HOUSE OF REPRESENTATIVES—*Thursday, November 15, 1973*

The House met at 12 o'clock noon.

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

O give thanks unto the Lord; call upon His Name; make known His deeds among the people.—Psalms 105: 1.

O God, who art the source of light, the sustainer of life and the giver of every good gift, we came to Thee with grateful hearts because Thy goodness has blessed us all our days and Thy spirit has attended us in all our ways. May we ever be mindful of Thy presence, ever eager to do Thy will, ever grateful for Thy goodness, and ever ready to serve our country with all our hearts.

We thank Thee for homes where dwells love and understanding, for churches where we can worship as we desire, for our Nation, where lives the spirit of freedom, and for the privilege of serving our people in these hallowed Halls of Congress.

Deepen in us and in all America an ardent desire to make our country great in spirit, good in purpose, and genuine in seeking peace in our world and peace in our land.

Accept our gratitude and make us worthy of Thy goodness to us and to all men.

In the spirit of Christ 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.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Marks, one of his secretaries, who also informed the House that on November 7, 1973, the President approved and signed bills of the House of the following titles:

H.R. 5943. An act to amend the law authorizing the President to extend certain privileges to representatives of member states on the Council of the Organization of American States; and

H.R. 9639. An act to amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs.

ANNOUNCEMENT NOT TO SEEK REELECTION IN 1974 BY MINORITY WHIP LESLIE C. ARENDS

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

Mr. ARENDS. Mr. Speaker, it has been my good fortune to serve a long tenure as a Representative in Congress from Illinois. Numerous colleagues in the Congress and many good friends in my district have been urging me to again seek reelection in 1974. I have decided, however, to yield to the urgings of my family and shall not be a candidate next year.

By the end of the next session, I will have completed 20 consecutive terms, or 40 years. For 38 of these years I represented the former 17th Congressional District. Through redistricting last year, my home county of Ford became a part of the newly realined 15th District, which I have also been proud to represent in this 93d Congress. I have been, and always will be, deeply grateful to the people of the 17th and 15th Districts of Illinois for their repeated expressions of confidence and the privilege of being their spokesman in the House of Representatives.

For 30 years, too, Republicans in the House have given me the honor of serving in their leadership organization as Republican whip. I have had the unique opportunity of participating in the legislative programs of the last six Presidents. As a ranking member of the Committee on Armed Services, one of my special interests has been our national security and a strong Defense Establishment.

The duties of all Members of Congress, and particularly those in leadership posts, have become more demanding and time consuming in recent years. Mrs. Arends and I have now decided the time has come to do as a family many of the things my official duties have forced us to postpone in the past.

No citizen, no matter what his or her calling, should ever cease to be concerned about good government and the welfare of our Nation. While I will be retiring from an active legislative role, I shall continue to serve my country in whatever way I can.

To be in the Congress is not solely an honor. It is both a responsibility and an opportunity as well. I have tried to merit the trust which the people of my respective districts, my State of Illinois, and my colleagues in the Congress have placed in me over the years. Like my constituents, I have always been proud to be an American. I hope this pride has been reflected in my service here.

Let me also express my deep appreciation to you, Mr. Speaker, and all of my colleagues on both sides of the aisle for the many courtesies which have been extended to me. I shall always cherish the friendship which I have enjoyed in these Halls for so many years. As long as our Nation continues to have the concerned and dedicated representation I have witnessed here throughout my service, I will have no fear for the future of our Republic.

[Applause, the Members rising.]

TRIBUTE TO THE HONORABLE LESLIE ARENDS

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

Mr. ALBERT. Mr. Speaker, the round of heartfelt applause which has just filled the Chamber comes out of the admiration and love and respect which every Member of this House has for the distinguished gentleman from Illinois, and that applause would be substituted with tears if we were to express the emotions we feel about his departure.

No retirement in my time will be of greater loss to the House of Representatives than that of a wonderful and dedicated, and knowledgeable and decent, friendly and great human being, LES ARENDS.

LES, we hate to see you go. I did not know anything about this. The Parliamentarian would not even tell me why the gentleman wanted recognition, but I want to tell LES, and acknowledge to the House and the country, that I appreciate the cooperation and consideration he has given me ever since the day I was a freshman Member of this Chamber. LES ARENDS is one of God's noblemen.

TRIBUTE TO THE HONORABLE LESLIE ARENDS

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

Mr. ANDERSON of Illinois. Mr. Speaker, the announcement which we have just received with such shocking suddenness of the announced intention of our beloved colleague, the gentleman from Illinois (Mr. ARENDS), to retire from the Congress obviously renders it wholly impossible adequately to express the tribute that is in our heart. An appropriate occasion for that I am sure will come later.

However, let me say, speaking not only for the other Members of the Republican leadership on this side of the aisle who could not be here today, and not only for all the Members of the Illinois delegation, but also I think for every Member of this body on both sides of the aisle, that I express the very deep regret we feel at the gentleman's decision.

Ordinarily the post of minority whip, which the gentleman has performed so ably and in such a distinguished fashion for more than a decade and a half, is a highly partisan position, one that literally compels partisan activity in support of his party position. This the gentleman has done but it is a real measure of his accomplishment and of his service in this body that at the same time he has won for himself that kind of universal respect and admiration which reverberated through this Chamber when Members rose to their feet and joined in spontaneous applause for the gentleman from Illinois. Indeed the distinguished Speaker, in speaking of the love that is in all our hearts for the gentleman from Illinois, has said what all of us deeply feel that it is really a sad occasion on which we must record the fact that he has announced his intention to retire.

TRIBUTE TO THE HONORABLE LESLIE ARENDS

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

Mr. HAYS. Mr. Speaker, it was with shock and surprise that I heard the announcement of the gentleman from Illinois, LESLIE ARENDS. He has been a member of the delegation for the North Atlantic Assembly for some years. A couple of times he could not go at the last minute because of his duties here. I hope that he will be a member of the delegation next year. We need his advice and counsel. He knows a great deal about it.

I just want to tell the gentleman I have about 50 or 60 bills up in my desk drawer which would prevent anybody who announces his retirement from being on the delegation at that time and those bills are going to stay in that desk drawer and I hope the gentleman from Illinois will give us his wisdom and years of experience in his last year here and be a member of the delegation, God willing, if we are all alive and they have the meeting which is scheduled next November.

I found him not to be a bitter partisan. He fights for his party's opposition, but he never does it with any malice or bitterness. Although he and I have had some times when we have been in the opposite side of the question, there has never been a time we could not go out for dinner afterward and be the best of friends.

The only thing I will not do or have any part of is play golf with him, because he is too good for me.

I know we all regret his departure. He has served in the House distinctly and well in a long tenure.

TRIBUTE TO HON. LESLIE ARENDS

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

Mr. GROSS. Mr. Speaker, if it were possible within the rules of the House, I would be constrained at this moment to offer a motion compelling the gentleman from Illinois to reconsider his decision to retire from Congress.

[Applause.]

Mr. Speaker, the surprise announcement of the gentleman from Illinois has stunned me as I am sure it has his scores of friends in Congress for he has long been a stalwart among us.

I am sure that I can speak for all Members of the House of Representatives in wishing he and Mrs. Arends all the good things of life in their retirement.

TRIBUTE TO THE HONORABLE LESLIE ARENDS

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

Mr. McCLORY. Mr. Speaker, I want to express my surprise and disappointment at the news of my colleague, the minority whip, LES ARENDS, who is from an adjoining district, and with whom I share Kane County. It is a sad day in this Chamber when LES ARENDS announces that he has elected to discontinue his service here in the House.

