the stage for excessive retail price increases in the early months of 1972. When wholesale prices reached the trigger level in February, retailers increased their prices above customary levels. Further, retailers appeared to lengthen the time lag on the downside. This situation led the Cost of Living Council to meet with retail executives in a jawboning session in late March of 1972. That meeting saw an immediate reduction in retail prices.

Figures released in the fall of 1972 indicated that food shoppers were again experiencing a sharp rise in retail prices. During the time period measured, retailers throughout the Nation experienced approximately the same increases in costs. Yet, retail prices in certain sections of the country increased at a much faster rate than prices in other areas. The data suggested that retailers were trying to accomplish on a regional basis what was attempted nationally in February—increase profits beyond the average generally accepted as appropriate by economic analysts.

I firmly believe the Cost of Living Council should accept a more aggressive role in monitoring retail food prices to insure that the pattern of unjustified price rises that has plagued consumers is not continued or repeated.

I recognize the serious pitfalls involved in controlling the price of raw agricultural products. However, I hope the President, in developing the phase IV regulations will examine the efficiency of monitoring the prices charged by large agribusiness firms. I emphasize that I am not referring to the small family farmer who is barely scraping a living from the land. Recognizing that 75 percent of all farm sales are made by 19 percent of all farmers, it is the large agribusiness firms about which I am concerned.

In fact, a reexamination of how our farm subsidy program is operating will be beneficial and I am pleased that the 93d Congress appears willing to reexamine this matter. Only 7.1 percent of the Nation's farms, those with sales of over $40,000 a year, collected 40.3 cents of the farm subsidies. At the other end of the scale, 41.2 percent of the farms, those with sales of less than 2,500 received only 5.3 percent of the Federal subsidies. Agribusiness farming is big business and it should be reviewed as such by the Cost of Living Council.

Further, during this period of supply shortage, the Department of Agriculture should not be encouraging farmers to reduce the supply of certain foodstuffs. Two years ago, the Department sent out a notice telling farmers to slaughter fewer hogs. Last summer, after the wheat sale to Russia and despite the talk of continued sales in that market, the Department announced large subsidies to farmers for not growing wheat in 1973. In January of this year, the Department advised farmers to curtail the production of turkey. Efforts to reduce supply seem inconsistent with the current market situation and with the goal of curbing inflationary food prices. I sincerely hope the administration's decision to permit currently set-aside cropland to be returned to productive use reflects a new trend in Department of Agriculture policies.

I am also disturbed by the fact that the Cost of Living Council has excluded certain products from price controls.

I refer particularly to soybeans. The price of this precious little bean, the source of soybean meal, a prime animal feed, has skyrocketed. The price of soybeans topped $11 a bushel on the Chicago wholesale market last week. A month earlier, it had been $7.59. A year earlier, it had been $3.44.

Propelled by the price of soybeans which have themselves been inflated by speculation, soybean meal prices have increased over 300 percent in the last year. Soybean meal could be purchased by livestock producers during the first week of May 1972 for $94 per ton. On May 3, 1973, the price was $305 per ton. On Wednesday, May 30, soybean meal was quoted at $390 per ton.

The impact of animal feed costs is readily apparent if one considers the fact that it takes 8 pounds of feed to produce 1 pound of beef, 7 to produce 1 pound of pork. I recognize that the soybean harvest was delayed or destroyed by bad weather and that there is a shortage of boxcars to transport the crop to market. However, in this artificial market situation, I am convinced that stricter controls on speculation in the grain markets deflate the ultimate cost of meat to the consumer.

Yet, we cannot look to controls for long-term solutions. A significant part of the long-term answer is to be found in alleviating the freight car shortage. A transportation bottleneck of various proportions occurs every year because crops and products are not produced on a continual basis. There are peaks and valleys of demand for all types of transport and the industry as a whole cannot afford to build a fleet large enough to handle every last shipment during peak demand. Nevertheless, this annual freight car shortage has struck America in 1973 with a vengeance never before experienced aggravated by the cumulative pressures of huge export grain sales for which there was no adequate prior planning, the ravages of unseasonal weather and record flooding, bankrupt railroads in the Northeast and a booming national economy.

At various times, grain storage elevators have stood full to capacity with no railroad cars nearby for loading, and farmers fretted because they lacked the fertilizer to plant new grain crops—the fertilizer was in Texas waiting to be loaded into freight cars. During the

worst period the Interstate Commerce Commission has estimated that there was an average daily nationwide shortage of between 16,000 and 18,000 boxcars, plus a like amount of hopper cars. While the ICC considers any daily shortage in excess of 8,000 a critical situation, the current daily shortage stands at about 12,000 to 13,000 each of boxcars and hoppers.

There is little doubt that in the next decade America's output of grains for domestic and foreign use will soar. This year alone the Department of Agriculture estimates that farmers will harvest a record 1.28 billon bushels of wheat; 8 percent above the 1972 pace. Clearly, a solution to the transportation crisis is needed.

During the 92d Congress, the Committee on Interstate and Foreign Commerce studied this dilemma and concluded that solutions were to be found along four lines. The committee outlined proposals for increasing the effective utilization of available stock, noting that a 10 percent increase freight car utilization could achieve the same result as adding 170,000 cars to the present fleet. Intensified transportation planning and more widespread application of automation principles for management controls, car inspection, identification and dispatching would siginficantly improve the allocation and utilization of existing stock. Indeed I am firmly convinced that this planning is the key element in the solution. The committee went on to suggest revisions in the federal regulatory process and the nature of scheduling procedures. The committee also noted the need to construct new stock and proposed a system of Federal loan guarantees and other assistance to assist in meeting this end. It is my firm hope that the 93d Congress will build on the work of the committee and move forward in the direction outlined above.

Mr. Speaker, there are no easy solutions to the rapid advance in food prices. But because the solutions are not easy, we must not raise the white flag of surrender. More can be done and more must be done.

REMARKS OF DR. JAMES E. BIRREN, "DEVELOPMENT OF THE ETHEL PERCY ANDRUS GERONTOLOGY CENTER, UNIVERSITY OF SOUTHERN CALIFORNIA," FEBRUARY 13, 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'NEILL) is recognized for 30 minutes.

Mr. O'NEILL. Mr. Speaker, I rise to call to the attention of my colleagues, a most perceptive discussion of the role of gerontological institutions in improving the lives of the elderly. I refer to an address delivered by Dr. James E. Birren, director of the Ethel Percy Andrus Gerontology Center during the February dedication of the center's new facilities.

Although Dr. Birren's remarks are a valuable commentary on the appropriate roles of scientists and legislators, with regard to programs for the elderly, I want to make particular note of his somber comment on the lack of Federal leadership in the area of construction assistance for gerontology centers.

Says Dr. Birren:

I am uneasy about the lack of Federal participation in the field of aging. Why is it that the Andrus Center had to be built without a single dollar of Federal money? While this is something of which we should be proud, the question arises as to where the private and public partnership comes into the picture.

Happily, Mr. Speaker, we are making some progress with respect to Federal assistance through the Comprehensive Older Americans Act Amendments of 1973, so ably championed in this body by the gentleman from Indiana (Mr. BRADEMAS). That act provides needed grants for the establishment and support of multidisciplinary centers of gerontology.

Mr. Speaker, I include Dr. Birren's address at this point in the RECORD:

REMARKS OF JAMES E. BIRREN, PH. D., "DEVELOPMENT OF THE ETHEL PERCY ANDRUS GERONTOLOGY CENTER" THE ETHEL PERCY ANDRUS GERONTOLOGY CENTER, FEBRUARY 13, 1973

I want to provide a brief historical sketch about the Center and the background of thinking that has gone into it. In the early 1960s retirement communities were being built in Southern California that were arousing considerable interest. The builder of some of these, Mr. Ross Cortese, encouraged the University to establish an Institute for the Study of Retirement and Aging in 1964. With funds that Mr. Cortese provided, a faculty committee appointed by Dr. Toppling, then president, began to recruit a director for the Center and to initiate planning. The search committee was a university-wide committee reflecting the fact that the issues involved in human aging are broad in scope. I am happy to say that the search committee approached me in the Fall of 1964 with the thought of my coming here to Southern California to head the new Center. By the Spring of 1965 I had met with the faculty and administration of the University and the decision was reached that I should become the first director of the fledging Rossmoor Cortese Institute for the Study of Retirement and Aging on September 1, 1965.

NEED FOR GRADUATE TRAINING

You will note that I did not say that I met with students along with the faculty and administration when I visited the University. This was because there were no students in gerontology at that time! Not a single one. This determined for us the first priority, graduate training in gerontology, so there would be students prepared to go out and teach and carry out research on the processes of aging. In addition, we hoped that our students would continue the pioneering role of Dr. Andrus and fan out across the country to establish more centers for research, training, and community projects in gerontology. Until there is at least one gerontology center in every state and at least one teacher at every university and college in this country who is expert in the subject matter of aging, we can hardly rest.

FIRST PRIORITY

As I said, the first priority of the center was training and in April 1965 we began planning a program with the faculty. This was partly done in the old wooden house across the street from the present Andrus Center building. There was one employee, Miss Linda Ross, and with the cooperation and assistance of Dr. James Peterson who was Chairman of the search committee for the Directorship, the first training grant application was developed which we submitted to the Federal Government. In December 1965 we received an award from the National Institute of Child Health and Human Development for scholarship funds and faculty support. This is still the basis of the present graduate program, it had its basis in faculty planning in 1965.

To house the new institute, the University undertook to modify space in a building at 3717 Grand Avenue. When I arrived on Labor Day we had freshly painted quarters there. The building had been obtained by the University from Mr. Hoffman of the Hoffman Electronics and Television Company. Much was done to make the building livable and the staff of the center grew rapidly to fill the space the University provided.

GERONTOLOGISING THE DEPARTMENTS

As head of the institute, I reported to Dr. Tracy Strevey, Vice President of Academic Affairs, and he guided me through the early problems of starting the Center. It was by forethought on the part of the University that I reported directly to the senior academic vice president. In this way the institute was on neutral territory within the University and it would not become the exclusive property of one department or one school. Territoriality is a fact of life within universities as it is with the world of business. My role was viewed as that of infecting the schools and departments with thoughts about their potentials and responsibilities in the field of aging. I was to "gerontologise" the departments to some degree since it seemed ridiculous to duplicate the training, facilities, and professional backgrounds of the other schools and departments. The goal was, for example, to make social work more self conscious about what it should be doing in relation to aging. Similarly, medicine, public administration, and architecture among others had a role to be pointed out. The sciences too needed an awareness of the pioneering state of their subject matter in aging. Biochemistry, cellular biology, psychology, sociology, anthropology and others had no activity in research or teaching about aging at that time. Among other fields we now see roles also for economics, political science, and demography. I think in this area the Center has an impact.

I would like to point out that research on the psychological and social issues of housing for the retired was one of the first research areas for the then Institute for the Study of Retirement and Aging. Drs. Peterson and Hamovitch headed those studies. Dr. Maurice Hamovitch was our first Director of Training. He was then called to become the Dean of the School of Social Work. While we were sorry to see him go we were pleased with his expanded responsibility. The Institute itself was continuing to expand as well. The bringing together of students interested in aging was a big factor in bringing vitality and optimism to match the ambitions we all held for gerontology at USC. The students hold not only their own futures in their hands but some of ours as well in their studies, research and service will affect many of our lives.

It was becoming obvious in 1968 that the name of the Institute should be changed to reflect our broadening perspective on aging. It was decided in 1968 to embrace the Rossmoor Cortese Institute for the Study of Retirement and Aging in a more broadly conceived organization to be named the Gerontology Center. The good work was carried forward into the new Center. By then I was working closely with Dr. Milton Kloetzel,

Vice President for Academic Affairs as Dr. Strevey had retired.

ROLE OF AARP–NRTA

We were fortunate to be selected by a committee on the AARP and NRTA to constitute a memorial to Dr. Ethel Percy Andrus. I still remember the visit by the chairman of the Committee, Dr. Verna Carley when she came to look us over in 1968. I am pleased that we passed the scrutiny of Dr. Carley and the other members of the Committee. The associations then made the magnificent pledge of $2,000,000 to construct the building we dedicated February 12, 1973.

The future of gerontology is now ours to make. What more can we ask that the retired have with their contributions placed in our hands the tools and the encouragement by their good will? This has given the University a challenge, a challenge that can only be met with productive research, education, and service. I don't perceive any generation gap in our ambitions and expectations.

THE PRESIDENT AND THE PAST

One of the things that maturity brings with it is a sense of interpreting the present in terms of the history which led up to it. That does not by any means imply that what has been must always be. What *was* in aging in past generations *is* not what has to be now. I would like to reflect on the past for a moment lest we fall into what I call the *Garden of Eden hypothesis*, that things were better in the past and we have fallen from a better style of life. Not many of us would like to go back to the 1920's, I suspect, with no social security, no health insurance, and no antibiotics. Three generation families were then common because if the breadwinner was unemployed there was often no income and families had to double up. Three generations doubled up in many cases because it was a way of adapting to need, not because it was the best way of life they could think of.

In the 1930's children and adults still died in large numbers from tuberculosis, influenza, pneumonia, and other infectious diseases for which there were no antibiotics. People grew up with vitamin deficiencies because we were just beginning to discover these essentials in our diet. In that period Nobel prizes were won in medicine for the discovery of vitamins. At the end of the nineteen thirties, many far sighted medical scientists could see that we were at the end of the period of major mortality from infectious disease and social scientists were seeing the impact of social security. In 1939 the first edition of Cowdry's Problems of Aging was published. In the Spring of 1941 the U.S. Public Health Service sponsored a conference on mental hygiene of later life. There was indeed a special interest in aging at that time but it was shattered by the events of World War II. Wars have been fought by young men and the consequences of wars require that houses be built and factories rebuilt until the time comes when one can again think of how life might *be* rather than how it *is* or *was*. We have just concluded another long war that has by necessity given emphasis to things remote from what can be. The young fought this last war, as all others, and since they have been in universities in large numbers it is only natural that their uncertainties were expressed on campuses the way the young have felt about events.

During our recent past there indeed seemed to be a generation gap. But I don't see a split between the generations now ahead of us. The students are deeply concerned with what might be throughout our life span and aren't we all?

WHAT IS

At this still pioneering stage in the sciences studying aging, much research has to be devoted to *what is*. Perhaps the social scientist may have to take into account more of the history of our society and our many cultural and ethnic origins than the biologists but they have the common need to tell us *what is* in the nature of aging. What is aging at the levels of molecules moving about in cells of our vital organs? Profound questions still face the scientist at all levels from the molecular to the social in defining the nature of aging as it is now. From this will grow clear forecasts about what can be. Forecasts about the control of age associated disease because we understand the basic biological changes associated with advancing age will be better based than those we now make. Similarly forecasts about better mental health and more satisfying styles of life will all come from studies about the nature of aging as it is at present.

WHAT CAN BE

The scientists, I am certain, all share the perspectives of Dr. Andrus that what *is* does not always have *to be*. Confusion can enter if we believe we can go directly from science to describing what ought to be. What I have done is to describe the different tenses of science: the past tense, what was true about aging in the recent and ancient past—this we need if our science is to be mature. The next tense is the present tense, what is aging like today in its many big and little facets. The future tense of aging that grows from our science and education is *what can be*. We have heard something of three tenses. I would like to add a fourth one on this occasion, *what ought to be*. This I will call the future perfect tense and it is the tense that is most confusing to us.

WHAT OUGHT TO BE

Assuming that the research and education in this Center, and hopefully in many other centers as well, will show us clearly what can be true of aging in the future, do we go directly to action in the belief that this is what ought to be? Efforts in medical technology that can prolong the lives of terminally ill persons is an illustration of an area where there is disagreement that *what can be* is not necessarily *what ought to be*.

The future perfect tense, what ought to be in aging, is generally the province of politicians, legislative bodies and religion. Religion is the depository of the future perfect tense, the collection of values that leads to the definition of what should be in society and what should be in our individual behavior. In the area of aging, religion has often been more preoccupied with children who would use them less than a day-a-week and not provide space and programs for the retired. Perhaps a coming generation of religious leaders will single out the issue of aging for more direct concern and get reflecting more deeply about *what ought to be in aging* and prepare us for the choices we will be having to make in the coming years.

The practical matters of what ought to be in society is the subject matter of debates in our legislative bodies. At the present time the executive branch of the federal government and the Congress are debating what ought to be. The process by which the legislators get their information from the fact gatherers is, however, a muddy market place. Many are purveying facts as lobbyists for vested interested. Sometimes an inspired scientist goes directly to gain the ear of a listening congressman. How do we filter what scientists tell us *can be* from what *ought to be*. In this regard we as citizens should improve our roles. In particular, the retirement associations have increased their role in thinking about *what ought to be* in the light of the possible what can be.

ROLE OF THE UNIVERSITY

The role of the University is to discover and describe *what is* at the level of natural and social science. Its next role is to inform the public about what can be. I don't believe, however, that the universities' role is also to say what ought to be. That is the domain of public opinion, our political system and our religious institutions. It is possible that universities should give more thought and study to the formation of public policy in the field of aging. How does society go from facts about the biology, psychology and sociology of aging to the formulation of reasonable policy upon which laws will be enacted. Perhaps if we understood this process better we might decrease the lag time between discovery and application. We would also make more efficient our investment in research.

FEDERAL PARTICIPATION ABSENT

In conclusion I would like to say I am uneasy about the lack of Federal participation in the field of aging. Why is it that the Andrus Center had to be built without a single dollar of Federal money? While this is something of which we should be proud, the question arises as to where the private and public partnership comes into the picture.

In a few years, 1980, this University will be 100 years old. Perhaps then we can have a convocation on the nature of mankind, his development and aging. A new theme for the next hundred years perhaps will become that of the greying of the University, the presence of middle-aged and old scholars along with the young. Education and learning is too exciting to leave exclusively to the young who often feel that they have to do it rather than want it.

By the year 2000, the year in which the Center's time capsule will be opened, we will, I am certain, see the University much more involved with research and education about what can be for human aging.

THE IMPOUNDMENT STORY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 15 minutes.

Mr. ALEXANDER. Mr. Speaker, yesterday I made a part of the RECORD the first of a series of five articles on the Federal budget making process which was prepared with the assistance of the Library of Congress. Since I believe these articles will be of interest to my colleagues, I would like to insert the second one at this time:

II. THE IMPOUNDMENT STORY

Impoundments have an ambiguous legal status and an uncertain history.

The common ingredient of all impoundments is the withholding of funds appropriated by Congress. The first recorded impoundment occurred in 1803 when President Thomas Jefferson deferred the expenditure of funds appropriated by Congress for the construction of gunboats to protect American shipping on the Mississippi. Jefferson's action was due to the purchase of the Louisiana Territory which removed the threat of war and by his desire to secure better gunboats.

This type of impoundment is not controversial and in fact it was later authorized by Congress in the Anti-Deficiency Act of 1905 which was passed to ensure that federal agencies do not overspend their appropriations. That Act authorizes the establishment of reserves to meet contingencies and to effect savings if a job can be done for less money than Congress appropriated. The 1905

Act also is intended to prevent agencies from committing all of their funds before the fiscal year has run its course—as did President Theodore Roosevelt when he sent the Naval fleet half way around the world and forced Congress to appropriate funds to get it home.

Today, President Nixon and his Administration are making a third use of impoundment—that of withholding funds in order to change the programs and policies enacted by the Congress and signed by the President or passed over his veto. It is to this practice that Congress objects most strongly. By his actions, President Nixon is trying to assume powers vested in the Congress by the Constitution and to deprive Congress of its right to pass judgment on the expenditure of public funds.

There is a precedent for the use of impoundment to shift federal emphasis from one program to another. But that precedent is staged against the dramatically different background of World War II. President Roosevelt deferred some public works projects in order to free funds and resources for the war effort.

Some members of Congress protested these impoundments—which reached the half billion dollar mark in 1945—but on the whole Congress recognized the need to give priority to World War II needs.

During the post-war decades, a number of impoundment cases arose when the President refused to spend money on weapons authorized by Congress. One such instance occurred in 1949 when Congress appropriated money for 58 Air Force groups, ten more than had been recommended by President Truman. Controversy in the Senate jeopardized enactment of the entire appropriations law, so on the basis of an understanding among all participants, the Senate agreed to include funds for the additional ten groups with the understanding that President Truman would not spend them. A similar dispute between Truman and Congress broke out in 1950 over funds for a supercarrier, with the President once again refusing to spend appropriated funds.

President Eisenhower tangled with Congress on a number of occasions in the late 1950's over the expenditure of funds for the construction of the Nike-Zeus anti-ballistic missile system. Though Congress voted funds for production of the system, President Eisenhower insisted that funds be used only for research and he deferred installation of the Nike-Zeus missiles. President Kennedy in 1961 declined to use authority pressed upon him by the Congress for development of the B–70 bomber.

His role as Commander-in-Chief of the armed forces gives the President significant additional authority in impoundment disputes concerning military matters. The President can say that he has the constitutional authority to deploy forces and to set American weapons policy. Further, he can argue that the rapid pace of technological improvements and changes in international relations require that he have greater discretion to act in military affairs than in other federal programs.

Impoundment of funds for domestic programs presents a much subtler question of executive vs. legislative authority. In recognition of that fine line, President Johnson called in a number of leaders and other Members of Congress before he would act to withhold $5 billion from a variety of domestic programs in 1967. It was the height of the Vietnam era, he told the Members of Congress, and he asked their understanding that withholding of funds was necessary to ease inflationary pressures.

He made it clear that he would only defer expenditures, that he would not use impoundment to kill programs enacted by Congress.

Since President Nixon took office in 1969, impoundments have totaled billions of dollars each year, most of it for domestic programs, and in no instance has Mr. Nixon sought official or unofficial congressional approval of his action. He has consistently failed to consult with the Congress on the matter of impoundment. In this current fiscal year, impoundments have reached $15 billion: no President had ever practiced impoundment to such an extent or for such purposes as President Nixon.

Dollars tell only part of the story; equally important are the purpose and duration of the current impoundments. The express purpose of many of President Nixon's impoundments is to terminate or curtail programs approved by Congress.

Among the programs arbitrarily marked for termination or reduction via impoundment are water and sewer grants, rural environmental assistance, housing programs, $6 billion to clean the nation's waters, and rural electrification loans. The Nixon Administration asserts that these impoundments are necessary to restrain spending and to maintain economic stability.

Whatever their justification, they make a shambles of the constitutional assignment of the legislative power to Congress. In effect, the broadened use of impoundments means that the President has chosen to disregard some of the policies and priorities established by Congress. The President has aborted programs without prior notice, regardless of the will of Congress.

To remedy this abuse of executive power, Congress is now working on legislation that would restrict impoundments, especially those which would alter national policy at the whim of the executive. The legislation now under consideration would impose a spending ceiling for fiscal 1974, and it would establish a check-and-balance system to govern executive-legislative relationships during all future instances of impoundment.

In the past two years, state officials and others adversely affected by impoundments, have turned to the courts for relief, arguing that the President is bound by the Constitution to enforce the laws enacted by Congress. The results have been an overwhelming repudiation of the Nixon impoundments. In eight of nine cases, federal courts have ruled against the Administration.

A court in Baltimore held that the Administration had no right to withhold $20 million from the Maryland Department of Employment and Social Services. In Missouri, state officials have successfully sued the Administration for release of impounded highway funds, and an appellate court has upheld the decision. In Washington the District Court refused to permit an impoundment that would have scuttled a veterans' education program. In Washington too, the Administration suffered its greatest court defeat when it was ordered to release $6 billion in anti-pollution funds.

The record in the courts is an emphatic vindication of Congress. The record shows that the President has extended his use of impoundment beyond any constitutional authority—that he has encroached upon the equal status of Congress as a policymaking body.

But it should not take litigation on top of legislation to assure that the Congressional mandate is carried out. Impoundment is an issue that extends beyond this particular President and this particular Congress. The problem is enduring and recurring. Congress must create a permanent, standing method of dealing with it.

MANCHESTER, CONN.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. COTTER) is recognized for 5 minutes.

Mr. COTTER. Mr. Speaker, I rise today to salute a town in my congressional district which this weekend will begin ceremonies marking the sesquicentennial celebration of its incorporation. Throughout its distinguished history, the town of Manchester, Conn., has made innumerable contributions to the cultural and political life of the area, and has produced goods and services of great economic value to the entire nation.

Manchester's early history, marked by determination and economic dependence upon agricultural benefits bestowed by nature, has evolved into a rapidly growing suburban and industrial community numbering some 50,000. Yet the charm of the early New England village has not been destroyed. Residents of Manchester enjoy educational, recreational, and cultural assets second to none.

On this historic occasion, Mr. Speaker, I want to join in the salute to a town it has been my distinct privilege to serve. It is my hope that the pride taken in the achievements of Manchester to date is surpassed only by the enthusiasm with which her residents look to the future.

LABOR SUPPORT FOR A NEW TRADE POLICY

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

Mr. DENT. Mr. Speaker, so that there be no misunderstanding as to the support of labor for a new trade policy, I would like to read the following letter from the AFL–CIO for the information of my colleagues.

An attempt is being made to delude Congress into believing that the Administration's trade bill—now before the House Ways and Means Committee—provides great new powers to the President to restore America's badly distorted trade balance. Actually, much of the bill is a restatement of present broad Presidential authority wrapped in public relations garb.

The fact is, Congress gave the President broad, flexible authority more than 10 years ago and it has not been used. *Virtually the only authority in the current trade bill that the President does not already have is the authority to reduce tariffs and the authority to give away certain non-tariff barriers without congressional review.* Further, recent statements by Administration officials indicate that the trade bill is not expected to produce Presidential aggressiveness nor solutions to U.S. trade problems.

The President's present, but unused powers are several. For example:

1. Section 252(a) of the Trade Expansion Act of 1962 allows the President to impose "safeguards" whenever any foreign country maintains restrictions against U.S. agricultural exports. The President can "retaliate" by restricting imports of foreign manufactured goods and foreign agricultural products. He has failed to use this provision except on very rare occasions; now the Administration's bill seeks virtually the same authority.

2. Section 252 (b) and (c) of the 1962 Act give the President authority to withdraw tariff reductions put into effect over the past decade while foreign trade barriers have been erected; the authority has not been used; more of the same authority is now sought.

3. The above provision in the law also provides for withdrawing tariff reductions where special preferential trade arrangements are made by one country with another to cut out U.S. exports. These agreements abound; the President hasn't used this authority; more of the same authority is now sought.

4. The present trade law says that whenever imports are increasing in major part as a result of a tariff concession at such a rate as to be the major cause of import injury, the President may put on tariffs, negotiate orderly marketing agreements and take other steps. However, in January 1971, by Tariff Commission action, the President was given the absolute right to use the law's authority to aid the workers and businessmen in the U.S. shoe industry. For more than two years he has failed to take action. Now the President is saying he needs vaguer power to act when U.S. industry is injured.

5. The Tariff Act of 1930, section 303 makes it mandatory that the U.S. apply a countervailing duty whenever a foreign country subsidizes exports to the U.S. Such subsidies are widespread, yet this mandatory provision has not been invoked, except on rare occasions. Now the President is asking for new authority.

But all of the delusion is not in the trade legislation itself. Secretary of the Treasury George Shultz reassured Ways and Means Committee members that trade negotiations could not be "reciprocal" because of the United States desperate economic position. The U.S. would have to receive some gains. But there was a swift "disclaimer", according to the *Washington Post*, June 3, 1973, that Shultz' remarks were meant only for home consumption and foreign countries shouldn't pay any attention.

In March, 1973, the *International Economic Report of the President* telegraphed the unlikelihood that the Administration's trade bill will lower foreign trade barriers: "Moreover, rather than export goods from their U.S. plants, our manufacturers may be forced to build plants abroad, behind the *higher barriers*, in order to remain competitive in these markets."

Stanley Nehmer, Former Deputy Assistant Secretary of Commerce in the Nixon Administration summed up the reality in a recent speech; "A combination of what has happened in the past, the Administration's hopes for the future, and several provisions of the bill, all add up to the judgment that there is no more likelihood under this bill of import relief or action against unfair practices of our trading partners than in the past."

The Administration's trade bill creates other major problems. It undermines many non-trade U.S. laws and it further erodes the powers of Congress. For these reasons alone, the Administration's trade bill should be rejected and a comprehensive new trade bill written that faces up to the serious problems facing the U.S. dollar, the U.S. economy and the U.S. citizen. In our opinion the Burke-Hartke bill fits that prescription.

Sincerely,

ANDREW J. BIEMILLER,
Director, Department of Legislation, AFL–CIO.

If for no other purpose than to show the great harvest of dollars by giant foreign corporations in the shipment of metals and metal products into this country, I would like to read the facts from official Japanese sources. The Japanese are currently shipping metal and metal products into the United States at the highest margin of profit in Japan's metal history. What is more important than even the enormous profits, is the fact that the Japanese do their business through cartels, without any apologies, making it virtually impossible for the American steel industry to compete in the domestic market, much less in the world market. I include the following:

ONE MILLION TONS UP IN STEEL OUTPUT EXPECTED IN JULY THROUGH SEPTEMBER

Steel production in the second quarter (July-September) of the current fiscal year will be raised by one million tons over the actual production in the first quarter (April-June), according to the Ministry of International Trade and Industry.

MITI's prediction is based on the production programs of steelmakers submitted to the ministry for the quarter. MITI now is confident that the increase in production will be enough to meet demand increase in that quarter.

The largest increase in production will be 500,000 by Nippon Steel Corporation who is expected to produce well over ten million tons of crude steel in the first quarter. Its production has been raised twice due to the MITI's request of emergency production increase. The major steel items to be boosted further in July-September will be plate, H shape, hot strip and wire rod.

Nippon Kokan KK is expected to raise production by 130,000 tons from the estimated production of 3,920,000 tons for the first quarter because the No. 1 blast furnace repaired and re-operated at the Fukuyama Works is expected to step up its operation pace as time passes.

Sumitomo Metal Industries, LTD. plans to raise production by 130,000 tons over the estimated output of 3,560,000 tons for the first quarter, because the No. 2 blast furnace at the Kashima Works is expected to rapidly increase its pig iron production up to its capacity—10,000 tons per day—as the second quarter begins.

Kawasaki Steel Corp. is expected to increase 180,000 tons from the 3,420,000 tons estimated for the first quarter because of the full scale operation of No. 4 blast furnace with a capacity of 4,323 cubic meters, the world's largest blast furnace, in that quarter.

Kobe Steel, Ltd., may not increase much, because it is permitted to make an advance production of 100,000 tons in the first quarter. At present, it is expected to produce a total of 2,100,000 tons in the first quarter, which may be slightly increased in the second quarter.

Nisshin Steel Co. also may not increase much next quarter. Its crude steel production in the current quarter (first quarter) is expected to be around 800,000 tons which will be slightly increased next quarter.

MARKET PRICES OF STEEL PRODUCTS SOARING FURTHER

Despite the emergency production and shipments of 247,000 tons of steel products (300,000 tons in terms of crude steel) and the second emergency production and shipments of 150,000 tons of steel items (208,000 tons in terms of crude steel) ordered by the Ministry of International Trade and Industry for the April-June quarter, shipments are not quick enough to meet requirements of the end users, and the market prices of small bar, H shape, small and medium shapes, plate, flat bar and square pipe have been raised by ¥1,000–¥2,000 per ton in a week.

"This is simply because demand is too strong and supply is short" is a word which is heard everywhere in this country at the moment. But the scarcity of the products is keener in the Kansai, Nagoya and Hiroshima districts. The dealers are busy accepting the flowing orders from the end users of the steel products, but hard to meet the requirements of prompt shipments. As a result, their backlogs of deliveries are rapidly increasing.

Further mark ups of ¥1,000–¥2,000 per ton are seen inevitable in a week or so.

CHINA REQUESTS 220,000 TONS OF SEAMLESS PIPES

China has requested the Japanese steelmakers to ship 220,000 tons of seamless steel pipes in the latter half period of this year, according to the reports received by the pipe producers from their delegation now visiting Peking.

The request is a little too large to the Japanese producers who will have to meet a large increase in steel demand in that period. They have reportedly offered only 180,000–190,000 tons of the seamless pipes demanded by Chinese.

However, the Japanese have asked a price increase of 30 percent over that of the last year. Most probably, the two parties will find a compromise in price and the volume of the shipments in line with the Japanese proposals.

DEMAND, PRICE ON STAINLESS STEEL SHEET SHARPLY RISING

Demand for stainless steel sheet has sharply been increased, and the monthly shipments to the domestic customers reach 24,000 tons at present, according to a spokesman for the Stainless Steel Equipment Cartel.

This is up 3,000–4,000 tons over the 19,000–20,000 tons in January and February, and also up about 10,000 tons, or 70 percent, over one year ago. Further increases of about 2,000 tons per month are expected to follow.

Prices also have sharply been raised. The ¥330,000–¥340,000 per ton are prevailing everywhere.

Export shipments also have been increased 3,000–4,000 tons to 15,000–16,000 tons per month. Demands from the non-U.S. areas have rapidly been increased even though the U.S. dropped to the bottom. The export prices are $1.140–$1.150 per ton f.o.b. at present.

The Cartel of the producers is to expire at the end of June. However, the producers are likely to maintain the suspension of operation of 6 sendzimir mills (one mill each) even in and after July because it seems hard to get enough manpower needed for reopening of the operation of mills. Moreover, they have enough capacity to increase production to some extent for the time being.

STRUCTURAL CARBON STEEL PRICE SOARS TO 85,000 YEN PER TON

The market price on machine structural carbon steel (SC) has now soared to the unprecedented ¥85,000 per ton in the spot deals. This is because of the dire short supply of the product while demand has sharply been increased these weeks, according to the dealers circles.