I have said many times out in Illinois that he possesses the two great attributes for public service. LES ARENDS has both seniority and youth. He has had long experience in this body and his youth is evidenced as my Ohio colleague mentioned, by his stellar game of golf.

I recall a few years ago when LES ARENDS was challenged for the position of minority whip. He demonstrated that he was, indeed, a very popular Member of this Chamber. I have said many times that, in my opinion, LES ARENDS is the best liked Member of the House of Representatives. I have come to know him well, as well as his wife, Betty. I know they will enjoy a long and well-deserved retirement. I certainly extend on behalf of my wife, Doris, and myself, our best wishes for their good health and happiness together.

TRIBUTE TO THE HONORABLE LESLIE ARENDS

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

Mr. FINDLEY. Mr. Speaker, the announcement of our beloved colleague, Mr. ARENDS, to retire at the end of this Congress is a very great personal loss to me.

Since my first campaign in the spring of 1960, he has been a valuable adviser. When I took office in 1961 he became my close friend. He helped me get the committee assignments I wanted.

A hundred times, at the very least, he counseled me wisely on different questions.

He symbolized integrity, diligence, hard work, high purpose.

Never was there the tiniest streak of meanness or vindictiveness in his character.

His service will always be an inspiration to me.

His announcement is also a great loss to the President and the Nation. No one could have supported more diligently and effectively the President's program.

Although more advanced in age that most who serve in Congress, he maintains a pace and spirit few younger Members can equal.

I have long maintained that he would win any popularity contest among House Members, regardless of party.

My fondest hope is that, when the time comes, I may be able to retire from this Chamber with one tiny fraction of the respect accorded to Mr. ARENDS.

TRIBUTE TO THE HONORABLE LESLIE ARENDS

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

Mr. DERWINSKI. Mr. Speaker, I join my colleagues from Illinois, and other Members, who take the floor this afternoon to pay tribute to LES ARENDS. I wish LES had given us a little notice so we would have had an opportunity to try to convince him not to retire from the Congress. However, since Illinois has an abnormally early filing period, I can understand why LES made his announcement at this time.

Mr. Speaker, in my judgment, LES ARENDS should go down in history as one of the greatest legislators of all time. Certainly no one will ever surpass his record of 30 years as a party whip. He served in that key position under six Presidents and five speakers, and all respected his ability, objectivity, fairness, and above all his devotion to our country.

When one realizes that LES was elected Republican Party whip before you, Mr. Speaker, or any of the Democratic House leadership, or JERRY FORD and anyone in the Republican House leadership were first elected to Congress, one can begin to appreciate the truly historic scope of his service.

LES has fought hard for the principles of the Republican Party. On matters of gravest national importance, he has supported Presidents and policies regardless of party politics. But his strength lies in his tremendous effectiveness as a spokesman—as a man so respected by his Republican colleagues that they repeatedly rally to his side in the toughest legislative battles. The respect in which he is held by his colleagues on both sides of the aisle is a testimony to his legislative strength.

I realize that LES' decision is irrevocable. It has been a privilege for me to be associated with him during the period that I have served in Congress. His counsel, encouragement, and support have been invaluable.

At some point later in the next session of this 93d Congress we will more appropriately pay tribute to LES, but this afternoon I rise to express my respect and appreciation for the great service he has rendered to the country by his stalwart leadership in the Congress.

TRIBUTE TO THE HONORABLE LESLIE ARENDS

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

Mr. DAVIS of South Carolina. Mr. Speaker, I would like to add my voice to those who have heard today of the retirement of our friend, LES ARENDS. Being one of the junior Members of the Armed Services Committee and on the other side, I have had a great opportunity to hear and witness the dedication of this man who has exhibited to us all and to the country his interest in national defense. I am sure the Committee on Armed Services will miss him. I know all of us as younger Members will miss his advice and wisdom, so we wish him well.

TRIBUTE TO THE HONORABLE LESLIE ARENDS

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

Mr. ANNUNZIO. Mr. Speaker, I wish today to pay tribute to Hon. LES ARENDS, an outstanding legislator who has served his constituents, his State of Illinois, and our great country with dedication, ability, and inspiring diligence.

LES ARENDS has announced that he will

retire from the Congress at the conclusion of the 93d Congress, and he will be missed by all of us for he has been a main stay of the Illinois delegation. On many projects and problems affecting Illinois, he has been in the forefront of efforts to implement meaningful solutions and effective action. He has been a loyal partisan leader in the Congress, having served as Republican Whip since 1943.

As the second ranking minority member of the Armed Services Committee, LES ARENDS has fought long and hard to maintain our military strength and to protect the best interests of the United States at home and abroad.

I shall always cherish his wise counsel, for when I first came to Congress nine years ago, although LES ARENDS was a member of the opposite party, he never hesitated to give me the benefit of his advice and his guidance.

LES ARENDS can retire with the assurance that through his efforts mankind has benefited. There is no tribute higher than this. Mrs. Annunzio and I extend to LES ARENDS, his wife, and daughter our best wishes for a healthy and happy retirement.

TRIBUTE TO THE HONORABLE LESLIE ARENDS

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

Mr. CRANE. Mr. Speaker, the 1972 edition of the Almanac of American Politics makes this comment concerning our dear colleague, LES ARENDS:

> And while Arends has been party whip for nearly three decades, other members of the Republican leadership in the House have come and gone.

LESLIE C. ARENDS' stability as House Republican whip for the past 30 years, and his dedication to his constituents and to his country for the past 40 years, represent the best of what our country and our Republican Party stand for.

LES was born in the rural area of central Illinois and entered the farming business, as so many middle Americans did during the 1920's.

When World War I erupted, LES served in the U.S. Navy and he has continued dedication to his Nation's cause by becoming a charter member of the Melvin Post No. 642, American Legion. LES rose through the American Legion ranks to become post commander, county commander and the 17th district commander.

Those of us who are relative newcomers to the House of Representatives will forever appreciate the time and counsel which LES ARENDS gave to make our job easier. We in Illinois, who have the benefit of knowing him and working with him in perhaps a more intimate manner, will never forget his sage advice and selfless assistance.

Illinois has had many great Republican leaders. Abraham Lincoln and Everett Dirksen were great men who will always be viewed as such in history books.

While LES ARENDS may not enjoy this recognition, he nevertheless will be held as dear in the hearts of Illinoisans and his contribution to our State, to this Congress and to our country will never be forgotten.

LES, my family, my staff, and my constituents will hate to see you leave.

TRIBUTE TO THE HONORABLE LESLIE ARENDS

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

Mr. HÉBERT. Mr. Speaker, the announcement of the retirement of Mr. ARENDS comes, of course, comes as a great shock and surprise to me. Although I know he has well earned and merits this retirement, he is going to be missed terribly on the House Armed Services Committee.

It has been our pride and boast on that committee that we have no partisanship. We have no Democrats or Republicans. We have only Americans. When I say only Americans, I put LES ARENDS at the top of the list. He has been most helpful to me during the days I have been chairman of the committee.

I will certainly miss him. I know the members of the committee will miss him. The House will miss him; but above all, America will miss him.

TRIBUTE TO THE HONORABLE LESLIE ARENDS

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

Mr. PRICE of Illinois. Mr. Speaker, as I walked into the Chamber and heard the news of the proposed retirement of our distinguished colleague from Illinois, LES ARENDS, I was shocked. I have been with LES on quite a few occasions during the past week. I had no idea that such an announcement was about to be made.