The ¥85,000 is an unbelievable price for the product even in the spot deals. However, this speaks fluently of the fact that the end users—mostly the medium-scale machine manufacturers—are hard to procure the product.

The short supply of SC item is partly due to the limited production by the major steelmakers who have been increasing their production of ordinary steel items. The major steelmakers account for more than 80 percent of the SC item production. Therefore, they are now being strongly urged to increase their SC production in order to mitigate the tightness of supply and to cool off the over-heated market price of that item.

However, seen from the major steelmakers, production of SC items is not so much remunerative as round bar steel, for instance, which sells at ¥46,000–¥48,000 per ton and is easy to produce.

OPERATION OF FUKUYAMA'S NO. 5 FURNACE TO BE ADVANCED

Nippon Kokan K.K. has decided to start operation of the No. 5 blast furnace at the Fukuyama Works at the end of September, one month earlier than previously scheduled, according to a spokesman for the company.

The construction work on the No. 5 blast furnace is rapidly progressing and now is slated to be completed by the end of September. The company has been expediting the construction work for the purpose of increasing production which is badly needed for meeting the unexpectedly strong demand for steel products.

At the same time, Nippon Kokan has decided to begin construction of the Ogishima Works in July next year. The works, at its first stage, will have a blast furnace with a capacity of 4,500 cu. meters, a large-type converter, a continuous steel casting mill, a blooming mill, a hot strip mill and a plate mill. Its annual production capacity will be 3 million tons in terms of crude steel.

Nippon Kokan plans to speed up the construction of the Ogishima Works as it is for replacing the Keihin Works which is rapidly becoming obsolete.

BRASS AND ROLLED COPPER DEALERS TAKE FIRM STAND

Dealers of brass and rolled copper products are not expected to cut considerably their sales prices of the products despite the ¥30 per kg cut in quotation of copper and a ¥5 per kg cut in the makers' net price of brass rod, according to the consumers circles.

This firm stand of the dealers are attributed to the fact that (1) demands for all the items are very strong and supplies are very short, (2) deliveries of the products from the manufacturers to the dealers have been lagging behind the schedules and the earliest delivery will be in August—in some cases it will be in September-October.

In the Kansai district, brass rod dealers are not likely to reduce prices because the supplies of brass rod of even basic sizes are short and deliveries of that item from producers now take 2 months. But dealers in the Kanto district have reduced the price of 25 mm size rod to Y420–Y415 per kg from Y425.

Copper and brass sheet dealers in the Kanto district maintain the price of Y700 per kg. Copper pipe dealers also is taking a firm stand because of short supplies.

OUTPUT OF ALUMINUM TOPS 1 MILLION TONS IN FISCAL YEAR 1972

Production of rolled aluminum except foil in fiscal 1972 registered 1,035,974 tons, up 30 percent over the previous fiscal year, it was disclosed by Light Metal Rolling Industry Association.

This is the first time that production has passed a 1 million-ton mark. This is because rolling mills have been operated at full capacity to meet the ever increasing demand.

The total is broken down to 415,460 tons of sheet and 620,514 tons of extruded items, an increase of 27.3 percent and 31.8 percent, respectively, over the previous fiscal year.

Production of foil totaled 57,830 tons, up 18.3 percent over the previous fiscal year. Details by items are given below (unit: ton):

Item	Fiscal year— 1971	1972	Compared with 1971 (percent)
Sheet	326,282	415,460	127.3
Extruded item	470,630	620,514	131.8
Total	796,912	1,035,974	130.0

Production of rolled aluminum in March totaled 102,416 tons, up 7,761 tons over a month ago, and shipments 101,865 tons, up 7,340 tons. Both production and shipments increased to over the 100,000-ton mark.

Itemwise, sheet totaled 39,899 tons, up 2,712 tons over a month ago and extruded items 62,517 tons, up 5,049 tons.

Details by items are as follows (unit: ton):

Item	Output	Shipments	Inventories	Shipments of semis	Production capacity
March:					
Sheet	39,899	40,013	14,267	5,022	43,771
Extruded item	62,517	61,852	5,015	1,350	62,207
Total	102,416	101,865	19,282	6,372	105,978
Foil	5,701	5,965	3,192		5,370
February:					
Sheet	37,187	37,532	14,375	3,857	40,971
Extruded item	57,468	57,093	5,300	1,222	60,952
Total	94,655	94,625	19,675	5,079	101,923
Foil	5,154	5,272	3,536		5,270

MARKET PRICES OF STEEL AND METALS

[In yen per MT unless especially indicated, as of May 28]

	Tokyo	Osaka	Nagoya	Kita Kyushu
IRON AND STEEL				
Round Bar:				
9mm	47,500	48,000	49,000	47,000
16–25mm	49,500	50,000	49,000	50,000
Flat Bar, 6x50mm	55,500	55,000	53,000	53,000
Equal Angle:				
6x50mm	51,000	51,000	50,000	48,500
10x90mm	51,000	52,000	51,000	48,000
Channel, 6x65x125mm	65,000	67,000	65,000	64,000
H-Shape, 9 14x250x250mm	54,000	54,500	53,000	54,500
Hot R, Sheet (3x6), 1.6mm	60,500	60,000	62,000	60,000
Cold R, Sheet (3x6), 1.2mm	64,500	60,000	63,000	59,500
Medium Plate, 3 2x3x6	60,000	61,000	60,000	62,000
Plate:				
6x4x8	59,500	59,000	59,000	60,000
9x4x8	56,000	59,000	58,000	58,500
Gas Pipe (black), 15A (½ inch) (per kg)	63.00	63.00	65.00	62.50
Water Pipe (white, 15A (½ inch) (per kg)	90.00	89.00	87.50	89.00
Galvanized sheet:				
Plain, 0.30 mm	72,000	72,000	72,000	74,000
Corrugated, 0.25 (per sheet)	210	217	213	215
Colored sheet:				
One side, plain, 0.30 mm	95,000	95,000	95,000	94,000
One side, corru, 0.25 (per sheet)	276	272	275	280
Wire rod, 5.5 mm		50,000		46,000
Round nail, 100mm (4 inches)	67,000	63,000	65,000	67,500
Iron wire, No. 8	57,000	60,000	62,000	62,000
Annealed iron wire, No. 8	66,000	64,000	66,000	65,000
Galv. iron wire, No. 8	70,000	67,500	69,500	71,000
Barbed wire, No. 14	88,000	88,000	89,000	87,000
Tinplate, 90L (0.257mm)	98,500	99,900		99,900
Wire Netting, 20x15mm (one roll)	2,350	1,900	2,000	1,950
Welded steel netting, (1 sq. meter):				
No. 4 (6x150mm)	240	250	260	235
No. 8 (4x100mm)	200	190	200	180
SPECIAL STEEL				
Constructural carbon steel (SC)	60,000	58,000	58,000	
Stainless Steel:				
SUS 430 (18CR)				
Sheet (2–6mm)	230,000	230,000	230,000	
SUS 304 (18–8)				
Sheet 0.3mm	450,000	450,000	465,000	
NONFERROUS METALS (PER KG)				
Electric copper	425	428	425	430
Electric zinc	140	137	138	138
Electric lead	121	120	120	110
Tin	1,195	1,205	1,200	1,215
Antimony	750	750	670	770
Nickel	1,170	1,180	1,250	1,270
Selenium	7,500	7,500	7,500	7,600
Bizmuth	2,900	2,900	3,000	3,000
Cadmium	2,400	2,400	2,250	2,400
Mercury	2,400	2,200	2,000	2,000
Aluminium	195	190	195	200
ROLLED COPPER AND BRASS (PER KG)				
Copper sheet, 2.0mm	700	680	680	
Copper tube, 50×5mm	750	750	740	
Copper rod, 25mm	690	700	680	
Copper wire, 0.9mm	675	660	660	
Brass sheet, 2.0mm	580	570	570	
Brass tube, 50×5mm	670	660	650	
Brass rod, 25mm	425	450	440	
Brass wire, 6mm	530	535	550	
ROLLED ALUMINIUM (PER KG)				
Sheet (99%), 1.0mm (400×1, 200)	310	310		
Circle, 1.0mm	345	345		
STEEL SCRAPS				
Special for electric furnace	20,600	20,500	20,500	21,500
Pig iron scrap	23,500	26,500	24,500	23,000
COPPER SCRAP (PER KG)				
No. 1 copper wire (Berry)	408	398	387	360
No. 2 copper wire (Birch)	375	345	347	331

I would like to read to you a letter I received from the Society of American Florists and Ornamental Horticulturists, another phase of our industry that is suffering because of unfair trade practices. The letter reads:

Hon. JOHN H. DENT,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN DENT: Yesterday I had the opportunity of speaking with one of the very able members of your staff, Mrs. Linda Black, regarding the unfair competition our American flower growers are receiving from imports coming from foreign countries. She was very courteous and was quite helpful.

The Society of American Florists is the national trade association representing growers, wholesalers, and retailers; and through affiliation, we have in our membership over 90 percent of our industry.

I am taking the liberty of sending along a statement of a representative of our Growers Division which was made before the Committee on Ways and Means. In fact, Mrs. Black indicated that you, yourself, gave testimony before that Committee yesterday morning.

Our growers are finding it almost impossible to compete with the Colombian growers who are being paid 25 cents an hour, $2 a day, $12 a week. The air transportation is equally low. You will note in the statement that there has been a tremendous increase in the number of imported carnations that are coming into our country from Colombia.

Management of the Society of American Florists was quite interested in your concept of trying to promulgate legislation equating the difference in wage rates with a foreign country with our own American wage rates trying to equalize prices at the market place.

Our industry will be very much interested in supporting fully a bill to bring about this equalizing influence. I am sure we could get most of the fruit and vegetable groups and many of the farm groups as supporters. Would there be an opportunity to introduce a bill of this nature during this session of Congress or would there be the possibility of attaching a rider to bring about this equalization on some other bill?

Although I have resided in Alexandria, Virginia, since 1943, I was born and raised in your district. My county seat was Greensburg, Pennsylvania, and just several years ago I sold our homestead farm near Murrysville. My wife and I still return to the Pittsburgh area with a great amount of regularity and know many of your constituents.

Your consideration of this request will be greatly appreciated.

Sincerely,

JOHN H. WALKER,
Executive Vice President.

Currently the farm gate value of U.S. florist crop production is approximately $350,000,000. We are requesting Government help in preventing the destruction of an important segment of agriculture, by imports priced below U.S. cost of production. Foreign imports are able to be priced low because of cheap foreign labor, government subsidy, favorable tax arrangements, cheap transportation, and use of fungicides and pesticides prohibited to the U.S. producer. The U.S. producer has done an exceptionally fine job over the last 25 years in increasing supply to meet demand. There has been an amazing stability of prices in the marketplace. This has been done without the influence of foreign imports. Now, U.S. producers are confronted with a situation whereby the domestic market for U.S. producers is severely threatened by a dramatic and overwhelming increase in the importation of cut flowers. For the major crops of carnations, chrysanthemums, and roses, the percentage of increase in importation is staggering.

I would like to highlight some specifics relating to cut-flower importation which, until recently, have not been of significant economic impact. However, circumstances which present an immediate threat of serious damage are rapidly occurring. I would like to cite carnation imports from Latin America as the best example of the real threat we are facing. Carnation imports have grown from less than one-half of 1 percent of domestic production in 1970 to 5 percent in 1971, 8.33 percent in 1972, and, so far in 1973 imports are more than doubling 1972. During the 21 weeks ending May 26, 1973, Latin American carnation imports increased from 21 million in 1972 to 50 million in 1973—a 138-percent increase—refer to USDA ornamental crops national market trends below.

As a result of carnation imports, many carnation producers in the United States were unable to sell significant portions of their production during the Easter holiday period or during the Mother's Day shipping period. The markets in the major population centers literally collapsed on Tuesday and Wednesday prior to Easter and Mother's Day. This is the first time in recent history there has not been demand exceeding supply during the Mother's Day shipping period. This demoralizing increase of foreign imports plus plans on the drawing tables, will result in production exceeding that of Colorado, the second-largest producer of carnations, in the United States, by the end of this year. This will represent over 20 percent of the domestic carnation consumption. It is the stated goal of Colombia, South America, to have at least 25 percent of the U.S. carnation market by next year.

The USDA report also reveals that imports are increasing rapidly for other floriculture crops:

IMPORTS OF ORNAMENTALS[1]

[Note: Based on reports of inspections by plant protection and quarantine program, U.S. Department of Agriculture. Rounded to the nearest thousand stems]

Item and country	Ending May 26, 1973 [2]	Ending May 27, 1972 [2]	Percent	Ending Dec. 30, 1972 [2]
Carnations	50,634,000	21,305,000	+138	56,153,000
Colombia	44,966,000	17,854,000	----------	47,828,000
Costa Rica	647,000	453,000	----------	1,011,000
Ecuador	1,694,000	1,483,000	----------	3,867,000
Mexico	2,016,000	1,253,000	----------	2,491,000
Chrysanthemums	9,572,000	6,936,000	+38	15,866,000
Colombia	3,458,000	1,962,000	----------	4,945,000
Costa Rica	359,000	272,000	----------	983,000
Ecuador	1,204,000	1,094,000	----------	2,672,000
Guatemala	4,186,000	3,480,000	----------	6,716,000
Netherlands	180,000	40,000	----------	294,000
Pompons	15,381,000	7,383,000	+109	25,241,000
Colombia	7,790,000	3,100,000	----------	13,181,000
Costa Rica	767,000	674,000	----------	2,612,000
Ecuador	606,000	529,000	----------	1,197,000
Guatemala	6,175,000	2,992,000	----------	8,035,000
Roses	2,077,000	685,000	+203	1,676,000
Brazil	387,000	62,000	----------	114,000
Costa Rica	554,000	194,000	----------	336,000
Guatemala	126,000	90,000	----------	372,000
Netherlands	695,000	201,000	----------	648,000
Daisies	4,902,000	2,022,000	+143	3,395,000
Colombia	1,912,000	460,000	----------	1,617,000
Guatemala	2,520,000	1,475,000	----------	1,623,000
Mexico	391,000	62,000	----------	81,000
Orchids	10,000	1,000	+900	1,038,000
Australia	1,000	----------	----------	967,000
New Zealand	----------	----------	----------	63,000
Statice	2,763,000	1,967,000	+40	2,542,000
Guatemala	1,050,000	984,000	----------	1,097,000
Mexico	699,000	929,000	----------	959,000
Chamaedorea	171,744,000	188,704,000	−9.9	366,038,000
Guatemala	46,712,000	57,861,000	----------	131,546,000
Mexico	124,448,000	130,759,000	----------	230,802,000
Tulips	2,289,000	1,765,000	+29.8	1,856,000
Netherlands	2,272,000	1,764,000	----------	1,854,000

[1] Ornamental Crops National Market Trends, Vol. V, No. 21, Friday, June 1, 1973.

[2] 21 weeks.

The competition we face is based on low-cost labor, and minimum structures on about a 10-to-1 cost ratio. Labor in U.S. greenhouses costs $20 to $30 per day compared to not over $2 to $3 per day in Latin America. According to Sanford Rose, of Fortune magazine, April 1970, this Latin American labor is more efficient than often purported to be in this country. Greenhouse labor in the United States often is as much as 50 percent of farm gate value of crop sales and 30 to 40 percent is average.

Cost of construction in Latin America is often as low as 25 to 30 cents per square foot of producing area compared to $2.50 to $5 per square foot for an environmentally controlled greenhouse which is required to provide a consistent supply of quality products for the domestic market.

Some foreign countries, we are told, are subsidizing their agricultural producers as well as industrial manufacturers. For example, Canada, in low-employment areas, such as Nova Scotia, is subsidizing wages up to 50 percent and U.S. producers in border States are often in competition with plants and cut flowers produced under these subsidies.

Floriculture producers in the United States do not receive any Government subsidies and have never asked for any.

Our industry makes significant tax contributions to the local and national economy due to our very high investment per acre. Construction and production costs are increasing at a regular rate in this country. The floriculture industry is prepared to accept these increases and continue expansion if threat of destruction of domestic markets by foreign imports can be eliminated.

Foreign production is presently free to exploit our markets in an erratic manner while we are expected to make up for their inadequacies. There is little reason to presume there would be loyalty to U.S. markets by foreign producers should opportunities be greater elsewhere.

The United States has a tariff on floriculture products coming into this country of 10 percent based on the domestic price in the country of origin. This tariff is far from being sufficient to offset the differences in production costs in this country versus foreign countries.

The treatment of imports of bulbs, flowers, and plants by foreign governments presents an entirely different picture. Almost all, in addition to higher tariff rates than prevail in the United States, utilize one or more nontariff barriers.

U.S. growers are restricted in their ability to ship into many other countries. Embargos and nontariff barriers restrict flowers produced in the United States from being shipped into countries such as Australia, Mexico, Colombia, Equador, Guatemala, most European countries, Canada, and so forth. In some of these countries flower imports are prevented under any conditions.

In most foreign countries, value for duty is not the price paid to the exporter but includes all costs of shipping as well as turnover or sales taxes. The appraised value is inflated and results in paying taxes on taxes.

In general, rates of duty for many foreign countries are so high as to materially discourage the expansion of U.S. exports of ornamental horticultural products. We need only cite the 17 to 24 percent rates of the EEC on cut flowers against the 10-percent rate of the United States. This differential becomes much greater when we realize that included in the appraised value are the costs of shipping and the sales of turnover tax—(see appendix B).

Plant health measures are, on occasions, used to exclude shipments. We have no objection when such action is actually based on phyto-sanitary needs, but do object when they are applied to affect the economic end of protectionism.

Various laws and agencies of our Government are substantially increasing our costs but have no effect on foreign competition. EPA water control and pesticide regulations are two areas in which there has been substantial impact. Many chemicals are banned for many uses here in the United States, but are used on foreign produced imports into this country.

According to an article in the Wall Street Journal, our Government, under the auspices of the AID program, is loaning money to large wealthy U.S. corporations. They in turn are financing growers of floriculture products in foreign lands at interest rates as low as 9 percent when prevailing commercial rates would be as high as 18 percent annually. Our interpretation of such a program is that our own Government, in effect, is providing subsidies to create competitors to U.S. producers whose tax dollars make these very funds available.

The new OSHA requirements pose serious problems and add costs to our industry and are substantially increasing costs of production.

The previously mentioned Government regulations pose a serious threat to our industry themselves notwithstanding the import problem.

SUMMARY

There are 10,000 commercial cut flower growers in the United States. These thousands of growers supply thousands of jobs, paying good wages well above the national average for agriculture employees. These employees are unskilled laborers, many, members of minority groups who through jobs in floriculture production industry are able to maintain themselves and their families by making a positive contribution to the U.S. economy rather than providing a greater drain from public assistance programs.

In conclusion, let me state that the full economic impact of imports on the U.S. floricultural producers is just starting to be felt. The U.S. producer is on a collision course with economic chaos—unless some restrictions on the relatively free flow of foreign production can be developed almost immediately. The U.S. producer wants to continue to expand. He is ready to invest money to enlarge production facilities here in the United States if he can gain some assurance that his markets will not be destroyed by floods of foreign production. We need and urge the consideration of this committee and the Congress of the United States to give help in this imminent problem confronting our domestic floricultural producers. Note the following:

CUT FLOWERS AND FLOWER CUTTINGS TARIFF AND NONTARIFF BARRIERS IN SOME FOREIGN COUNTRIES

Tariff and nontariff barriers on cut flowers and cuttings into European countries and other countries of the world who are both producers of cut flowers and potential customers of United States growers:

EUROPEAN COUNTRIES

Tariff	*Nontariff*
June 1 to October 30, 24 percent.	Ireland, none.
November 1 to May 30, 17 percent.	Italy, none.
	United Kingdom, none.
	Netherlands, none.
	Bel-lux, quota and seasonal restrictions on roses and carnations.
	Denmark, licensing.
	France, licensing.
	West Germany, quotas.

INDIVIDUAL COUNTRIES

Tariff	*Nontariff*
Australia, 10 percent.	Cut flowers, permit required.
	Cuttings, quarantine period.
Costa Rica, 20 percent.	Cut flowers, phyto-sanitary certificate.
	Import permit.
	Cuttings, phyto-sanitary certificate.
	Import permit.
Ecuador, 90 percent.	Same as Costa Rica.
Guatemala, 20 percent.	Same as Costa Rica.
Colombia, 20 percent.	Cut flowers, imports prohibited.
	Cuttings, import permit.
Mexico, 20 percent plus 2 pesos per kilo.	Cut flowers, import permit.
	Cuttings, import permit.
	Phyto-sanitary certificate.
Venezuela, no fresh flowers.	

THE SPACE SHUTTLE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, when the House considers the bill including the NASA appropriations tomorrow, I shall offer an amendment to delete all funding for the Space Shuttle.

For fiscal 1972, we appropriated $100 million for "research and development" on the Shuttle. We were told that this was merely to ascertain whether development is feasible and that any actual development would have to wait for the results of the studies. A similar explanation was offered when we appropriated $200 million for research and development in fiscal 1973.

Now—with the final report on whether it is a feasible endeavor still to come—the Shuttle is being presented to us as a full-scale project, budgeted at over $500 million in the bill recommended by the Appropriations Committee. This money is no longer for research and development, but for actual construction of the Shuttle and supporting facilities.

Neither justification for this project nor evidence of its feasibility has yet been advanced. The administration daily seeks new cutbacks in expenditures for pressing domestic needs. This is not the time to commit ourselves irrevocably to a project which will run for years and which will cost some $20 billion before it is finished.

In compliance with the requirements of clause 6 of rule XXIII, I include the text of my amendment at this point in the RECORD:

H.R. 8825

Page 9, lines 2–3, strike out "$2,194,000,000, to remain available until expended." and insert in lieu thereof "$1,719,000,000, to remain available until expended: *Provided*, That none of the funds appropriated in this Act shall be used to further in any way the research, development or construction of any reusable space transportation system or space shuttle or facilities therefor."

Page 10, lines 2–19, strike out all of subparagraph (22) and redesignate the succeeding subparagraphs accordingly.

HOUSING AND URBAN DEVELOPMENT AMENDMENTS OF 1973

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BARRETT) is recognized for 5 minutes.

Mr. BARTLETT. Mr. Speaker, I introduce today, on behalf of 13 members of the Housing Subcommittee, a bill entitled the "Housing and Urban Development Amendments of 1973".

This bill, reported unanimously by the subcommittee on June 13, makes various changes in laws relating to housing and urban development. Nearly all of the provisions of the bill were considered by the House Banking and Currency Committee or the Housing Subcommittee during the 92d Congress. The full Banking Committee is expected to consider the bill during the next few weeks.

A complete section-by-section summary of the bill will be available to Members and the public shortly at the subcommittee's office in room 2129 of the Rayburn Building.

U.S. POLICY TOWARD THE PERSIAN GULF

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 5 minutes.

Mr. HAMILTON. Mr. Speaker, this past month there has been considerable discussion in the press and in Congress about extensive arms sales the United States is making or contemplating with certain Persian Gulf states.

FOCI OF RECENT DEBATE

Three factors have served to make this subject a matter of major public interest and scrutiny in recent weeks.

First, an Iraqi-Kuwaiti border clash with temporary occupation by Iraq of a small piece of Kuwaiti territory and persistent Iraqi territorial demands on Kuwait—presumably in order to protect its naval base at Umm Qasr which is being built with some Soviet aid—has caused anxiety in Kuwait, a small but wealthy state which has friendly ties with the west, England and the United States in particular. Kuwait was prompted to make a sudden appeal and request to the United States for a deterrent strength that would be sufficient to make the costs for Iraq of attacking, occupying or conquering Kuwait in the future too high for Iraq to consider seriously. The United States answered that appeal affirmatively, and a more than $500 million deal may follow.

A second cause of the recent discussion of this issue was the probability that sophisticated weaponry, including the versatile Phantom jet, would be available to Persian Gulf states in limited quantities if they desired them. In the turbulent Middle East area where there is no peace yet in sight in the Arab-Israeli conflict, it seemed as though another large trigger or fuse was being added in the Persian Gulf region. The real concern here should not center on any speculation that these arms, sold to countries in the Persian Gulf, might be used in an Arab-Israeli military confrontation.

Indeed, these arms might likely have no significant impact on the military balance in the Middle East for the foreseeable future and nobody can guarantee that arms sold will not be used in a general Middle East war. The appropriate area of justifiable concern is in the general policy of pouring lots of sophisticated arms in an extremely volatile portion of the Middle East, known, not for exemplary regional cooperation, but instead for a plethora of territorial, ethnic, familial and political disputes over the last several hundred years.

A third major cause of the debate over our arms supply policy in the Persian Gulf has been the magnitude of the sales envisaged. The two primary deals will be with Iran and Saudi Arabia, two states with close ties with the United States but not exactly a history of close cooperation with each other. In deals starting a couple of years ago and spanning almost a decade, we will be selling these two states billions of dollars worth of arms—$2.5 billion alone to Iran and something that may eventually approximate that figure to Saudi Arabia. And on the horizon may be requests from some of the smaller Gulf states for arms deals, perhaps led by Oman, the only state in Arabia currently confronting an organized internal insurrection in which the rebels control part of the country.

These amounts suggest that the United States might be selling as much as five times more hardware to Persian Gulf states in the coming years than the Soviet Union has supplied to Iraq and the People's Democratic Republic of Yemen in recent years. Soviet aid to those states is estimated at a little more than $1 billion over the last several years.

REASONS FOR CONCERN OVER POLICY

My reservations over this evolving military supply policy center on the lack of a clearly enunciated rationale for the policy, the magnitude of the sales envisaged, the seemingly dominant military focus of our Persian Gulf policy and the relative absence of any priority for diplomacy as a means to prevent a conflict or arms race in this vitally important area. As I think most of my colleagues are aware, close and good relations with Saudi Arabia and Iran, in particular, will be an extremely important national interest for the United States for the next several years. That fact, in itself, demands careful attention to policy formulation.

Various rationales have been offered for our military arms deals in the Persian Gulf. Some are:

The military and political threat of Soviet-backed Iraq and South Yemen, with their operational Mig–21's, to the security of the more conservative states of the region and the corresponding need of other states to meet this threat. Assistant Secretary of State Joseph Sisco, in testimony before the subcommittee on the Near East and South Asia, emphasized this rationale.

If we do not sell arms, others, including our allies, will.

These sales are beneficial to our balance of payments.

These sales will create an important interrelationship between the United States and these oil-rich states and will, partially because of their need for spare parts in the future, give the United States some useful leverage in our dealings with these states.

The sale of Phantoms to Saudi Arabia and Kuwait, as Deputy Secretary of Defense William Clements suggested in a recent interview, can be seen also as a symbolic gesture to maintain excellent relations with the oil-producing states. Referring to the good qualities of the Phantom, he said Saudi Arabia and Kuwait would "like to have the best." The implication is that their desire to have this weapon is sufficient reason for selling it.

Mr. Speaker, some of these reasons given for our arms supply policy have merit and others, frankly, have little appeal, but all have been offered, suggesting to me, at least, that a clear rationale for the course we are following may be evolv-

ing only slowly and, at that, after the fact of confirmed deals in some cases.

OUR PERSIAN GULF POLICY

My major concern with this policy lies in its implications for the totality of what we are and are not doing in the Persian Gulf. It is curious that in an area where our pronounced policy puts such a heavy emphasis on regional cooperation and regional solutions to mutual problems of defense and security that there appears to have been little priority for diplomacy, coordination, and discussions prior to these arms deals. In fact the main evidence of regional cooperation in the Persian Gulf today is negative, rather than positive: disputes have not led to violence but close ties have not been built between states on the basis of sovereign equality. The one concrete example of regional cooperation to which I can point is Iranian, Saudi Arabian, Jordanian and Abu Dhabian participation in that nasty little Dhofar Rebellion in Oman. But that has an air of monarchies seeking merely to protect their own flanks.

Regional cooperation rather than regional domination or regional competition will be something we will have to work hard for over many years. It is my impression that the arms deals we are now making in the area are not harbingers of great cooperative schemes. Every state appears to be in the arms-buying business for itself, and for some of the states, close ties with the United States are a political liability rather than an asset. That fact, it would seem, strengthens the desire to "go it alone," militarily and politically. And down the road a few years, this current policy might make a sham out of the argument sometimes heard that these Arab States need the United States as much as the United States may need them for petroleum.

Mr. Speaker, the policy of increased military supply of arms and equipment in the absence of strong political, economic, and cultural policy components is, in my opinion, an unwise path to follow. Simply to curry favor with these governments by selling arms they want can never be an adequate reason for a policy. If the threat to these governments from Soviet-backed South Yemen or Iraq is perceived by us to be great or if our arms sales policies were buttressed by a political and economic policy that emphasized social and economic development for all the peoples of the gulf, then the sale of adequate amounts of arms, even Phantoms, could be properly seen as part of a coherent gulf policy.

Unfortunately, the United States does not seem to be focusing enough attention on our future economic relations with these states, including the downstream investment idea proposed by the Saudis, or on the urgent need to help bring negotiations and peace to the Middle East. A successful Persian Gulf policy will depend as much on these facets of our Mideast policy as it will on any military supply relationship.

In short, it appears to be high time for us to address the larger, more difficult issues of our political and economic relations with the gulf states rather than rely so much on the short-term benefits of the military supply policy.

TIERNAN AMENDMENT TO CUT SELECTIVE SERVICE FUNDS DESERVES STRONG SUPPORT

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

Mr. MATSUNAGA. Mr. Speaker, tomorrow the House will be considering, as part of H.R. 8825, the fiscal year 1974 budget for the Selective Service System.

Despite the fact that the President's induction authority expires in only a few days, and no one will be drafted in fiscal year 1974, the administration has requested $55 million to run the Selective Service System.

In considering that request, the House Appropriations Committee reduced it by $7.5 million, to $47.5 million. I applaud that reduction, Mr. Speaker, but it does not go far enough. Accordingly, I will support on the floor tomorrow the amendment which will be offered by the distinguished gentleman from Rhode Island (Mr. TIERNAN) to cut the Selective Service appropriation to $28 million, which the System itself estimates would be needed to close the System out.

In evaluating that amendment, I believe that my colleagues will benefit from reading an analysis of the fiscal year 1974 Selective Service System budget prepared by the National Council to Repeal the Draft. I insert the basic analysis at this point in the RECORD.

A SPECIAL BRIEFING ON THE FISCAL 1974 SELECTIVE SERVICE SYSTEM BUDGETARY REQUEST

THE PROPOSED SELECTIVE SERVICE SYSTEM (SSS) OPERATION FOR FISCAL YEAR 1974

925 local boards, 56 state and 1 national headquarters.

4340 paid employees and 34,483 unpaid employees.

Registrations and classifications planned: 2 million.

Examinations planned: 0.

Inductions planned: 0.

This plan is called the "standby" operation.

PRESENT AND RECENT SSS BUDGETARY REQUESTS

FY 1974: $55 million for the SSS; $15 million from GSA for SSS building rent equals $70 million total for *no* inductions.

FY 1967: $59 million for the SSS; $12 million from GSA for SSS building rent (est.) equals $71 million total for 288,000 inductions (est.).

THE CHANGED PURPOSE OF THE AGENCY

The SSS was organized as a means to provide the Armed Forces with conscript manpower. As will be seen from the following, such a need no longer exists. Next year's operation of the SSS is justified as insurance against *possible* future peacetime or wartime military manpower shortages. To evaluate this new purpose, one must consider the likelihood of such needs and also examine the proposed operation to determine whether or not the SSS can provide the insurance it claims.

WHY THE SSS IS NOT NEEDED FOR PEACETIME PURPOSES

"Use of the draft has ended. Henceforth, the Armed Forces will depend exclusively on volunteers." Former Defense Secretary Laird, January 27, 1973.

"The draft has ended . . . it should not be necessary to reinstate the draft in the future to meet our peacetime needs." Former Defense Secretary Richardson, March 21, 1973.

"The draft has ended and we have achieved an all-volunteer force. It has been demonstrated that we don't need the draft to meet our peacetime military requirements." Former Assistant Defense Secretary for Manpower and Reserve Affairs Kelley, April 25, 1973.

If in the future recruiting proves difficult, Congress has many options other than reinstituting Selective Service. Military manpower procurement is not simply a "draft or no draft" situation. These other options include: lowering manpower levels, increasing the use of women in the services, changing recruiting techniques, using more civilian employees, adjusting enlistment periods, raising salaries, and offering new fringe benefits—just as is done by employers everywhere. The use of these controls and not conscription has been our tradition for 160 years.

THE LITTLE LIKELIHOOD OF EXTENDED WAR REQUIRING DRAFTEES

"With the adoption of the Nixon Doctrine and the Congressional decision to offer adequate wages to first-term enlisted men, the only condition under which this country is likely to need draftees again would be if it became involved in a lengthy, large-scale, conventional ground war. Every indicator suggests the probability of this happening to be extremely remote. Nuclear weapons, new technologies, and new strategies have created military situations ranging from nuclear attack to guerrilla warfare. Considering these changes, it is almost inconceivable that a massive land war, with a requirement for millions of foot-soldiers will ever again develop. Only last month Deputy Defense Secretary Clements, in explaining the proposed 90% reduction in the strategic goods stockpile, stated that 'the President and the National Security Council are now thinking in terms of a one-year emergency.' It is clear that no such lengthy ground war is anticipated by those charged with the nation's security." Major General LeRoy H. Anderson, U.S. Army (Ret.), May 16, 1973.