I served with LES on the old Military Affairs Committee and on the Committee on Armed Services, and also on the House Committee on Standards of Official Conduct. I served with him on committees since the first day I became a Member of this House.

I know of no more effective legislator than LES, and know of no finer gentleman than LES ARENDS. I know all of us will miss him; the House will miss him. I hope it will be possible for me to continue my personal friendship with him in the years to come.

Mr. Speaker, the State of Illinois loses a great advocate when LES ARENDS retires. There has never been a program or project in which the State was involved or interested in that LES ARENDS was not one of the prime movers and factors in trying to get some solution favorable to his home State.

Mr. Speaker, I extend to him and to his lovely wife sincere and best wishes. I hope that it will be possible for me to maintain close contact with LES in the years to come.

TRIBUTE TO THE HONORABLE LES ARENDS

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

Mr. HANRAHAN. Mr. Speaker, I am deeply saddened by the sudden and shocking announcement of the retirement of the Honorable LESLIE C. ARENDS, dean of the Illinois delegation, distinguished minority whip of the U.S. Congress, and celebrated U.S. Representative of the 15th District of the great State of Illinois.

The people of Illinois and throughout the entire Nation are losing a popular leader and an influential statesman. We, in the Congress, are being deprived of an invaluable counselor and a dear friend; and I know my colleagues share my feelings of tremendous loss at the prospect of no longer sharing the Halls of Congress with that familiar figure.

I hope all Americans, and the residents of Illinois 15th District, in particular, appreciate the years of tireless efforts expended by LES in service to his country and his government. I ask my colleagues to join me in wishing LES and Mrs. Arends every happiness in their well-earned retirement.

TRIBUTE TO THE HONORABLE LES ARENDS

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

Mr. WHITTEN. Mr. Speaker, I join with my colleagues who preceded me in their tributes to LES ARENDS who has announced his retirement.

It is said about many people that they can do well for a short run, and that they make real contributions. That of course is true. There are fewer who contribute greatly over a long period of years. LES ARENDS has proven himself over and over. Never have I heard a single Member ever express anything but the highest regards, the greatest respect for LES ARENDS, his ability, his character, his soundness and his contributions to his district, State, and Nation.

It is with genuine regret that we see LES retire?

As I have said many times, the people that we can least afford to give up are those who voluntarily retire. Certainly, LES leaves his mark on the history of this country and the beneficial mark on all of us for having served with him.

To him and to his family, we wish the very best in the years ahead. Again, his high mark of service and accomplishments will not be attained by many persons in the history of our country.

TRIBUTE TO THE HONORABLE LES ARENDS

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

Mr. FLYNT. Mr. Speaker, just as I walked on the floor shortly after the

hour of noon I heard with shock and dismay the announcement of the forthcoming retirement of our friend and colleague, the Honorable LESLIE C. ARENDS.

LES ARENDS will be missed in this body and by the membership of the House. He is as highly respected as any Member who has served in the 20 years of my own service. As a leader of his own party and as a Member of the combined leadership of the House, he has exemplified the qualities of genuine leadership.

A stanch defender of his party's principles and party's positions, he at the same time put principle and love of country ahead of party politics. He has served his district and the State of Illinois with great skill and ability and, of course, with distinction since he first took the oath of office as a Member of the House of Representatives on January 3, 1935. He was the dean of his party in the House and with the gentlemen from Texas (Mr. MAHON) is second in years of continuous service.

He is a beloved Representative of his district and State. He is a bcloved colleague among those of us who serve with him, and it will not seem right when the roll of the Members-elect is called when the 94th Congress convenes if LES ARENDS name is not called. He will round out 20 consecutive terms—40 years of continuous service upon the sine die adjournment of the 93d Congress

It can truly be said of LESLIE ARENDS that he is a man's man and a Congressman's Congressman. He represents the highest traditions of service in the House of Representatives. As a legislator, parliamentarian, and leader his work and his service rank with the very highest.

While we regret his decision, we respect it. We wish him well. We wish him many more years of health and happiness and continued service to his State and Nation.

TRIBUTE TO THE HONORABLE LES ARENDS

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

Mr. CONTE. Mr. Speaker, the announcement that our distinguished colleague, the gentleman from Illinois, LES ARENDS, has decided to retire at the end of this Congress comes as a deep shock and renders me almost at a loss for words.

During his 40 consecutive years in Congress, LES has earned a reputation as a dedicated legislator and a great human being. He is a wonderful friend, and I will hate to see him leave. Truly, he was like a father to me when I first came to the Congress 15 years ago.

In my years in Congress, I admit I gave LES my share of problems. But he has always listened to my views and has taken pains to understand my position. His capacity for fairmindedness was greater than to let any disagreement come between us.

He has always been willing and able to assist me and others and has never placed any conditions on that help.

It was not only the younger Congressmen who held, and hold, deep respect and admiration for LES. I can remember the widely respected Bill Bates, a man almost without peer in this body, speaking with profound affection for him.

For 30 years, LES served as Republican whip in the House. No one, on either side of the aisle, has ever surpassed his record of service in that position. His leadership will be sorely missed.

I join with all of my colleagues in wishing LES and his lovely wife Betty decades of future success and happiness. They will be able to relax and enjoy the pleasures that his vigorous efforts on behalf of our country have precluded.

Mr. SYMMS. Mr. Speaker, it is with mixed emotions that we receive the announcement that the distinguished minority whip LES ARENDS is retiring at the end of the 93d Congress

I am happy for he and Mrs. Arends and wish them well, I am also happy that I was privileged to know him as my leader in this Congress, and to have served with him. I am sad to think LES will not be back.

My sincere best wishes and blessings go to this great American, in his new life.

Mr. BRAY. Mr. Speaker, the friend, counselor, and colleague of every Member of the House of Representatives—and many in the Senate, too, I might add—has today announced he will retire from Congress and not seek reelection in 1974. The senior Republican Member of the House of Representatives will, by this, close a long and distinguished career that began on January 3, 1935, giving him a total of 38 years' service to his country, his State, his district, and his party.

It has been my privilege and honor to have LES as a friend and wise, sympathetic adviser and confidant for the years I have spent in the House, and I know many others feel the same way. Never too busy to help out, never too busy to answer a question—and never too busy to help someone, who needed it, over a rough spot—that has been LES ARENDS' way of conducting himself.

Dr. Samuel Johnson wrote in the 18th century:

> Exert your talents and distinguish yourself and don't think of retiring from the world until the world will be sorry that you retire. I hate a fellow whom pride or laziness drives into a corner, and who does nothing when he is there but sit and growl. Let him come out as I do, and bark.

Well, I hope we hear LES ARENDS' bark in years to come, even though he will not be among us. And, as the first part of the above quote says:

> Exert your talents and distinguished yourself.

If any one is ever to ask me what LES did while in the House, that is what I would say. I cannot think of anything better to describe what he has done for us all, and for his country.

So, late in 1974, the last bells will sound in the Halls of the House and Capitol for our good friend, whom we will miss so much. I wish him well, I will miss him, and I hope he leaves with this thought, from Bunyan's "Pilgrim's Progress":

> My sword I give to him that shall succeed me in my pilgrimage, and my courage and skill to him that can get it. My marks and scars I carry with me, to be a witness for me, that I have fought his battles who now will be my reward.

Mr. MICHEL. Mr. Speaker, I cannot tell you what a profound shock it is for me to hear from our dear friend, LES ARENDS, that he will not seek reelection.