WHY THE SSS IS NOT NEEDED FOR INITIAL WARTIME USE

"The President of the United States commands an active armed force of over 2¼ million men. On his own initiative, he may call up 1 million men from the Ready Reserves. With the consent of the Congress, 1½ million additional Ready Reservists and 500 thousand Standby Reservists may also be activated. Finally, many of the 600 thousand retired servicemen could be recalled to active duty. Thus, approximately 5½ million men—selected, trained, and experienced—are available at the outset of hostilities. In my opinion, these troops would be able to provide the necessary lead time to institute a draft in the unlikely event that one were needed.

"It should be noted that the presence of an active draft mechanism is no substitute for the trained reserves. The continuation of the registration and classification functions does not provide a single soldier ready to meet a sudden emergency. It is only after men have completed their training that they are able to contribute to military effectiveness." Major General LeRoy H. Anderson, U.S. Army (Ret.), May 16, 1973.

WHY THE STANDBY SSS DOES NOT PROVIDE THE INSURANCE THAT IT PROMISES

The standby SSS proposes to register and classify, but not examine, 2 million young men each year. Registration, during a time when there were no inductions, has caused problems in the past and no doubt will again. Some young men will assume that they don't have to register and others will not—either out of principle or oversight. Furthermore, the addresses of many of those who do register will soon be out-of-date due to the high mobility of the age group and the lack of urgency to report address changes.

Classifications not based on examinations are of dubious validity. The most recent Semiannual Report of the Director of the SSS makes this point well since it indicates

the 73% of the men failed their (combined pre-induction and induction) examinations during the first half of the current fiscal year.

Local board members themselves will soon tire of participating in such a charade. The seeds of decay are embedded in any agency which has so little to do. Perhaps this is best illustrated by the SSS performance in 1950 after the System had been on standby for 17 months. During this period, registration, classification, and examinations continued. The Korean War began on June 24 with American troops involved from the beginning. Despite the standby condition, it was August 30—67 days after the war broke out—that the first men were inducted.

Contrast this with the performance of the new SSS agency in 1940. Although we were not at war and had no standby SSS, the first men were inducted just 63 days after the draft bill was signed by the President. In this case a War Department contingency planning group had written the bill, had prepared the forms and procedures, and had trained the Reserve and National Guard manpower to operate the System months in advance of need. There is no reason why today's Defense Department cannot do the same thing at a fraction of the cost necessary to operate the SSS bureaucracy.

RECOMMENDATION: FUND FOR CLOSING-OUT PURPOSES ONLY

When asked in May in the Senate Appropriations hearing how much money would be required to close out his agency, the SSS Director replied, "$8 million." Since that time he revised his estimate to "$28 million." Whatever the final amount turns out to be, it will be a one-time expense far less than the amount requested for the on-going operation.

PLIGHT OF PEOPLE OF LITHUANIA

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

Mr. HANLEY. Mr. Speaker, once again I would like to call to the attention of the House the unresolved plight of the people of Lithuania. Recent developments in the international sphere have done much to alleviate the long-standing tensions between our country and the Soviet Union. Although this relaxation of tensions is long overdue and welcomed, we should not forget the policies of oppression and subjugation the Soviet Union has so willingly imposed upon its conquered territories. The Lithuanian people have long led the struggle against the communist system imposed upon them by the Soviet armies.

On June 15, 1940 Lithuania was forcibly annexed to the Soviet Union. Since then the history of Lithuania has been one of struggle against Soviet dominance. From 1944 to 1952 some 50,000 people died in protracted guerrilla warfare. Under Stalin, almost one-sixth of the people of Lithuania were deported to Russia and Siberia in an effort to subjugate the Lithuanian nation.

The struggle for freedom and religious expression goes on in Lithuania. As recently as last year some 17,000 Lithuanian Catholics signed a bitterly worded petition demanding an end to religious persecution. Continued religious persecution of the Lithuanian people resulted in the self-immolation of Romas Kalanta. This act triggered demonstrations in the area and resulted in two more people burning themselves to death. Such acts clearly demonstrate that the Lithuanian people have not acquiesced to Soviet occupation, but rather are still striving for freedom and independence.

The United States has never recognized the forceful annexation of Lithuania and other Baltic States and during the second session of the 89th Congress we adopted House Concurrent Resolution 416, which urges the President to bring up for discussion the question of the status of the Baltic States in the United Nations. I ask your support in urging the U.S. delegates to openly state the U.S. policy of nonrecognition and raise the Baltic question directly as Congress has specified.

THE HONORABLE NORRIS COTTON

(Mr. CLEVELAND asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CLEVELAND. Mr. Speaker, I take this opportunity to insert in the RECORD a statement by the Honorable NORRIS COTTON, U.S. Senator from the State of New Hampshire, concerning his proposed retirement:

STATEMENT BY SENATOR COTTON

Twenty-five years ago as a member of the House, I wrote my first "Report" to my folks back home in New Hampshire. These I have continued through the years from both the House and Senate with unfailing regularity except in recent months when the pressure of mounting duties and responsibilities have compelled me to send them only intermittently. These Reports, in many respects, have meant more to me than any of the many activities in which a Senator must be involved because they have not only been my closest contact with you but, writing every one of them myself, they have helped me to analyze the decisions I have had to make on hundreds of issues and the reasoning that led to those decisions.

Because these Reports have been my closest contact with you, I think it is fitting that I should make use of this one to tell you that next year when my present term as Senator expires, I shall not be a candidate for re-election.

Naturally, this has been a hard decision to make and, being only human, I make it with a deep feeling of unhappiness. Of course, there are reasons that can be advanced to rationalize my seeking to continue in the Senate, and don't think I haven't thought of them all. At 73 I appear to be in vigorous health and able to perform my duties with the same zest that I have in the past. Experience and seniority have placed me in a position to accomplish more for New Hampshire and exert a greater influence in national and international affairs than ever before. At the beginning of this Congress, I was elected Chairman of the Republican Conference which comprises all of the Republicans in the Senate. In that capacity I am a member of the official Leadership that goes to the White House periodically to consult with the President. I am the fourth ranking Republican in the Senate, first on the Commerce Committee, and third on the powerful Appropriations Committee. At the end of 28 years in the Congress—8 in the House and 20 in the Senate—it is hard to turn one's back on all of this and retire to rust on the shelf.

But there is another side to this picture and facts that, if faced, lead to an inescapable conclusion. Ruth, my wife, has a serious heart condition, complicated by a broken hip which, at best, may mean months of convalescence during which she needs me by her side. Thus, I couldn't carry on an active, statewide campaign. My years in politics have taught me that people, particularly the new, young voters, expect and have a right to see and weigh their candidates. But it would be unfair to Ruth to attribute my decision to her or trade upon a devotion she so richly deserves after our 46 years together. There are other compelling reasons for my determination not to run again.

The people of New Hampshire have been mighty good to me. They have elected me four times to the House of Representatives and four times to the Senate. Come next election I shall be 74 years old. I just don't believe I have the right to ask them to elect me for another six-year term at the end of which I would be 80. True, I am well able to do my job now, but I can testify to you from personal experience that due to the growth of our Nation and the complexity of problems confronting us, the job of a United States Senator becomes more burdensome every passing year. The people of New Hampshire are entitled to young, active, dynamic representation. Furthermore, odd as it may sound, a Senator has an obligation, insofar as it lies in his power, to neither resign nor die in office, thus enabling some Governor to appoint his successor and give a marked advantage to that person. The people of New Hampshire have been kind enough to elect me to the Senate. They, and they alone, should have the opportunity to choose my successor.

Incidentally, my term runs until January 3, 1975, and I intend to render you the best service in my power to the very last day. Therefore, this will not be my last Report because there are things which must be said and I can say them better as a noncandidate.

I hate to go. I can think of no greater privilege than the one you have granted me of serving in the United States Senate. Its associations deepen and mellow as the years go by, and the greatest days are the latter days. I think of the words of Rollin Wells in his poem, "Growing Old":

"A little more tired at close of day,
A little less anxious to have our way;
A little less ready to scold and blame,
A little more care of a brother's name;
And so we are nearing our journey's end,
When time and eternity meet and blend."

STATUTES ARE NOT NEGOTIABLE

(Mr. MOSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MOSS. Mr. Speaker, as many in this House know, I have raised what I believe are serious constitutional questions about the legality of General Haig's White House status while remaining on active duty as a four-star general in the U.S. Army.

In the past several weeks I have conducted intensive research into the question, and have sought a ruling from the Comptroller General of the United States on the matter. My research has already been presented here on the floor of the House. Now, I have received the Comptroller General's ruling, and include his response here for insertion in the public RECORD:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., June 15, 1973.

Hon. JOHN E. MOSS,
House of Representatives.

DEAR MR. MOSS: We have received your letter dated June 7, 1973, submitting further information and questions concerning the status of General Alexander H. Haig, Jr., USA, Vice Chief of Staff of the Army, who, as you know, is currently serving as an Assistant to the President. Specifically you ask the following questions concerning General Haig:

Is he presently a civil officer of the government or is he a military officer?

In the event of misconduct, who would he be answerable to, military or civil law?

Who is now the vice chief of staff of the United States Army, or who is the acting vice chief of staff?

Is he still chargeable to the Pentagon's budget at a rate of pay for a four star general, including the perquisites of the office of the vice chief of staff, or is he now being maintained on the White House budget?

Is he exercising the functions of a civil office or not?

General Haig holds the rank of general in the Army and to our knowledge is the Vice Chief of Staff of the Army, a position authorized by 10 U.S.C. 3035 to be filled by the detail to it of a general officer. Reportedly, he is receiving only his pay and allowances as a general and Vice Chief of Staff of the Army and is chargeable to the Pentagon's budget. As a member of a regular component of the armed forces, General Haig remains subject to the provisions of the Uniform Code of Military Justice. See 10 U.S.C. 802(1). However, for misconduct which is not service connected he would be subject to the jurisdiction of the civil courts. See *O'Callahan* v. *Parker, Warden,* 395 U.S. 258 (1969).

In regard to whether General Haig, while serving as Assistant to the President, is exercising the functions of a civil office, that could only be ascertained by us by a monitoring of the duties he is performing. That is a procedure we are not in a position to invoke.

As we advised you in our letter of May 30, 1973, we understood that General Haig's duties are such as may be assigned by the President as Commander-in-Chief, but are not the defined duties of any particular office. However, we also pointed out in our letter that the announcement of General Haig's appointment as Assistant to the President made on May 4, 1973, by White House Press Secretary Ronald L. Ziegler included the statement that "In this role, General Haig will assume many of the responsibilities formerly held by H. R. Haldeman. These responsibilities include coordination of the work of the White House Staff and administration of the immediate Office of the President." See Weekly Compilation of Presidential Documents, Monday, May 7, 1973, Volume 9, Number 18, page 450.

Subsequently, on May 10, 1973, in announcing other appointments and changes in the Administration, Press Secretary Ziegler stated in part as follows:

"Also, this morning, the President again referred to the fact that he had appointed Alexander Haig to fill the interim role which Bob Haldeman previously filled as Assistant to the President and that Alexander Haig would be continuing in this position for the immediate future."

See Weekly Compilation of Presidential Documents, Monday, May 14, 1973, Volume 9, Number 19, pages 661, 662.

Prior to his resignation, Mr. H. R. Haldeman occupied the position of Assistant to the President, apparently one of the six positions authorized by 3 U.S.C. 106 at pay rates as provided by 3 U.S.C. 105. Our view, as expressed in the May 30 letter, is that the position Mr. Haldeman held is a civil office within the meaning of 10 U.S.C. 973(b).

An announcement dated June 6, 1973, was released by the Office of the White House Press Secretary. That announcement reads in pertinent part as follows:

The President today made three announcements relating to the senior staff of the White House.

General Alexander M. Haig, Jr., will retire from active duty in the Army effective August 1, 1973, and will be appointed Assistant to the President. *In this capacity General Haig will continue to exercise the same general responsibilities he has held since rejoining the White House staff on an interim basis in May.* These include coordination and supervision on the day-to-day operations and responsibilities of the White House staff. (Emphasis added.)

In view of the June 6, 1973, announcement, in conjunction with the previous White House announcements made on May 7 and 10, 1973, concerning General Haig's duties, and the press reports to which you refer, the strong indications, based on such circumstantial evidence, now are that General Haig has been, and is continuing to perform in his interim position of Assistant to the President, essentially the duties which Mr. Haldeman exercised while occupying one of the offices created by 3 U.S.C. 106. On that premise, while, as stated above, we cannot categorically say that General Haig is exercising the functions of a civil office, it now is our view that a violation of the statute is indicated.

Of course, after General Haig's retirement from the Army there would no longer be a question of whether by serving as Assistant to the President he is violating 10 U.S.C. 973(b), since that law applies only to Regular officers on the active list and not to retired officers. See 25 Comp. Gen. 38, 41 (1945) and 25 Comp. Gen. 203 (1945).

We trust this serves the purpose of your inquiry.

Sincerely yours,

ELMER B. STAATS,
Comptroller General of the United States.

As a result of this ruling, added to an overwhelming weight of evidence, research and historical precedent, I have addressed the following letter to the Attorney General of the United States, asking him to enforce 10 U.S.C. 973(b) as it stands. Also noteworthy is that there is ample precedent for a Federal Attorney General to act in such a manner against a professional military officer illegally occupying or intending to occupy a civil position. The text of my letter to Attorney General Richardson follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., June 21, 1973.

HON. ELLIOT L. RICHARDSON,
Attorney General of the United States, Department of Justice, Washington, D.C.

DEAR MR. ATTORNEY GENERAL: As you may know, a number of questions regarding the legality of General Alexander Haig's status in the White House have been raised in the past several weeks. In the course of asking many such questions, I have sought an interpretation of the appropriate statute from the Comptroller General of the United States. In particular, I have specific reference to 10 U.S.C. 973(b), which I believe the General is daily violating by his present dual status. It says:

"Except as otherwise provided by law, no officer on the active duty list of the regular Army, regular Navy, regular Air Force, regular Marine Corps or regular Coast Guard may hold a civil office by election or appointment whether under the United States, a territory or possession or a state. The acceptance of such a civil office or the exercise of its functions by such an officer terminates his military appointment."

Simultaneous to seeking this opinion from the Comptroller General, I have researched the entire subject intensively, and have made my communication to the head of the General Accounting Office, plus the fruits of that research public through presentation on the floor of the House. I am including both presentation and letter here for your own information and use.

As a result of such research and public questioning, the Comptroller General has delivered an opinion significantly clarifying the situation. Bear in mind that as of today and since his original appointment more than a month ago to his present duties by the President, General Haig has played a role in both the civilian and military worlds. Until he actually leaves military service, in fact, he remains a four-star general on active duty performing partisan political functions within the White House.

Viewing his status in that light, which is, I believe, the only proper way, the Comptroller General has ruled that General Haig remains today a general officer of the Army, is subject to rules of military justice, is chargeable to the Pentagon's budget, yet is seemingly exercising as of this moment the partisan political functions of a sensitive civil office. It is now the view of the Comptroller General that a violation of the statute in question is indicated.

I enclose a copy of the Comptroller General's letter and ruling for your information and reference.

In the past, as the enclosed research will clearly show, Attorneys General have ruled against professional military men holding any civil offices. In 1870, the Federal Attorney General ruled, after examination, that General George Meade, victor at Gettysburg, could not hold a civil office for the City of Philadelphia, preventing him from accepting such an office. Another well-known case involved a similar ruling by a Federal Attorney General, preventing General William Sherman from acting as Secretary of War because he still held a military commission. So, there is ample precedent for similar action on your part in the present situation.

If the present status of General Haig is unlawful, and the Comptroller General's letter indicates that it is, we are observing a serious evasion of law by our highest authority. Ostensibly, it is being perpetrated for General Haig's personal gain and profit in terms of higher retirement benefits, which is both an indefensible legal reason and an unworthy motive for those parties involved. Surely a President, especially in light of recent events and revelations, would not bend the law in this way for such a questionable purpose.

It is essential that we settle this question now, rather than letting time eliminate the problem temporarily, thereby setting the worst possible precedent. Inaction will allow the American people to believe the President seeks to ignore the law and is using time as his weapon with which to defy and defeat the statute in question.

In light of cumulative weight of evidence, research, precedent and decision, this appears to be a clear violation of the law. Therefore, I formally request that you, as Attorney General, enforce the statute in the case of General Alexander Haig, Jr.

Sincerely,

JOHN E. MOSS,
Member of Congress.

The issue is clear, The statute is clear. The precedents are overwhelming. Laws are not passed to be obeyed selectively. Nor are they placed on the books by a Congress representing the people to be warped for temporary political advantage or financial gain of any single individual or small group of persons. Every added day that passes with General Haig occupying two different positions in blatant violation of statute is further reinforcement of one of the most dangerous precedents a democracy can allow. If Mr. Richardson wishes to retain his priceless and tenuous credibility in the existing situation, let him forthwith enforce the law. That is his main job. Strict impartial enforcement of the law, I might add, is something America has seen little of in recent months.