We just received the word a few moments ago in LES' whip office and I just feel stunned. LES has practically been a father to me during my service here in the House. He has been my mentor and confident, and I was just sure he would run again to more or less wind up his career with the present administration in 1976. He surely would have won had be sought reelection and we were counting on his good name, popularity, and outstanding record of accomplishment to help us all in Illinois.

It was my honor in our organizing caucus this past January to nominate LES to serve as our whip for the "umteenth" time. He has as a matter of fact served as whip longer than any other in either party throughout our history.

Many changes have taken place around here during his tenure but he has been able to roll with the changes including a number in our leadership during all these years.

To be an effective whip you have to get the votes when they are needed LES knows the composition of each of our districts and our respective problems.

He knows when to speak and when to listen—a good father confers or so to speak as has been said by others he has been around long enough to have his views highly regarded by all our Presidents since Roosevelt.

When we have the Presidency, as we do now, it is important that the White House get our message from time to time, and he has done this most effectively.

We have had our differences in the party, among our own Members and with the White House, but when one is elected to a leadership position you have got to put it all together for a party stance or position and LES has had that capacity.

It requires swallowing hard sometimes, turning the other cheek more than you like, eating a good deal of crow, and biting the distasteful bullet.

LES has done it all during his long tenure.

He has put together a good whip organization that has served us well—and he is always open to suggestions on how it can be improved.

He has the experience and the gift for getting along not only with all of us, but with our friends on the other side of the aisle.

As Joe McCaffrey of WMAL once said:

> LES ARENDS of Illinois is as much a part of the House of Representatives as the statue of freedom atop the Capitol dome.

Mr. Speaker, I would simply add to that by saying, we consider him an institution of this House.

On the one hand I am grieved to see one who has served so long and faithfully leave our midst for he has been such a part of us, but on the other hand I am happy and glad for him if this is what he prefers to do. He certainly deserves the very best of everything in his

retirement when it comes a year from now.

GENERAL LEAVE

Mr. ANDERSON of Illinois. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the pending retirement of the gentleman from Illinois (Mr. ARENDS).

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

There was no objection.

RESIGNATION FROM COMMITTEE ON THE DISTRICT OF COLUMBIA

The SPEAKER laid before the House the following resignation from the Committee on the District of Columbia:

NOVEMBER 15, 1973.

Hon. CARL ALBERT,
Speaker of the House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: The purpose of this letter is to affirm my resignation as a Member of the House District of Columbia Committee effective Thursday, November 15th, 1973.

Thank you for your consideration in this matter.

Sincerely,

STEVE SYMMS,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION FROM COMMITTEE ON THE DISTRICT OF COLUMBIA

The SPEAKER laid before the House the following resignation from the Committee on the District of Columbia:

NOVEMBER 15, 1973.

Hon. CARL ALBERT,
Speaker of the House,
Washington, D.C.

DEAR MR. SPEAKER: I hereby tender my resignation as a member of the District of Columbia Committee.

My service on the Committee was a very rewarding and challenging experience. Through the leadership of Chairman Diggs, I believe the Committee has acted in the best interests of the District of Columbia. The Home Rule Bill which will hopefully be enacted, is a testimony to the diligent efforts of my colleagues.

It is with deepest regrets that I resign, but with a sense of satisfaction at having had the opportunity to serve on the Committee.

Sincerely,

WILLIAM M. KETCHUM,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

ELECTION AS MEMBERS TO STANDING COMMITTEES

Mr. ARENDS. Mr. Speaker, I offer a privileged resolution (H. Res. 704) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 704

Resolved, That the following-named Members be, and they are hereby elected members of the following standing committees of the House of Representatives:

Robin L. Beard of Tennessee: Committee on the District of Columbia;

William M. Ketchum of California: Committee on Science and Astronautics;

Steven D. Symms of Idaho: Committee on Interior and Insular Affairs.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS AND THE CLERK TO RECEIVE MESSAGES FROM THE SENATE

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Monday, November 26, 1973, the clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

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

There was no objection.

AUTHORIZING THE SPEAKER TO ACCEPT RESIGNATIONS AND MAKE APPOINTMENTS AUTHORIZED BY LAW OR BY THE HOUSE

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until November 26, 1973, the Speaker be authorized to accept resignations and to appoint commissions, boards, and committees authorized by law or by the House.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, NOVEMBER 28, 1973

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday Rule be dispensed with on Wednesday, November 28, 1973.

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

There was no objection.

AUTHORIZING MEMBERS OF THE HOUSE TO REVISE AND EXTEND THEIR REMARKS IN THE CONGRESSIONAL RECORD

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that notwithstanding any adjournment of the House until November 26, 1973, all Members of the House shall have the privilege to extend and revise their own remarks in the CONGRESSIONAL RECORD on more than one subject, if they so desire, and also to include therein such short quotations as may be necessary to explain or complete such extension of remarks, but this order shall not apply to any subject matter which may have occurred or to any speech delivered subsequent to the adjournment of the House.

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

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

NOVEMBER 15, 1973.

Hon. CARL ALBERT,
The Speaker,
House of Representatives.

DEAR SIR: On this date, I have been served with a subpoena duces tecum by a United States Marshal, that was issued by the U.S. District Court for the District of Columbia. This subpoena is in connection with the case of Ralph Nader, et al., Earl Butz, et al., (Civil Action No. 148–72).

The subpoena commands me to appear on the 23rd day of November 1973 and requests certain House documents, reports, records, letters and other material filed with the Clerk of the House of Representatives pursuant to Sec. 305 of the Federal Corrupt Practices Act of 1925, as amended, by Trust for Agricultural Political Education (TAPE), Agriculture and Dairy Educational Political Trust (ADEPT) and Trust for Special Political Agricultural Community Education (SPACE).

The subpoena in question is herewith attached, and the matter is presented for such action as the House in its wisdom may see fit to take.

Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.

The SPEAKER. The Clerk will read the subpena.

The Clerk read as follows:

[In the U.S. District Court for the District of Columbia, Civil Action No. 148–72]

RALPH NADER, ET AL., PLAINTIFF v. EARL BUTZ, ET AL., DEFENDANT

To: W. Pat Jennings, Clerk of the House of Representatives

You are hereby commanded to appear in the office of William A. Dobrovir, 2005 L Street, N.W., Washington, D.C. 20036 to give testimony in the above-entitled cause on the 23 day of November, 1973, at 10 o'clock a.m. (and bring with you) the documents specified in the attached notice of deposition unless such documents have been made available to William A. Dobrovir, attorney for plaintiffs, for inspection and copying on or before November 23, 1973.

JAMES F. DAVEY,
Clerk.

By RUBY H. KELLY,
Deputy Clerk.

Date November 13, 1973.

William A. Dobrovir, Attorney for Plaintiff.

NOTICE OF DEPOSITION

In the U.S. District Court for the District of Columbia, Civil Action No. 148–72

Ralph Nader, et al., Plaintiffs, v. Earl Butz, et al., Defendants.

To: David J. Anderson, Esq., Department of Justice, Washington, D.C. 20530

1. Please take notice that plaintiffs will take the deposition of W. Pat Jennings, Clerk of the House of Representatives before a notary public or other officer qualified to administer oaths, at the office of plaintiff's attorney, William A. Debrovir, 2005 L Street, N.W., Washington, D.C. 20036, on November 23, 1973 at 10:00 a.m., unless before that date he causes to be delvered to plaintiff's attorney at said address the documents described in ¶ 2 hereof.