AMERICAN HOSPITAL IN PARIS

(Mr. BROOKS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BROOKS. Mr. Speaker, today I am introducing legislation to amend the charter of the American Hospital in Paris to remove the limitation on the maximum number of members of its Board of Governors.

By its charter, the Board of Governors is limited to 20 members. My bill proposes to eliminate this restriction. The hospital could then offer board membership to certain individuals—both men and women preferably in the lower-age bracket—who represent our country in business and Government and who evidence some interest in maintaining and promoting better health services. They would hopefully be in a position to help financially, either themselves or through contact with other individuals who might become contributors.

This hospital was founded in 1910 and was incorporated by an act of Congress (37 Stat. 654), approved January 30, 1913, as a nonprofit institution for the express purpose of serving Americans, with or without funds, residing to traveling in France. Through the years, it has earned an international reputation for providing outstanding medical care to its patients.

The complex task of managing this hospital is made even more complicated by the effort currently being made to expand the facilities and to rebuild and modernize many of the buildings, some of which date back to 1910 and are no longer useful or economical to operate.

Working with the help of U.S. management engineers, the American Hospital has also begun to improve further the quality of its health care delivery system by developing a biological and scientific research institute as part of the hospital complex. This, they expect will lead to an even greater exchange of scientific ideas and talent. In this connection, some financial assistance through AID's program to help American schools and hospitals abroad is anticipated. However, the major part of the money needed for the project will be privately subscribed.

According to the hospital's consultants, the demand for the use of the hospital facilities will more than double over the next 7 to 10 years. This amendment to the charter will allow the hospital to expand its Board of Governors to help it meet the continuing challenge to provide medical care to the American community of Paris.

PROPOSED PROPERTY TAX REDUCTIONS

(Mr. THOMSON of Wisconsin asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. THOMSON of Wisconsin. Mr. Speaker, today I am introducing legislation on behalf of myself, Mr. BAKER, Mr. BROWN of Michigan, Mr. CLEVELAND, Mr. DANIELSON, Mr. DERWINSKI, Mr. FROEHLICH, Mrs. HECKLER of Massachusetts, Mr. HINSHAW, Mr. HOSMER, Mr. MALLARY, Mr. PIKE, Mr. RHODES, Mr. STANTON, Mr. TREEN, Mr. YATRON, and Mr. YOUNG of Illinois, which specifically permits local jurisdictions to use general revenue-sharing funds for the purpose of property-tax reduction.

When the Congress enacted the State and Local Fiscal Assistance Act, the understanding among many Members and local governments was that general revenue-sharing funds could be used to lower local property taxes. Chairman MILLS in a colloquy on the House floor, for example, stated:

> The money can be used to reduce the local taxes . . .

According to the survey released June 19 by the Department of the Treasury, 8 percent of the local jurisdictions proceeded on that understanding and expressed the intention to use the Federal moneys for tax relief. Yet last March 15, a Federal district court in Atlanta cast doubt over the legality of such action in its ruling the case of Mathews, et al. against Massell, et al.—referred to as the "Atlanta Case".

The Atlanta case stemmed from an attempt by the city of Atlanta to indirectly use its general revenue-sharing funds for a water/sewer rebate. The city's purpose was to provide its citizens tax relief, yet avoid the probability of a future reduction in its revenue-sharing allocation due to a failure to maintain local tax effort. The court ruled, however, that Atlanta's action was in violation of section 103(a) of the act—that portion of the act restricting local use of revenue-sharing funds to priority expenditures. Judge Richard C. Freeman reasoned:

> There is a clear difference, however, between funds which are legitimately freed up by the designation of federal Revenue Sharing funds to provide municipal services which otherwise would have to have been paid for out of general City funds, and funds which are transferred from one account to another simply to avoid the restrictions imposed by § 103(a) of the Act.

The Office of Revenue Sharing in its brief of Mathews against Massel declared:

> The main issue debated relating to the Act was whether the Act restricts only the entitlement funds themselves, or whether it also governs the "freed-up" (or displaced) moneys.

Yet the Office concluded that any fear that—

> The decision does not permit a government to extend tax relief to its citizens . . . is unfounded.

Section 103(a) of the act does not list tax reduction as one of the priority expenditures. Any local tax reduction eminating from general revenue sharing, therefore, must result from "freed-up" funds. But using the Office of Revenue Sharing's own interpretation of the central issue in the case, we find that "freed-up" funds cannot be used for a nonpriority expenditure.

Significantly, the court declared:

> The actions of defendants . . . show clearly that the steps taken by defendants were designed to carry out a plan to return $4.5 million in Revenue Sharing funds to certain taxpayers, the defendants having decided to confer such tax relief by way of rebates on the water/sewer accounts.

In other words, the court fully considered the rebate a form of tax relief. But the opinion nowhere questions the legality of the specific method of tax relief. Thus the Atlanta case decision seems not based on any issue involving the specific method of tax reduction.

How then can a local jurisdiction use general revenue-sharing funds for tax relief? Seemingly it cannot. The act specifically disallows the direct use of the moneys and the Court appears to disallow the indirect use of the moneys.

Congressional clarification of this question is not only important, because of the number of local jurisdictions involved, but also because of the penalty provision within the act, section 123 (a) (3). The provision directs that expenditure of the funds to nonpriority areas are subject to a 100-percent penalty unless the violation is otherwise corrected after notice and an opportunity for corrective action. Thus while there would be a period for "corrective action" should local governments not be able to give tax relief, the consequences of taking "corrective action" would certainly cause mammoth budgetary problems for the unit involved.

I am not arguing that the ruling in the Atlanta case definitely eliminates the use of general revenue-sharing funds for tax reduction, although I am inclined to that belief, but I am arguing there is great cause for concern. It would behoove the Congress, therefore, to make the matter clear. The bill we have introduced would do so.

A PROGRAM WE CAN DO WITHOUT

(Mr. RONCALIO of Wyoming asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RONCALIO of Wyoming. Mr. Speaker, I am opposed to the further expenditure of funds for the Atomic Energy Commission's so-called Plowshare program. The purpose of this program is to utilize nuclear explosions for peaceful purposes. Under this program, there have been a number of nuclear detonations for gas stimulation which have been termed "successful," but the Nation is yet to see one ounce of gas flow into the pipelines which go to the consumers of America.

Project Gasbuggy which was detonated on December 10, 1967, near Farmington, N. Mex., and Project Rulison which was detonated September 10, 1969, near Grand Valley, Colo., both now contain water. It concerns me that this water is contaminated with nuclear material and may flow into nearby streams and rivers.

In this connection I would like to point out that a recent study sponsored by the National Science Foundation concluded that Project Rulison was an economic failure. At a cost of $11 million it is yielding gas that would be worth only $1.5 million if it were of high quality and uncontaminated, which it is not.

The Rio Blanco multinuclear detonation experiment or pilot test which was recently conducted in Colorado is about

to be opened up by AEC experts to determine first hand what happened. If it follows the pattern of previous experiments the AEC will determine that it was "successful." More money will be spent but still we will not have a product which will ease the energy shortage. The follow-on experiment to Rio Blanco was scheduled to be Wagon Wheel and was to be detonated in Wyoming. It is now "dead as a doornail" to quote AEC Chairman Dixy Lee Ray.

It is my understanding that the full field development of multiple nuclear explosives underground such as occurred in Rio Blanco and which are contemplated in Wagon Wheel would mean 5,000 wells and 3 to 5 times that many detonations pounding the Earth under the citizens of Colorado and Wyoming.

It is my opinion that it is unreasonable to use the people of my State, or any other State, to assume the burden of this untried technology. It is also farfetched to believe that thousands of nuclear detonations underground would not in some significant way pollute the waters of the Colorado River system.

I believe that underground nuclear technological programs such as those being pressed by the AEC under its Plowshare program are uneconomical and potentially dangerous to our environment. They do little, if anything, to ease the energy shortage. In fact, an argument can be made that they actually detract from the search for ways to ease the energy shortage by taking funds from more realistic conventional ways to meet the energy crisis.

I strongly believe that funds totaling about $3 million should be deleted from the nuclear Plowshare program and placed instead into programs to develop the peaceful uses of atomic energy through our highest priority nuclear energy development effort, thermonuclear research or other energy programs. These efforts will aid our Nation in easing the energy crisis which has rapidly enveloped us.

A BILL TO CONVEY CERTAIN LANDS TO THE CITY OF ALEXANDRIA, VA.

(Mr. PARRIS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PARRIS. Mr. Speaker, I am today introducing legislation which will convey to the city of Alexandria, Va., certain lands of the United States located in that city along the shoreline of the Potomac River. This bill would transfer Federal title and claims to approximately 48 acres of fast and submerged lands to the city of Alexandria.

Title to the Alexandria waterfront property in question has been clouded by the fact that it is currently impossible to determine the location of the high-water mark of 1791, which serves as the boundary line between Alexandria and the District of Columbia. Over the years since 1791, a substantial portion of the river bottom has become dry land. Because of these changes on the south bank of the Potomac, a 1934 boundary commission advised that the 1791 high-water mark can never be redetermined. The commission, therefore, recommended that the property in question be given to the city of Alexandria and the private holders of interests occupying the area. The Congress followed up on this suggestion in 1945, but added a reservation that the United States would not relinquish any title claim it may have to these lands.

As a result of this reservation, the landowners in the area have been unable to perfect their titles and obtain title insurance. Development of this area is, and has been, at a standstill for some years. Many of my colleagues are undoubtedly aware of the unhealthy, deteriorated and unslightly situation which has developed along the waterfront; the area is currently cluttered and filled with debris, and is for the most part both inaccessible and uninviting to the general public.

According to the provisions of the legislation which I am today introducing, upon transfer of title to the area by the Federal Government, the government of the city of Alexandria would develop a specified land use plan, to be kept on file in the National Park Service offices. Thereafter, the city would be responsible for enacting and maintaining zoning ordinances, and insuring future development of the area in compliance with that land use plan. In addition, the city would construct, within 10 years, a pedestrian mall through the area for public use.

A substantial portion of the area would be preserved for the enjoyment of all as public parks and recreational areas.

Mr. Speaker, Alexandria is an old and historic city, which I am proud to represent in the Congress. I, as well as many other elected officials and residents of the city, consider the carefully planned development of the waterfront area to be vital to the economic growth of the city, as well as a substantial contribution to its historical and esthetic significance.

Unless the Congress takes action to resolve the existing legal entanglements and arrive at some solution to the dispute in the reasonably near future—a solution acceptable to and which recognizes both the Federal Government's possible interest in the land as well as the rights of the property owners—we can expect additional and serious deterioration of the area. In a time when this Nation is making preparations for its Bicentennial, it occurs to me that the beautification and planned development of the Alexandria waterfront is not only necessary but desirable, and would greatly contribute to the public's enjoyment of the celebration.

Although my bill may not be considered perfect by everyone, it is my hope that it will prove to be acceptable to all. In my opinion, not only is the solution which I propose economically feasible, but I am certain that it will resolve the legal entanglements, greatly improve the city, and contribute to the use and enjoyment of the waterfront area by both the residents of that area and the general public.

H.R. 8825

(Mr. HAMMERSCHMIDT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HAMMERSCHMIDT. Mr. Speaker, unfortunately official business will cause me to be absent tomorrow when the House of Representatives is expected to consider H.R. 8825, a bill making appropriations for the Department of Housing and Urban Development and certain independent executive agencies. I am particularly interested in the appropriations for the Veterans' Administration.

The funds contained in this measure will, of course, be used to provide veterans' benefits and services for the next fiscal year. I have reviewed with great interest the report of the Committee on Appropriations on H.R. 8825.

I am extremely gratified to note that the committee has no intention of effecting budgetary slashes at the expense of the Nation's veterans. On the other hand, the recommended appropriation appears to recognize our responsibility to the Nation's taxpayer.

I am most pleased that the committee has recommended the full amount requested by the President for veterans' medical care of $2,606,153,000 plus an additional $14,350,000 to be used in hiring 1,000 nurses and related staff engaged in direct patient care.

In the event that current budgetary estimates are inadequate, the committee has wisely stated that it stands ready to favorably entertain consideration of future justified proposals submitted by the administration to supplement medical care funding provided in this bill. Mr. Speaker, this bill provides a record high budget for veterans' medical care. These funds are needed if the Veterans' Administration is to continue providing excellent medical care.

I hope the appropriation for the Veterans' Administration will be approved.

AID TO EDUCATION

(Mr. PERKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PERKINS. Mr. Speaker, yesterday I brought to the attention of the House the first results of a questionnaire which I sent to all 18,000 school districts in the country on Federal aid to education. That survey showed that, as of a few weeks ago, approximately 50,000 teachers had already been notified that their contracts would not be renewed in September because of the continued uncertainty about Federal aid to education. Another 130,000 teachers, teacher aids, and other personnel are also in jeopardy of losing their jobs during this upcoming school year. The education of 8 million schoolchildren will be severely hampered if the positions of these educators and administrators are terminated.

Within a few days we will have the opportunity to resolve this uncertainty about Federal aid. The Labor-HEW appropriations bill will be on the floor early next week. If we move decisively on that bill, we will have gone a long way toward resolving this issue.

We must, however, also pass a continuing resolution next week which assures continued Federal support for education until the appropriation bill becomes law. Since the Senate Appropriations Committee has scheduled hearings

into September on the Labor-HEW appropriation bill, enactment of that bill may be as late as the last few weeks of September or even early October. Therefore, if these programs are to be funded for the first few weeks of the school year we will have to provide for that funding through a continuing resolution.

In that continuing resolution we must provide for specific levels of funding for these educational programs. Otherwise, the administration has already announced that it will cut back aid to education by at least $500 million.

We must also provide in both the regular appropriation bill and in the continuing resolution that no local educational agency will receive less in title I funds than it received last school year. If we do not take this section in both bills, many of the poorest States in the Nation will lose from one-half to one-third of their title I funds due to an outmoded formula.

Mr. Speaker, most school districts have to adopt budgets for the upcoming school year in the preceding January, February, or March. Usually school districts have enough trouble with Federal aid because they do not know until June or July how much aid they are going to receive.

But if we do not pass the appropriation bill next week and also do not pass a continuing resolution requiring specific levels of funding until the appropriation bill becomes law, we will be forcing school districts to begin the school year with no assurance at all concerning the amounts of Federal aid which they are going to receive. This would obviously wreak havoc with any rational planning for programs; and, as I have already stated, this has resulted so far in 50,000 teachers being notified that their contracts will not be renewed in September.

I would like to insert in the RECORD at this point a sampling of statements concerning the problems encountered in planning at the local level without knowing how much Federal aid is to be provided. These statements were sent to me by school superintendents from throughout the country in response to the questionnaire which I sent out 3 weeks ago.

From Dade County, Miami, Fla.:

The lack of definitive information at this late date regarding program funding or funding level places a tremendous additional burden on school districts. The uncertainty of funding will make it increasingly more difficult to identify and retain capable personnel for these programs.

From Lansing School District, Lansing, Mich.:

It is and has been for a long time a continuing frustration for school systems to attempt to plan programs without having any knowledge of what the level of financial support is going to be from the Government. Not only are we forced into a process of haphazardly and quickly implementing programs for which there has been insufficient lead time, we are also forced to curtail ongoing programs.

From Waldo School District, Waldo, Ark.:

School people need to plan in the Spring for the Fall term. An administrator cannot dismiss a staff in the Spring and expect to rehire them in the fall.

From Sherrill, Ark.:

The uncertainty of the Federal programs virtually eliminates any planning at all. Without preplanning most programs cannot be very effective.

From East Stroudsburg Area, East Stroudsburg, Pa.:

Program planning and coordinating activities are impossible under present conditions.

From Ruthven Consolidated School District, Ruthven, Iowa:

You cannot run a program if you do not know how much money you are going to have to run it.

And from MSAD No. 70 plus Union 117, Houlton, Maine:

At this point in time we are operating on faith—I shudder to think of the serious consequences if Federal aid is not forthcoming.

REVOLUTION IN EDUCATION—TRAINING MORE PEOPLE FOR JOBS IN THE "REAL WORLD"

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MEEDS. Mr. Speaker, each year in this country nearly two and a half million students leave our school systems without any real training to equip them for working. These include elementary and high school dropouts, high school graduates with no specific training, and college students without any real focus or skill. While some blame for this must be accepted by the school system itself which has traditionally placed the highest value on academic preparation for college, parents and society generally have looked on vocational education as "second-rate education" for the less able student.

I have been encouraged with reports indicating that the pendulum is swinging. Student enrollment in all levels of vocational education has nearly doubled in the last 6 years. Community colleges have made the greatest strides, and 4-year colleges and high schools are also increasing training courses and enrollments.

The June 25 issue of U.S. News & World Report includes an article recording a turnaround in the attitude of young people and their elders towards vocational education—skill-training for real jobs in the world of work.