2. The deponent shall bring with him at

the taking of the deposition all documents, reports, records, letters and other material filed with the Clerk of the House of Representatives pursuant to § 305 of the Federal Corrupt Practices Act of 1925, as amended, by Trust for Agricultural Political Education (TAPE), Agriculture and Dairy Educational Political Trust (ADEPT) and Trust for Special Political Agricultural Community Education.

WILLIAM A. DOBROVIR,
ANDRA N. OAKES,
2005 L Street, N.W.
Washington, D.C. 20036
(202) 785-8919
Attorneys for Plaintiffs.

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Notice of Deposition on David J. Anderson, Department of Justice, by first class mail, this 13th day of November, 1973.

WILLIAM A. DOBROVIR.

Mr. O'NEILL. Mr. Speaker, I offer a privileged resolution (H. Res. 705) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 705

Whereas in the case of Ralph Nader, et al. against Earl Butz, et al. (Civil Action No. 148-72) pending in the United States District Court for the District of Columbia, a subpena duces tecum and a notice of taking of deposition was issued by the said Court and served upon W. Pat Jennings, Clerk of the House of Representatives, directing him to appear at the office of counsel for plaintiffs at 10:00 antemeridian on the 23rd day of November, 1973 as a witness and to bring with him certain documents in the possession and under the control of the House of Representatives; Therefore be it

Resolved, That by the privileges of this House no evidence of a documentary character under the control and in the possession of the House of Representatives can, by the mandate of process of the ordinary courts of justice, be taken from such control or possession but by its permission; be it further

Resolved, That when it appears by the order of the court or of the judge thereof, or of any legal officer with the administration of the orders of such court or judge, that documentary evidence in the possession and under the control of the House is needful for use in any court of justice or before any judge or such legal officer, for the promotion of justice, this House will take such action thereon as will promote the end of justice consistently with the privileges and rights of this House; be it further

Resolved, That W. Pat Jennings, Clerk of the House, or any officer or employee in his office whom he may designate, be authorized to appear at the place and before the court in the subpenas duces tecum before-mentioned, but shall not take with him any papers or documents on file in his office or under his control or in possession of the House of Representatives; be it further

Resolved, That when the said court determines upon the materiality and the relevancy of the papers and documents called for in the subpena duces tecum, then the said court, through any of its officers or agents, be authorized to attend with all proper parties to the proceedings and then always at any place under the orders and control of this House, and take copies of those requested papers and documents which are in possession or control of the said Clerk; and the Clerk is authorized to supply certified copies of such documents or papers in his possession or control that the court has found to be material and relevant and which the court or other proper officer thereof shall desire, so as, however, the possession of said documents and papers by the said Clerk shall not be disturbed, or the same shall not be removed from their place of file or custody under the said Clerk; and be it further

Resolved, That as a respectful answer to the subpenas duces tecum a copy of these resolutions be submitted to the said court.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON THE DISTRICT OF COLUMBIA TO FILE REPORTS

Mr. DIGGS. Mr. Speaker, I ask unanimous consent that the Committee on the District of Columbia may have until midnight on November 20, 1973, to file reports on the bills H.R. 6186, H.R. 6758, H.R. 7218, H.R. 10806, and H.R. 11238, as amended.

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

There was no objection.

CONFERENCE REPORT ON H.R. 6768, U.S. PARTICIPATION IN UNITED NATIONS ENVIRONMENT PROGRAM

Mr. FRASER submitted the following conference report and statement on the bill (H.R. 6768) to provide for participation by the United States in the United Nations environment program:

CONFERENCE REPORT (H. REPT. NO. 93-642)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6768) to provide for participation by the United States in the United Nations Environment Program, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same.

DONALD M. FRASER,
THOMAS E. MORGAN,
DANTE B. FASCELL,
PETER H. B. FRELINGHUYSEN,
Managers on the Part of the House.
CLAIBORNE PELL,
EDMUND S. MUSKIE,
CLIFFORD P. CASE,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6768) to provide for participation by the United States in the United Nations Environment Program, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

Section 4 of the House bill provided that no funds authorized by H.R. 6768 shall be expended to assist in the reconstruction of the Democratic Republic of Vietnam (North Vietnam). The Senate amendment struck out this section. The House recedes from its disagreement to the amendment by the Senate.

The reason that the House recedes is that the purpose of the United Nations Environment Fund, to which H.R. 6768 authorizes contributions by the United States, is to coordinate and support international environment activities under the United Nations Environment Program. Reconstruction of North Vietnam is not such an activity. Furthermore, North Vietnam is not a member of the United Nations or any of the specialized agencies engaged in international environment activities under the Environment Program. Therefore, such section 4 is not necessary to preclude funds authorized by H.R. 6768 from being expended for the reconstruction of the Democratic Republic of Vietnam.

DONALD M. FRASER,
THOMAS E. MORGAN,
DANTE B. FASCELL,
PETER H. B. FRELINGHUYSEN,
Managers on the Part of the House.
CLAIBORNE PELL,
EDMUND S. MUSKIE,
CLIFFORD P. CASE,
Managers on the Part of the Senate.

PROPOSED 50-MILE-PER-HOUR SPEED LIMIT

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

Mr. SMITH of Iowa. Mr. Speaker, this morning the subcommittee which I am privileged to chair heard testimony concerning the imposition of an arbitrary 50-mile-an-hour speed limit, and an official of the Greyhound Bus Co., testified that last night they ran two trips from New York to Washington, the same bus, and the same number of stops, and everything, at 50 miles per hour one way and 60 miles per hour limit the other way. He said it took 19.6 percent more fuel to travel under a 50 miles per hour limit than it did to travel under a 60 miles per hour limit. In addition, it would require 10 percent more buses to carry the same load; therefore, it would require about 30 percent more fuel per passenger mile. Since additional buses are not available, more people would have to travel by auto and that would require even more fuel.

We had similar testimony concerning trucks which have 10 speeds forward, and were designed for optimim speeds of 62 to 65 miles per hour. It would cause them to shift to a lower gear to prevent running at too high an RPM and less efficiently.

I think it would be a mistake for the States across this Nation to start imposing a 50-mile-an-hour speed limit, upon the assumption that they will save significant amounts of fuel, when the opposite may be the case. We should be directing attention at ways to make significant savings and at significant solutions such as using more coal instead of depending heavily upon ideas which have not been appropriately analyzed.

ARABIAN OIL EMBARGO CAN WORK BOTH WAYS

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

Mr. LONG of Maryland. Mr. Speaker, the Christian Science Monitor reports today that the sale of U.S. grain and other farm products to Arab countries is expected this year to be $300 million in value, a jump of 50 percent over last year's figures. The Department of Agriculture has confirmed these figures.

I need not remind the Speaker or the House that this Nation is in the throes of a crippling energy crisis, because the Arab countries are cutting down on the flow of oil to the United States and to Western Europe, and the Western European countries are buying oil all over the world from sources that we normally rely on for imports to the United States. The United States is facing a heatless winter. The stock market has already gone down over 100 points on the Dow-Jones average, because industry is facing a shutdown.

The United States is the sole country in this world that produces the food the Arab countries need to feed themselves.

Is it not time that the Nixon administration uses the weapon that we have—food, to counter the weapon the Arabs have—oil?

CONGRESS NEEDS A BETTER ECONOMIC GUIDELINE

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

Mr. HANNA. Mr. Speaker, I think there should be a message sent to Messrs. Stein, Shultz, and Burns. Those around the President responsible for economic advice should recognize with appropriate humility their limitations. Not since the depression have economic theory and analysis given such an inadequate explanation of what is going on in the world. There is no such thing as a pure economic policy. Economists are at their best when they are giving us a rational explanation of an irrational past. They are acceptable when they are giving us an orderly explanation for a chaotic present. They are at their worst when they are giving us an assured projection for an uncertain future.

The world has been and is continuing to go through a very challenging, bewildering change. Most of these changes economists are unaware of, and those that they know of, they have not caught up with.

It puzzles me that historians are uncertain of their analyses of the past, and yet economists can be so certain about their forecasts for the future.

Mr. Speaker, the Congress needs better guidance than economics for a vision of the future, and I hope the President has better plans for that future than his present advisers have been preparing.

PERMISSION FOR COMMITTEE ON EDUCATION AND LABOR TO HAVE UNTIL WEDNESDAY, NOVEMBER 21, 1973, TO FILE A REPORT ON MANPOWER LEGISLATION

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor may have until Wednesday to file a report on the so-called manpower legislation just reported out of the committee today.

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

There was no objection.

PERSONAL EXPLANATION BY MR. WHITE, OF TEXAS

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

Mr. WHITE. Mr. Speaker, on October 2, 3, and 4, 1973, I was away from Washington and missed rollcall votes Nos. 488 to 500. Had I been present, I would have voted as follows:

On rollcall No. 488, conference report on arts and humanities, I would have voted "aye."

On rollcall No. 489, passage of Radio Free Europe, I would have voted "aye."

On rollcall No. 491, rule for urban mass transportation, I would have voted "aye."

On rollcall No. 493, amendment to strike Federal grants for operating expenses of urban mass transportation, I would have voted "aye."

On rollcall No. 494, motion to strike the enacting clause on urban mass transportation, I would have voted "no."

On rollcall No. 495, amendment to strike Federal grants for operating expenses of urban mass transportation, I would have voted "aye."

On rollcall No. 496, passage of urban mass transportation, I would have voted "aye."

On rollcall No. 497, passage of Big Cypress National Preserve, I would have voted "aye."

On rollcall No. 498, amendment to par value modification to reduce appropriation from $2.2 billion to $477 million, I would have voted "no."

On rollcall No. 500, passage of par value modification, I would have voted "aye."

MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS PRESIDENT SEEKS TO CURRY FAVOR WITH HIS PROSPECTIVE GRAND JURORS

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

Mr. O'NEILL. Mr. Speaker, it is deplorable that the President should invite Members of Congress to White House luncheons in order to curry favor with his prospective grand jurors.

When the President invites a Member to the White House, it is common courtesy for the Member to accept. He would be hard put to turn it down. So it is deplorable that the President should abuse the respect due his high office by using it to make Members an offer they cannot refuse.

Congress has already pledged that it will work with President Nixon on national matters. At the same time, the House has a grave responsibility to proceed with its impeachment inquiry—and to proceed with all dispatch. But any impeachment resolution will have to be fully supported by the facts—just as the grand jury in a criminal case will issue indictments only upon presentation of sufficient evidence.

I have introduced House Resolution 629 calling for an inquiry into the President's conduct. My bill has cosponsors. The Judiciary Committee has before it resolutions of impeachment with 39 cosponsors.

Chairman RODINO has pledged that the inquiry will be conducted in accord with the highest ethical and professional standards—with scrupulous regard for the rights of President Nixon. But throughout the progress of this inquiry, we preserve a cool impartiality on the part of the House Membership. Because, ultimately, the entire House may be called upon to sit as a grand jury on charges against the President.

It is unbecoming—if not improper—of the President that he should at this time attempt to influence votes. The House must ask of the President the same courtesy that the House extends to him: He must observe and respect the solemn constitutional obligation of the House to conduct its duties in this matter and to do so without the interference of the President.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL MIDNIGHT, NOVEMBER 24, 1973, TO FILE A REPORT ON S. 2641, TO CONFER JURISDICTION UPON DISTRICT COURT OF CERTAIN CIVIL ACTIONS BROUGHT BY THE SENATE SELECT COMMITTEE

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary shall have until midnight, November 24, in which to file a report on S. 2641, a bill to confer jurisdiction upon the District Court of the United States of certain civil actions brought by the Senate Select Committee on Presidential Campaign Activities, and for other purposes.

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

There was no objection.

GASOLINE SUPPLIES

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

Mr. HAYS. Mr. Speaker, if we read the daily newspapers, we will find that the various administration officials are recommending rationing, recommending higher prices for gasoline, recommending everything they can to hamstring the American people. If you take a look at that picture of Mr. Stein in the morning paper, and if you want him to tell all of our people what to do with their automobiles, the Members can go ahead and vote that way. But I am saying to the Members that any Member who votes

for rationing of gasoline is asking to stay home after the next election, and I just challenge anybody to vote for it and see what happens to them. I know how I am going to vote.

I know what happened in 1946, and I am going to give a speech in a week or so when I get the statistics together, but I can tell the Members right now that Exxon Corp. sold less gasoline in the third quarter of this year than they did last year but their net profit went up 81 percent.

I say it is time to show the Arabs what we can do if we have to, and there is no reason why any American should go cold or why he should not have gasoline to go to his job.

MEMBERS OF HOUSE AS GRAND JURORS

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

Mr. HOGAN. Mr. Speaker, we have been accustomed to the blatant partisanship of the majority leader, but today I think he went beyond the bounds he has ever reached before. To say the President of the United States cannot invite the Members of the Congress to the White House I think is a ridiculous thing to say. I would like to talk further about the grand jury concept he alluded to.

The majority leader says the President's inviting men and women who might subsequently have an opportunity to vote on impeachment to the White House is like an accused trying to influence a grand juror. I wonder if the gentleman would be as willing to extend this grand jury concept so that all those who have publicly indicated that they think the President should be impeached before hearing the evidence should disqualify themselves as "grand jurors."

Before our Judiciary Committee today as we are considering the Ford nomination no less than three members—and we have not been through the whole committee for questions yet—have stated the President of the United States should be impeached before we even consider confirming GERALD FORD as Vice President.

I think if we are going to talk about the grand jury concept we ought to impose the whole grand jury system including the secrecy, fairness to the accused and all other safeguards. What would be the situation if a grand juror, before entering the grand jury room, when asked how he would vote on indictment of the accused, said, "I will vote to indict him." He would be disqualified. So we asked further, "But have you heard any of the evidence?" He would reply, "No, but I have read about it in the newspapers and I know all I need to know. My mind is made up. I have already decided he is guilty." That grand juror would be disqualified. I submit that this is the situation Members are in who have already announced they favor impeachment.

I say, if we want to extend this grand jury concept as the majority leader said we ought to disqualify those members from the grand jury who have said that the President ought to be impeached.

IN PRAISE OF U.S. POSTAL SERVICE

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

Mr. HILLIS. Mr. Speaker, this week I, along with other members of the House Post Office and Civil Service Committee, was privileged to attend a breakfast hosted by Postmaster General E. T. Klassen.

I have in the past been critical of the Postal Service for some of their inefficiencies. But, today I praise Postmaster General Klassen and his employees for the efforts they are making in conserving energy.

Klassen has announced the formation of an "Energy Action Center" to coordinate an aggressive, nationwide energy conservation effort for the U.S. Postal Service. The new Energy Action Center will have the following purposes:

Identify, evaluate, set standards and measure energy consumption rates of specific activities at all postal installations;

Promote energy conservation throughout the Service; and

Set specific and attainable conservation goals for various organizations within the Postal Service.