Following is the text of that article:

REVOLUTION IN EDUCATION—TRAINING MORE PEOPLE FOR JOBS IN THE "REAL WORLD"

Vocational training, downgraded for years as "grease education" and something "for somebody else's children," is suddenly winning respectability.

High-school and college enrollment in vocational education has tripled since 1960—in courses that range from refrigeration repair to photography, from metal-working to horticulture.

Federal, State and local spending on this type of training has jumped 1,000 per cent in the same period. Trends are shown in the chart on page 51.

Vocational-technical training today is centered in vocational high schools, State and local colleges, manpower-training agencies, some 7,000 proprietary trade schools, and on-the-job training programs in industry.

Although vocational enrollments have been increasing in high schools in recent years, they now appear to be leveling off, with the emphasis shifting to the nation's 1,141 two-year community colleges.

Significant change.—All the new interest in occupational studies is hailed as "the largest single initiative toward educational change at this time." That assessment comes from Sidney P. Marland, Jr., Assistant Secretary for Education in the Department of Health, Education and Welfare.

Evident among students, parents, educators and government officials is a growing feeling that the American learning system is not preparing young people adequately for jobs. Nor is it felt to be meeting the rising need for technicians of all kinds.

In high schools, critics claim, there is too much emphasis on college preparatory work; in colleges, too much concern with pure academics.

Government statistics show that nearly 2.5 million youngsters leave formal education every year without adequate preparation for working careers.

At the same time, there is a serious shortage of skilled and semiskilled workers. According to the National Advisory Council on Vocational Education, more than 2 million jobs are going begging while "the educational treadmill continues to turn out students who are untrained, unskilled and unemployable."

Is college necessary? Parents weighing the value of a college education for their children are being told by experts that, by 1980, only 1 out of every 5 jobs in this country will require a four-year degree.

"I've seen entirely too many students enter academic studies because their parents did not understand the value of a vocational education," said Frank L. White, for many years a professor of industrial education at Temple University in Philadelphia.

"Parents should understand that it isn't at all necessary for a man to be in the professions to achieve a full, happy, productive life. Tradesmen and artisans are doing better today than they've ever done before, not only financially but socially."

A survey of graduating classes at five Pennsylvania colleges, just completed for the Department of Labor, reported:

"Many students do not believe they are leaving college with critical or unique job skills. Most have received little, if any, hard data about the job market. . . . Many students feel that they were forced to make career choices at a time when they had little real information about the job market and career alternatives."

Against this background, HEW's Mr. Marland has made "career education" the first priority of the U.S. Office of Education. The principle is that every American schoolchild has the right to public instruction which prepares him either for immediate employment or higher education.

Learning about work. Writing in "Science," a publication of the American Association for the Advancement of Science, Mr. Marland called career education "the key to reform in contemporary American education." He added:

"In the primary grades, children should learn more about the world of work and the various roles they might play in it.

"In the middle grades, experience and practical observation of career areas that are of most interest should be provided.

"In high school and postsecondary education, children need the opportunity to learn specific skills to lead them to meaningful employment."

Commenting on the growth of occupational education beyond high school, Edmund J. Gleazer, Jr., president of the American Association of Community and Junior Colleges, said:

"This is where the real action is on the community-college campus at this time. This kind of experience has gained new respectability as opportunities for the professional have diminished in the face of a changing economy.

"Suddenly, it has become acceptable for an individual to 'go to work.' "

Many four-year State colleges also are joining the vocational movement. One example is Northeast Louisiana University in Monroe, which recently added two-year degree programs in dental hygiene, photojournalism, broadcasting and ornamental horticulture.

"What is remarkable about these two-year programs," said Allan W. Ostar, executive director of the American Association of State Colleges and Universities, "is that they are designed specifically so that, upon completion, a student may step competently into a job, or the student may continue his education to get a four-year degree and exit at a different occupational level.

"Two problems hamper the acceptance of the career-education concept in State colleges and universities," Mr. Ostar went on.

"One problem is the misconception of status. Two-year degrees are regarded as not quite as valuable or as good as four-year degrees. This could not be farther off the mark. Quality and need determine status.

"I would much rather be a good engineering technician that the job market needs than a poor philosopher who is not employable."

Upward trend. In the mid-'60s, only about 13 per cent of those enrolled in community colleges were in vocational education. Now the figure is between 40 and 50 per cent, and at some schools it is more than 50 per cent.

"This trend is likely to continue," said Andrew S. Korim, specialist in occupational education for the community college association, "and the resources of colleges haven't yet caught up with this interest."

"The reason more people are interested in occupational education is that they are more sophisticated in terms of how they can build a good standard of living. There is a general feeling that baccalaureate degrees and even master's and Ph.D.'s are no guarantee that you're going to be employed."

Mr. Korim noted that interest in vocational training has increased not only among students from "blue collar" families but also among students from more affluent homes.

"Job opportunities are expanding as new fields such as health and environmental services open up," he said. "Occupational education goes beyond the old vocational education of the machine-shop—extending into the area of paraprofessionals, management training and the preparation of technicians to work with scientific teams.

"This broadens the scope of job opportunities tremendously, expanding the chances for work entry at lower levels.

"Local and State governments are becoming professionalized, so that it's what you know rather than who you know that gets you jobs in this field. New opportunities are opening up all the time for policemen, firemen, correctional officers, social workers."

For a close look at occupational education in action at the community-college level, a "U.S. News & World Report" correspondent toured California's fast-growing system of two-year institutions.

In these colleges, more than 61 percent of the 934,000 full and part-time students take courses to qualify them for specific jobs.

Leland P. Baldwin, the assistant chancellor for occupational education, reported this trend:

"The number of occupational-education students has been growing each year at a faster rate than the number of academic or general-education students."

A matter of cost. Program development, as always, is controlled by the amount of money available each year.

"Occupational programs, in balance, are more expensive than academic programs," Mr. Baldwin said. "Heavy equipment is needed for shops and trades. In nursing, there is a requirement to have one instructor for every 12 students, and that is costly."

Registered-nursing courses are offered at 54 of the system's colleges, and there are long waiting lists for them.

At Laney College in Oakland, about half the students are in occupational education.

"A tremendous number are waiting to take photography, vocational nursing, cosmetology, air conditioning and refrigeration," said Herbert Schlackman, an assistant dean. He said interest was as high among black students as white.

Welding is another popular course at Laney. Each time there is a class vacancy, someone is taken off the waiting list and allowed to begin, even in mid-semester. "We don't want to make people wait any longer than they have to," a teacher said.

Students voice enthusiasm. Bob Howe, 18, who dropped out of his liberal-arts courses last autumn to go in for welding, said: "I didn't feel there was much that liberal arts could do for me. I like welding. It seems more interesting than office work."

MARITIME SKILLS

Santa Barbara City College has a unique program to train marine-diving technologists, which it started in 1968 to meet the needs of the oil industry for men to work on underwater rigs.

Graduates of this two-year course are reported to be starting work at around $7,000 a year, with an earning potential of up to $24,000 annually as they progress in the business.

Of the 43 in this program who will graduate in June, 19 are on the dean's list. "Some might have been 'C' students in high school," a teacher said, "but they have something that seems meaningful and has been worth working hard for."

Californians' interest in occupational education extends to all races. In 1971, there was a minority representation of more than 22 per cent in these community-college courses —8.6 per cent students with Spanish surname, 7.6 per cent blacks and 4.6 per cent Asians and American Indians.

Staff members of "U.S. News & World Report" found that in high schools there is just as much interest and enthusiasm in occupational education—but there are more problems.

One problem, especially in urban schools, is a shortage of facilities for the students who are crowding in.

AROUND THE NATION

New York City's vocational high schools are operating at 120 per cent of capacity and still have many more applicants than they can accommodate. Deep budget cuts have decreased the number of shop teachers 16 per cent in the New York system and trimmed shop periods from four to three a day.

In Chicago last month, 600 students from Westinghouse Vocational High School staged a sit-in at the board of education to protest against what they called safety hazards and poor learning conditions at their school.

A visit to vocational high schools in Detroit finds many administrators discouraged of lack of money.

The administrators conceded, however, that their technical machinery is fairly up-to-date. The auto industry donates surplus engines and training manuals to auto-mechanics classes. The Detroit chapter of the Air Force Association plans to buy a surplus jet aircraft for students at the Aero Mechanics High School.

In Detroit's black community, administrators reported, there is "unfortunate, tremendous" pressure on young people to go to college instead of taking vocational training. Confirming this, Maurita Coley, a senior, said: "Practically all the older people I know have encouraged me to go to college." So, after she graduates from high school, she plans to attend Michigan State University and major in business administration.

Supporters of career education agree that much remains to be done to make vocational training appealing to today's students.

Large numbers of Americans, they said, still have to be convinced that vocational work is not "second-rate education for second-rate people." They also cited these needs.

More up-to-date curricula, focusing on new and emerging occupations and national priorities as they are developed in Congress.

More modern equipment to teach the trade skills the nation needs.

Better guidance in career choices and better placement services for students who have learned a trade or technical skill.

More cooperation from business and industry in all phases of vocational training.

The National Advisory Council on Vocational Education is calling for a single federal board to coordinate the administration of all vocational-education and job-training programs.

"The present delivery system is not reaching all the students and adults who should benefit from these programs," said Council Chairman James A. Rhodes. He added that some authorities believe a federal-board approach would save up to 100 million dollars.

Academic dissent. Vocational leaders must also come to terms with academicians who question the wisdom of regarding schooling, from kindergarten through college, as occupational training.

In its current issue, "The American School Board Journal" takes a critical look at career education and asks: "Will the current craze ease one of education's burdensome tasks—or is it beckoning the schools to an orgy of anti-intellectualism?"

Despite such fears, educators agree that the growing appetite of young people for career training is likely to influence educational budgets of States and cities for some time to come—and that ultimately it will have a major effect on the trained-labor resources of the nation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CAREY of New York (at the request of Mr. O'NEILL) from 6 p.m. today on account of official business.

Mr. CRONIN (at the request of Mr. GERALD R. FORD) from 4:30 p.m. today through the balance of the week on account of official business.

Mr. DANIELSON (at the request of Mr. O'NEILL) for today and Friday, June 22, on account of illness in family.

Mr. HINSHAW (at the request of Mr. GERALD R. FORD) from 4 p.m. today and for tomorrow, June 22, on account of official business.

Mr. ROONEY of Pennsylvania (at the request of Mr. O'NEILL) from 4:30 today until 5 p.m. on June 22 on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. KETCHUM), to revise and extend their remarks, and to include extraneous matter to:

Mr. FORSYTHE, today, for 5 minutes.

(The following Members (at the request of Mr. RYAN) and to revise and extend their remarks and include extraneous matter:)

Mr. O'NEILL, for 30 minutes, today.

Mr. ALEXANDER, for 15 minutes, today.

Mr. COTTER, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.
Mr. DENT, for 30 minutes, today.
Mr. STARK, for 5 minutes, today.
Ms. ABZUG, for 10 minutes, today.
Mr. BARRETT, for 5 minutes, today.
Mr. DRINAN, for 5 minutes, today.
Mr. ASPIN, for 5 minutes, today.
Mr. HAMILTON, for 15 minutes, today.
Mr. MATSUNAGA, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. KETCHUM) and to include extraneous material:)

Mr. KEATING.
Mr. LANDGREBE in 10 instances.
Mr. STEELMAN.
Mr. ARCHER.
Mrs. HOLT.
Mr. WYMAN in two instances.
Mr. SPENCE.
Mr. GOODLING.
Mr. ANDERSON of Illinois.
Mr. MALLARY.
Mr. SMITH of New York.
Mr. HANSEN of Idaho.
Mr. CRANE in five instances.
Mr. DERWINSKI.
Mr. FROEHLICH.
Mr. FINDLEY.
Mr. SCHERLE.
Mr. BAKER.
Mr. HEINZ.
Mr. BOB WILSON.

(The following Members (at the request of Mr. RYAN) and to include extraneous matter:)

Mr. MATSUNAGA in five instances.
Mr. KARTH in two instances.
Mr. ROYBAL in 10 instances.
Mr. HAMILTON.
Mr. GONZALEZ in three instances.
Mr. BRECKINRIDGE in 10 instances.
Mr. RARICK in three instances.
Mr. BADILLO.
Mr. FAUNTROY in 10 instances.
Mr. MAZZOLI in two instances.
Mr. LONG of Louisiana.
Mr. CORMAN in three instances.
Mr. NEDZI.
Mr. FUQUA.
Mr. DORN in three instances.
Mr. WILLIAM D. FORD.
Mr. BRADEMAS in six instances.
Mr. KYROS in two instances.
Mr. CAREY of New York in three instances.
Mrs. SCHROEDER.
Mr. CLAY in five instances.
Mr. RIEGLE.
Mr. WHITE.
Mrs. CHISHOLM.
Mr. ZABLOCKI in two instances.

ADJOURNMENT

Mr. RYAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 29 minutes p.m.), under its previous order, the House adjourned until tomorrow, Friday, June 22, 1973, at 11 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV executive communications were taken from the Speaker's table and referred as follows:

1057. A letter from the Secretary, Department of Health, Education, and Welfare, transmitting a draft of proposed legislation to transfer Saint Elizabeths Hospital to the District of Columbia; to the Committee on Education and Labor.

1058. A letter from the President, National Railroad Passenger Corporation, transmitting a report of an investigation regarding information received from the Penn Central Railroad concerning on-time performance of its trains; to the Committee on Interstate and Foreign Commerce.

1059. A letter from the General Counsel, Council on International Economic Policy, transmitting a draft of proposed legislation to amend the Export Trade Act, as amended, to provide for clarification of law, for prior Federal Trade Commission clearance of export trade associations, and for other purposes; to the Committee on the Judiciary.

1060. A letter from the American Symphony Orchestra League, Inc., transmitting the audit report for fiscal year ending March 31, 1973, pursuant to Public Law 87–817; to the Committee on the Judiciary.

1061. A letter from the Chairman, National Board, Civil Air Patrol, transmitting their annual report for 1972, pursuant to 36 U.S.C. 1103; to the Committee on the Judiciary.

1062. A letter from the Acting Assistant Secretary of Defense (Comptroller), transmitting a report showing grants for scientific research to nonprofit institutions during 1972 pursuant to Public Law 85–934; to the Committee on Science and Astronautics.

RECEIVED FROM THE COMPTROLLER GENERAL

1063. A letter from the Comptroller General of the United States, transmitting a draft of proposed legislation to revise and restate certain functions and duties of the Comptroller General of the United States and for other purposes; to the Committee on Government Operations.

1064. A letter from the Comptroller General of the United States, transmitting a report entitled, "Army Air Defense: The Sam-D Program"; to the Committee on Government Operations.

1065. A letter from the Comptroller General of the United States, transmitting a report of the Federal catalog program and associated progress and problems in attaining a uniform identification system for supplies; to the Committee on Government Operations.

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. ICHORD: Committee on Internal Security. Annual report of the Committee on Internal Security for the year 1972 (Rept. No. 93–301). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 8813. A bill to amend the Federal Railroad Safety Act of 1970 to extend the authorization for appropriations thereunder for 1 year; with amendment (Rept. No. 93–302). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. H.R. 8245. A bill to amend Reorganization Plan No. 2 of 1973 (Rept. No. 93–303). Referred to the Committee of the Whole House on the State of the Union.

Mr. HOLIFIELD: Committee on Government Operations. H.R. 7423. A bill to increase the authorization for fiscal year 1974 for the Committee for Purchase of Products and Services of the Blind and Other Severely Handicapped (Rept. No. 93–304). Referred to the Committee of the Whole House on the State of the Union.

Mr. FLOOD: Committee on Appropriations. H.R. 8877. A bill making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1974, and for other purposes (Rept. No. 93–305). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 2261. A bill to continue for a temporary period the existing suspension of duty on certain istle (Rept. No. 93–306). Referred to the Committee of the Whole House on the State of the Union.

Mrs. GRIFFITHS: Committee on Ways and Means. H.R. 2323. A bill to continue until the close of June 30, 1974, the suspension of duties on certain forms of copper; with amendment (Rept. No. 93–307). Referred to the Committee of the Whole House on the State of the Union.

Mrs. GRIFFITHS: Committee on Ways and Means. H.R. 2324. A bill to continue until the close of June 30, 1975, the existing suspension of duties for metal scrap (Rept. No. 93–308). Referred to the Committee of the Whole House on the State of the Union.

Mr. FULTON: Committee on Ways and Means. H.R. 3630. A bill to extend for 3 years the period during which certain dyeing and tanning materials may be imported free of duty; with amendment (Rept. No. 93–309). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 6394. A bill to suspend the duty on caprolactam monomer in water solution until the close of December 31, 1973, with amendment (Rept. No. 93–310). Referred to the Committee of the Whole House on the State of the Union.