In the event of rationing, the Postal Service would receive a "high priority" and allowed all necessary gasoline. For this reason I am especially proud of actions taken by the Service. Last May, prior to the announced Federal campaign in June, the Postal Service issued general instructions for conserving vehicle fuel.

The Postal Service has been able to reduce its energy consumption by an average of 6 percent per year over the past 3 years. Their savings has been financial as well as in the form of lower fuel consumption.

In August, Postal Service Headquarters in Washington, D.C. went on reduced energy levels, curtailing elevator and overnight building operations, resetting environmental controls and turning the lights off in the evening. Field managers were also ordered to implement similar energy saving programs throughout some 40,000 postal facilities.

When an organization as big as the Postal Service can accomplish a reduced goal of 7 percent, each and every American should stop to think and then begin to do his share.

PRESIDENT'S EFFORTS TO ACHIEVE PEACE SETTLEMENT IN MIDDLE EAST

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

Mr. LANDGREBE. Mr. Speaker, today I am introducing a resolution expressing the sense of the House on the President's efforts to achieve a peace settlement in the Middle East. Last Sunday, November 11, Egypt and Israel signed a six-point cease-fire agreement sponsored by the United States and have already begun discussions on the manner in which the agreement is to be executed. This agreement and these discussions are the first serious and important negotiations conducted by representatives of Egypt and Israel since 1949, almost 25 years ago.

Of course we dare not and we cannot assume that any possibility of an outbreak in that area can be forever discounted. However, most certainly the severe crisis precipitated by open hostilities begun on Israel's most holy day was passed over without triggering a third world war, and for this I think the Nation, our country, Israel, and all sympathizers and free people in the free world ought to recognize the successful efforts of President Nixon in achieving a stable and equitable peace in that important part of the world.

This cease-fire agreement, which hopefully will mitigate hostilities in the Middle East, was successfully adopted due mainly to the efforts of President Nixon to achieve a stable and equitable peace in this important area of the world. For the success of his efforts I am asking this body to adopt a resolution commending the President and pledging its support to the President in his further efforts to establish a permanent peace in this troubled area of the world. It is my belief that such a resolution swiftly adopted will strengthen the United States in its international relations, and will bridge to some degree the breach between the President and the Congress. I urge my colleagues to act on this resolution with all due dispatch.

SAVING GASOLINE AND STRETCHING OUR SUPPLY

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

Mr. MICHEL. Mr. Speaker, there is one relatively quick, sure way of saving hundreds of millions of barrels of gasoline and stretching our supply.

That is by simply eliminating or altering the so-called emission devices required on 1973 and subsequent models of every make of car produced and sold in this country.

Mr. Russell Train, EPA Administrator, testifying before our Appropriation Subcommittee this past week, said the difference in increased consumption of gasoline in 1973 models over 1972 models is approximately 8 percent. This represents something like 8 billion gallons of gas per year.

I can personally attest to this significant increase in gasoline consumption in our 1973 Oldsmobile over our comparable 1972 model. They are the same model sedans, differing only in color. When we have driven the two cars equally loaded with our family and luggage on long trips back to the district, the 1973 model invariably takes 4 more gallons than the 1972 model each time we have stopped to fill up the tanks.

Mr. Speaker, the news carries stories of how our big trucks on the interstate highways actually use more gas when limited to a 50-mile speed limit. A nationwide speed limit of 50 miles per hour will not save more than 1 percent of our total gas consumption, or nearly as much as elimination—for a temporary period—of the so-called emission de-

vices required on 1973 and subsequent car models.

The gentleman from Iowa (Mr. SMITH) just made mention of the Greyhound buses and their experience last night. A nationwide speed limit of 50 miles per hour would not save more than 1 percent of our total gas consumption, while elimination of those emission devices could save us 8 percent.

PERSONAL EXPLANATION

Mr. ROBISON of New York. Mr. Speaker, on rollcall No. 538 I was not recorded as voting. I was in the Chamber and placed my card in the box. Had I been recorded I would have been shown as voting "aye."

PRESERVE COOL IMPARTIALITY

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

Mr. FROEHLICH. Mr. Speaker and Members of the House, a few minutes ago the majority leader of this House indicated that we must "preserve cool impartiality" when it comes to this whole matter of impeachment. I agree with him.

I also associate myself with the remarks of the gentleman from Maryland (Mr. HOGAN).

For the type of remarks just given are a type that do not preserve cool impartiality. Cool impartiality is not preserved when the whole impeachment operation is run out of the majority leader's office and the Speaker's office and the chairman of the Judiciary Committee is running the errands.

Not once since these resolutions have been introduced has the Judiciary Committee met to discuss the breadth and depth of the total investigation that is to be conducted, not once, yet yesterday afternoon for the first time the Republicans as a whole met to question a staff member, we were told there were 14 full-time individuals working on impeachment. For the first time we had a chance to question the staff as a group and yet we are told to preserve cool impartiality. Then let us have bipartisanship. Let us make decisions jointly. Let us not have it run from the office of the majority leader or the office of the Speaker.

THE PRESIDENT SHOULD DISCLOSE THE FACTS

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

Mr. JAMES V. STANTON. Mr. Speaker, the ultimate judges on the question that is being discussed here this afternoon—Watergate—will be the American people, but it seems every time that evidence is presented which might assist the President in clearing his name, he allows it to become missing. The evidence that is offered in terms of the tapes, that might clear his name of his position, suddenly is lost.

The problems that are created by the inquiry that is going on, problems that were created by the President. The difficulty that we face in being objective is the difficulty of dealing with a President who does not disclose to the American people the true facts. His inability to face the issue, his inability to face the issue with honesty and with some degree of integrity.

I support the majority leader in his judicious appraisal of the facts.

CLEAN ELECTIONS ACT OF 1973

(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, I have introduced a bill today to impose strict limits on the use of cash in campaigns for Federal office.

Briefly, it would make it unlawful for a contributor to give—or for a candidate or other elected official to receive or spend—cash in amounts exceeding $25. Outlawed would be both direct and indirect contributions and expenditures.

I am a cosponsor of the Clean Elections Act of 1973 with my colleagues Mr. ANDERSON and Mr. UDALL and regard many of its far-reaching reforms essential. But I also recognize the opposition and delays it faces.

Therefore I urge prompt action on my bill to curb the dangers inherent in large amounts of loose cash floating around in a campaign. Too often large bundles of cash comes tied with strings.

Word for word, line for line or page for page. I believe my reform would accomplish more than any other single step to prevent the abuses that have corrupted our elective process. At the same time, the $25 limitation should prove no deterrent to the small contributor.

This bill also offers Congress, which stands none too high in public esteem, an opportunity to demonstrate its willingness to take prompt and positive action. I urge your support.

BIPARTISAN CONFIRMATION OF GERALD R. FORD

(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, I hope we can remain calm, and I am an example of one who needs daily reminders to remain calm.

The Republican Members met after the Saturday massacre and our eminent and beloved minority leader, Mr. GERALD R. FORD, said, the following Monday:

> Mr. Speaker, we have conferred and the Republicans would like all impeachment resolutions referred to the Judiciary Committee and not to a select committee.

Considering the beginning that morning, there was bipartisan cooperation between the majority and the minority. And a charge that it is now otherwise is unreasonable. Let us proceed to get the confirmation of the minority leader to the Vice Presidency out of the way soon, and then we can proceed with our legislative duties on impeachment, and we will be able to face our own constituents accordingly.