Mr. ROSTENKOWSKI: Committee on Ways and Means. H.R. 6676. A bill relating to the dutiable status of manganese ore, including ferruginous manganese ore, and manganiferous iron ore; with amendment (Rept. No. 93–311). Referred to the Committee of the Whole House on the States of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 8215. A bill to provide for the suspension of duty on certain copying shoe lathes until the close of June 30, 1976; with amendment (Rept. No. 93–312). Referred to the Committee of the Whole House on the State of the Union.

Mr. MILLS of Arkansas: Committee on Ways and Means. H.R. 8217. A bill to exempt from duty certain equipment and repairs for vessels operated by or for any agency of the United States where the entries were made in connection with vessels arriving before January 5, 1971; (Rept. No. 93–313). Referred to the Committee of the Whole House on the State of the Union.

Mr. LONG of Louisiana: Committee on Rules. House Resolution 453. Resolution waiving points of order against H.R. 8825. A bill making appropriations for the Department of Housing and Urban Development; for space, science, veterans, and certain other independent executive agencies, boards, commissions, and corporations for the fiscal year ending June 30, 1974, and for other purposes; (Rept. No. 93–314). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 454. Resolution authorizing the Speaker to entertain motions to suspend the rules during the week of June 25, 1973; (Rept. No. 93–315). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 455. Resolution waiving points of order against the bill H.R. 8877. A bill making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1974, and for other purposes;

(Rept. No. 93-316). Referred to the House Calendar.

Mr. PEPPER: Committee on Rules. House Resolution 456. Resolution providing for the consideration of House Joint Resolution 542 concerning the war powers of Congress and the President; (Rept. No. 93-317). 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. 8876. A bill to improve congressional control over budgetary outlay and receipt totals, to require the President to notify the Congress whenever he impounds funds, to provide a procedure under which the House of Representatives and the Senate may disapprove the President's action and require him to cease such impounding, to establish for the fiscal year 1974 a ceiling on total Federal expenditures, and for other purposes; to the Committee on Rules.

By Mr. FLOOD:

H.R. 8877. A bill making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1974, and for other purposes.

By Mr. ANDERSON of Illinois (for himself, Mr. CRONIN, Mr. FINDLEY, Mr. O'BRIEN, Mr. RAILSBACK, and Mr. ZWACH:

H.R. 8878. 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. BARRETT (for himself, Mrs. SULLIVAN, Mr. ASHLEY, Mr. MOORHEAD of Pennsylvania, Mr. STEPHENS, Mr. GONZALEZ, Mr. REUSS, Mr. HANNA, Mr. WIDNALL, Mr. BROWN of Michigan, Mr. J. WILLIAM STANTON, Mr. BLACKBURN, and Mrs. HECKLER of Massachusetts):

H.R. 8879. A bill to make various changes in laws relating to housing and urban development, and for other purposes; to the Committee on Banking and Currency.

By Mr. BENITEZ (for himself, Mr. DE LUGO, and Mr. WON PAT):

H.R. 8880. A bill to extend certain uninsured residents of the United States in Puerto Rico, the Virgin Islands, and Guam, the social security benefits normally provided to individuals who have attained age seventy-two and who fulfill other special conditions; to the Committee on Ways and Means.

By Mr. BENNETT:

H.R. 8881. A bill to amend the Rules of the House of Representatives and the Senate to improve congressional control over budgetary outlay and receipt totals, to provide for a Legislative Budget Director and staff, and for other purposes; to the Committee on Rules.

By Mr. BROOKS:

H.R. 8882. A bill to amend the Act entitled "An Act to incorporate the American Hospital of Paris", approved January 30, 1913 (37 Stat. 654): to the Committee on the Judiciary.

By Mr. BROYHILL of Virginia:

H.R. 8883. A bill to provide that the historic property known as the Congressional Cemetery may be acquired, protected, and administered by the Secretary of the Interior as part of the park system of the National Capital, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. EILBERG:

H.R. 8884. A bill to amend the Social Security Act to provide the States with maximum flexibility in their programs of social services under the public assistance titles of that act; to the Committee on Ways and Means.

By Mr. WILLIAM D. FORD:

H.R. 8885. 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. FORSYTHE (for himself, Mrs. GRASSO, Mr. FAUNTROY, Mr. WON PAT, Mr. BINGHAM, and Mr. HARRINGTON):

H.R. 8886. A bill relating to the dutiable status of fresh, chilled, or frozen cattle meat and fresh, chilled, or frozen meat of goats and sheep (except lambs) and beef prepared in airtight containers and beef prepared whether fresh chilled or frozen and lamb or mutton prepared or preserved; to the Committee on Ways and Means.

H.R. 8887. A bill to repeal the statutory authority to impose quotas on certain imported meat and meat products; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN:

H.R. 8888. A bill to amend title II of the Social Security Act so as to liberalize the conditions governing eligibility of blind persons to receive disability insurance benefits thereunder; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Mr. CONYERS, Mr. DELLUMS, Mr. HARRINGTON, and Mr. RANGEL):

H.R. 8889. A bill to provide for loans for the establishment and/or construction of municipal, low-cost, nonprofit clinics for the spaying and neutering of dogs and cats, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KETCHUM:

H.R. 8890. A bill to amend the Immigration and Nationality Act to eliminate the procedures for voluntary departure with respect to certain aliens illegally in the United States and to increase the penalties for the illegal entry of aliens, and for other purposes; to the Committee on the Judiciary.

H.R. 8891. A bill to amend the Immigration and Nationality Act to require the Attorney General to employ additional personnel to patrol the land borders of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. MACDONALD:

H.R. 8892. 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 jeopardizes 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. MEEDS (for himself, Miss JORDAN, Ms. ABZUG, Mr. WOLFF, Mr. BURTON, Mr. CLEVELAND, and Mr. ADAMS):

H.R. 8893. A bill to amend the Youth Conservation Corps Act of 1972 (Public Law 92-597, 86 Stat. 1319) to expand and make permanent the Youth Conservation Corps, and for other purposes; to the Committee on Education and Labor.

By Mr. MELCHER:

H.R. 8894. A bill to authorize the Secretary of Agriculture to provide for the inspection of facilities used in the harvesting and processing of fish and fishery products for commercial purposes, for the inspection of fish and fishery products, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MOSS (for himself, Mr. ADAMS, Mr. GOLDWATER, and Mr. VAN DEERLIN):

H.R. 8895. A bill to direct and authorize the Secretary of Transportation to make an investigation and study for the purpose of determining the social advisability, technical feasibility, and economic practicability of a high-speed ground transportation system between the cities of Tijuana in the State of Baja California, Mexico, and Vancouver in the Province of British Columbia, Canada, by way of the cities of Seattle in the State of Washington, Portland in the State of Oregon, and Sacramento, San Francisco, Fresno, Los Angeles, and San Diego in the State of California; to the Committee on Interstate and Foreign Commerce.

By Mr. PARRIS:

H.R. 8896. A bill to convey to the city of Alexandria, Va., certain lands of the United States, and for other purposes; to the Committee on the District of Columbia.

By Mr. RANGEL (for himself, Mr. HAWKINS, Mrs. COLLINS of Illinois, Mr. DELLUMS, Mr. PODELL, Mr. MITCHELL of Maryland, Mr. NIX, Mr. DIGGS, Mr. SARBANES, Mr. HARRINGTON, Mr. MOAKLEY, Mr. ASHLEY, Mr. RIEGLE, Mr. GREEN of Pennsylvania, Mr. EDWARDS of California, Mr. WON PAT, Ms. SCHROEDER, Miss JORDAN, Mr. YOUNG of Georgia, Mrs. BURKE of California, and Mr. WALDIE):

H.R. 8897. A bill making appropriations for the Office of Economic Opportunity for the fiscal year ending June 30, 1974; to the Committee on Appropriations.

By Mr. REGULA (for himself, Mr. BURGENER, Mr. CONLAN, Mr. GUYER, Mr. HUBER, Mr. JOHNSON of Colorado, Mr. MARTIN of North Carolina, Mr. PARRIS, and Mr. YOUNG of Alaska):

H.R. 8898. A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress of the United States or of a military attack upon the United States; to the Committee on Foreign Affairs.

By Mr. RHODES:

H.R. 8899. A bill to make Flag Day a legal public holiday; to the Committee on the Judiciary.

H.R. 8900. A bill to amend title 38, United States Code, to increase the amount payable on burial and funeral expenses; to the Committee on Veterans' Affairs.

By Mr. RODINO:

H.R. 8901. A bill to amend sections 2734a (a) and 2734b(a) of title 10, United States Code, to provide for settlement, under international agreements, of certain claims incident to the noncombat activities of the armed forces, and for other purposes; to the Committee on the Judiciary.

By Mr. ROE:

H.R. 8902. 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.

H.R. 8903. A bill to amend section 1130 of the Social Security Act to make inapplicable to the aged, blind, and disabled the existing provision limiting to 10 percent the portion of the total amounts paid to a State as grants for social services which may be paid with respect to individuals who are not actually recipients of or applicants for aid or assistance; to the Committee on Ways and Means.

By Mr. ROGERS:

H.R. 8904. A bill to amend section 426 of title 33, United States Code for the purpose of authorizing the Army Corps of Engineers to undertake emergency erosion control projects; to the Committee on Public Works.

By Mr. RONCALLO of New York:

H.R. 8905. A bill to amend chapter 113 of title 18, United States Code, to prohibit certain acts concerning stolen gravestones in interstate commerce; to the Committee on the Judiciary.

By Mr. RUPPE (for himself, Mr. SEIBERLING, and Mrs. HECKLER of Massachusetts):

H.R. 8906. A bill to provide for a study of the availability of a route for a trans-Canada oil pipeline to transmit petroleum from the North Slope of Alaska to the continental

United States, and for other purposes: to the Committee on Interior and Insular Affairs.

By Mr. STEELMAN (for himself, Mr. WYLIE, Mr. DU PONT, Mr. FRENZEL, Mr. ABDNOR, Mr. COUGHLIN, and Mr. CRONIN):

H.R. 8907. A bill to provide that appointments to the offices of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate; to the Committee on Government Operations.

By Mr. THOMSON of Wisconsin (for himself, Mr. BAKER, Mr. BROWN of Michigan, Mr. CLEVELAND, Mr. DANIELSON, Mr. DERWINSKI, Mr. FROEHLICH, Mrs. HECKLER of Massachusetts, Mr. HINSHAW, Mr. HOSMER, Mr. MALLARY, Mr. PIKE, Mr. RHODES, Mr. J. WILLIAM STANTON, Mr. TREEN, Mr. YATRON, and Mr. YOUNG of Illinois):

H.R. 8908. A bill to amend the State and Local Fiscal Assistance Act of 1972 to make it clear that local governments may use amounts freed by revenue sharing for tax reduction; to the Committee on Ways and Means.

By Mr. FOUNTAIN (for himself, Mr. BROYHILL of North Carolina, and Mr. RANDALL):

H.R. 8909. A bill to establish a Federal Legal Aid Corporation through which the Government of the United States of America may render financial assistance to its respective States for the purposes of encouraging the provision of legal assistance to individual citizens who are in need of professional legal services for prosecution or defense of certain causes in law and equity; to the Committee on Education and Labor.

By Mr. HEINZ:

H.R. 8910. A bill to amend the Controlled Substances Act to provide for the registration of practitioners conducting narcotic treatment programs; to the Committee on Interstate and Foreign Commerce.

By Mr. RAILSBACK:

H.R. 8911. A bill to provide for salary deposits by the Clerk of the House of Representatives in financial organizations; to the Committee on House Administration.

By Mr. ROSTENKOWSKI (for himself, Mr. MURPHY of Illinois, Mr. KLUCZYNSKI, Mr. JOHNSON of California, Mr. ANNUNZIO, and Mrs. COLLINS of Illinois):

H.R. 8912. A bill to require that a percentage of U.S. oil imports be carried on U.S.-flag vessels; to the Committee on Merchant Marine and Fisheries.

By Mr. DIGGS (by request):

H.R. 8913. A bill relating to benefits for employees of the Government of the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

By Mr. HOGAN (for himself and Mrs. HOLT):

H.R. 8914. A bill to amend the act of April 9, 1966, so as to provide for the acquisition of Oxon Hill Manor for use as the official residence for the Vice President of the United States; to the Committee on Public Works.

By Mr. O'BRIEN:

H.J. Res. 631. Joint resolution proposing an amendment to the Constitution of the United States guaranteeing the right to life to the unborn, the ill, the aged, or the incapacitated; to the Committee on the Judiciary.

By Mr. ROGERS:

H.J. Res. 632. Joint resolution to designate the area in the State of Florida known as Cape Kennedy as Cape Canaveral; to the Committee on Science and Astronautics.

By Mr. WALSH:

H.J. Res. 633. Joint resolution providing that certain mass transit services operated wholly within one State shall be subject to regulation by that State, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. PATTEN:

H. Res. 452. Resolution to amend the Rules of the House of Representatives to establish as a standing committee of the House the Committee on Energy, and for other purposes; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. SCHNEEBELL introduced a bill (H.R. 8915) for the relief of Stephen W. McCormack, Capt., U.S. Air Force, which was referred to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

259. By the SPEAKER: A memorial of the Legislature of the State of Colorado, relative to allocating fuel to the agricultural sector of the economy; to the Committee on Interstate and Foreign Commerce.

260. Also, memorial of the Legislature of the State of South Carolina, relative to allocating fuel to the agricultural sector of the economy; to the Committee on Interstate and Foreign Commerce.

261. Also, memorial of the Legislature of the State of Georgia, requesting the Congress to call a convention for the purpose of proposing an amendment to the Constitution of the United States relative to student assignment in public schools; to the Committee on the Judiciary.

262. Also, memorial of the Legislature of the State of New Hampshire, relative to providing social services for the communities under the Social Security Act; to the Committee on Ways and Means.

PETITIONS, ETC.

Under clause 1 of rule XXII,

242. The SPEAKER presented a petition of Douglas A. Bentsen, Oakland, Calif., and others, relative to initiating impeachment proceedings against the President of the United States; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

BIOMEDICAL RESEARCH: STARVING SCIENCE

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Thursday, June 21, 1973

Mr. KYROS. Mr. Speaker, I am pleased to note in Newsweek magazine for the week of June 25 an article by Dr. George D. Pappas, a professor of anatomy at the Albert Einstein College of Medicine in New York, and a personal friend of mine.

George Pappas is a native of my State of Maine; in fact, he and I both grew up in Portland, where we attended school together. Dr. Pappas did his undergraduate work at Bowdoin College in Brunswick, Maine, and pursued his advanced degree at Ohio State University.

Dr. Pappas, who is also secretary of the American Society for Cell Biology, represents an outstanding member of what may be a vanishing breed of scientists. The administration has unfortunately, proposed the elimination of future research training grants for medical scientists. My colleagues and I on the Public Health Subcommittee have attempted to reverse this trend. Our National Biomedical Research Fellowship, Traineeship, and Training Act of 1973 is predicated on the finding that the success and continued viability of the Federal biomedical research effort depends on the availability of excellent scientists and a network of institutions of excellence capable of producing superior research personnel.

George D. Pappas is one of those superior research scientists, and I am pleased to share with you his eloquent statement regarding the continued need for biomedical research.

STARVING SCIENCE

(By George D. Pappas)

As a bio-medical scientist who also trains future researchers and physicians, I apparently belong to a superfluous species or one that the present Administration doesn't wish to multiply. That seems to be the message of the 1974 Nixon budget, which proposes to eliminate research training grants for future medical scientists.

In a budget that includes a $1 billion expenditure for an atomic aircraft carrier (probably obsolete) allotments in the past for training grants have been minuscule—amounting to approximately $134 million annually. Yet these funds (now to be phased out altogether), meticulously administered by the National Institutes of Health and distributed to medical schools and universities in 45 states, have achieved awesome results: they have enabled American medical schools to increase their enrollments and at the same time provide the finest quality of education available anywhere in the world; and they have insured a continuous supply of the kind of research talent that has made possible spectacular strides over the past decade.

How then can Administration spokesmen tell us that we are "ivory-tower elitists" and that our work is not "relevant" to the nation's needs? This view reflects a failure to distinguish between medical engineering and basic research.

A FAMILIAR EXAMPLE

The most familiar example is poliomyelitis. The great breakthrough in this field was John Enders's discovery that viruses could be grown in monkey-kidney cultures. Enders was not working specifically on polio but was chiefly concerned with the role of viruses in cancer. What followed—the Salk and Sabin vaccines and the techniques of immunization—was engineering, scientific technology of the most brilliant kind.

Another scourge of mankind that we have virtually conquered is tuberculosis. This story also began with basic research in 1943 when Selman Waksman—a professor of soil biology—discovered streptomycin. Or take the use of L-Dopa to relieve the symptoms of Parkinson's disease. Dr. George Cotzias, who was responsible for the development of this treatment, was initially interested not in neurological disorders but rather in the basic role that trace metals play in the body's metabolism. He knew that Chilean manganese-mine workers often develop Parkinson-like