FAIR TREATMENT FOR IMPEACHMENT

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

Mr. RAILSBACK. Mr. Speaker, I share some of the concerns that have been expressed by the gentleman from Wisconsin. I want to say that I believe that some of us on our side would like very much to go ahead with the resolution of the gentleman from New Jersey, provided that we have some assurance there will be some kind of fair treatment as far as the staff.

I must say that many of us were concerned to learn that there are already 19 people working directly on the impeachment inquiry.

I asked one of the minority counsel last night whether there were any minority people represented among those 19. In fairness, he pointed out that five of the investigators were from the General Accounting Office, but even taking the 14, as far as I know there is not one minority member among those people.

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

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

Mr. THOMPSON of New Jersey. Mr. Speaker, if the chairman calls up that resolution, I assure the gentleman that the assurances he seeks will be forthcoming.

Mr. RAILSBACK. Mr. Speaker, I thank the gentleman for his statement.

PROVIDING FUNDS FOR THE COMMITTEE ON THE JUDICIARY

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

Mr. CEDERBERG. Mr. Speaker, we are going to be considering a resolution today for $1 million, as I understand, that started out at $2 million for the purpose of investigating the question of these impeachment resolutions.

This is something that the House has never had to consider, to my knowledge, in this century, and even before that time.

If we want to make it a bipartisan or nonpartisan operation, then we have got to say that the Republican members of the Committee on the Judiciary get 50 percent, and the Democratic members get 50 percent. I will vote for the resolution under those kinds of ground rules, but under no other circumstance could I support a resolution of this kind unless it is truly bipartisan. The only way I know that it is bipartisan is to have 50 percent on each side.

HEARINGS ON FORD NOMINATION SHOULD NOT BE INTERRUPTED

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

Mr. MAYNE. Mr. Speaker, I think it is extremely unfortunate that the highly controversial resolution, House Resolution 702 authorizing $1 million additional dollars for the Judiciary Committee is being brought up at this particular time, on the day when the Judiciary Committee's attention and resources are fully committed to the first day of hearings on the nomination of the Honorable GERALD R. FORD to the Office of the Vice-Presidency. It is really legally unfair and unnecessary to interrupt the testimony of Mr. FORD before our committee and devote several hours to a resolution for additional funds when such resolution could just as well be deferred to a time when the Committee on the Judiciary is not so heavily engaged in the Vice-Presidential hearings. For 5 long weeks ever since Mr. FORD was nominated on October 12 we of the minority on the Judiciary Committee have been imploring the chairman to get on with the matter of the confirmation hearings, which obviously should be given the very highest priority and we finally succeeded in persuading him to commence those hearings this morning for the first time.

Mr. FORD has been testifying all morning, and the committee should be returning promptly to the hearing room for the resumption of his testimony, at 2 o'clock. Obviously this will be long delayed if the gentleman from New Jersey (Mr. THOMPSON) insists on taking up the resolution today. Can we not at least wait until the Committee on the Judiciary shall have had an opportunity to consider such a resolution which I am advised thrusts an additional $1 million upon the committee. Mr. Speaker, it is neither fair nor appropriate to divert the committee from its constitutional responsibility to expedite consideration of the Ford nomination by forcing House consideration of the million-dollar resolution H.R. 702 at this time.

THIRD ANNUAL REPORT ON GOVERNMENT SERVICES TO RURAL AMERICA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-191)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Agriculture and ordered to be printed:

To the Congress of the United States:

Today I am transmitting the third annual report on government services to rural America, as required by Section 901(e) of the Agricultural Act of 1970.

RICHARD NIXON.

THE WHITE HOUSE, *November 15, 1973.*

THIRD ANNUAL REPORT ON HEALTH ACTIVITIES UNDER FEDERAL ACT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES COAL MINE HEALTH AND SAFETY

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Education and Labor:

To the Congress of the United States:

I am pleased to submit to you the third annual report on health activities under the Federal Coal Mine Health and Safety Act of 1969, Public Law 91-173.

This report covers the implementation of the health program carried out by the National Institute for Occupational Safety and Health of the Department of Health, Education, and Welfare. It represents a compendium of coal mine health research, medical examinations of coal miners, and other related activities of 1972.

It is encouraging to note that in 1972 the Department's coal mine research program moved significantly toward our goal of preventing the development and progression of coal workers' pneumoconiosis.

I commend this report to your attention.

RICHARD M. NIXON.

THE WHITE HOUSE, *November 15, 1973.*

PROVIDING FUNDS FOR THE COMMITTEE ON THE JUDICIARY

Mr. HAYS. Mr. Speaker, I offer a privileged resolution (H. Res. 702) from the Committee on House Administration, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 702

Resolved, That the further expenses of the investigations and studies to be conducted pursuant to H. Res. 74, by the Committee on the Judiciary, acting as a whole or by subcommittee, not to exceed $1,500,000, including expenditures for the employment of investigators, attorneys, and clerical, stenographic, and other assistants, and for the procurement of services of individual special consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such committee, signed by the chairman of such committee, and approved by the Committee on House Administration. Not to exceed $500,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

SEC. 2. No part of the fund authorized by this resolution shall be available for expenditure in connection with the study or investigation of any subject which is being investigated for the same purpose by any other committee of the House; and the chairman of the Committee on the Judiciary shall furnish the Committee on House Administration information with respect to any study or investigation intended to be financed from such funds.

SEC. 3. Funds authorized by this resolution shall be expended pursuant to regulations established by the Committee on House Administration in accordance with existing law.

Mr. HAYS (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with, and that it be printed in the RECORD.

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

There was no objection.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 586]

Arends	Gubser	Murphy, N.Y.
Blackburn	Harvey	Rees
Brotzman	Hinshaw	Reid
Buchanan	Jarman	Rhodes
Burke, Calif.	Landgrebe	Rooney, N.Y.
Chisholm	Leggett	Seiberling
Clark	Litton	Sisk
Collins, Ill.	Macdonald	Stuckey
Conlan	Mailliard	Symington
Conyers	Martin, Nebr.	Teague, Tex.
Davis, Wis.	Mills, Ark.	Van Deerlin
Erlenborn	Moorhead, Pa.	

The SPEAKER. On this rollcall 398 Members have recorded their presence by electronic device, a quorum.

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

Mr. HAYS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, this bill came from the House Administration Committee to give the Committee on the Judiciary $1 million. It was cut from $1½ million.

PROVIDING FUNDS FOR THE COMMITTEE ON THE JUDICIARY

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: page 1, line 4, strike out "$1,500,000" and insert in lieu thereof "$1,000,000".

PARLIAMENTARY INQUIRY

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

The SPEAKER. Will the gentleman yield for a parliamentary inquiry?

Mr. HAYS. I yield to the gentleman.

Mr. WIGGINS. I thank the gentleman.

Mr. Speaker, was the committee amendment agreed to?

The SPEAKER. It was not.

Mr. WIGGINS. The issue under consideration is the committee amendment?

The SPEAKER. The gentleman is correct.

Mr. HAYS. Mr. Speaker, I am sorry. I thought the committee amendment was agreed to before I stood up.

The SPEAKER. The committee amendment was reported. It was not agreed to. The Chair had started to put the question.

Mr. HAYS. Mr. Speaker, the committee amendment cuts the amount from $1½ million to $1 million. We felt that was a compromise when the minority of the committee came in and said they wanted more money, and we hope that

the minority will get some staff out of this. We believe it will. The chairman has given us assurances that we would hear later. We thought this was enough to get on with the job. We thought it ought to be done and disposed of one way or another.

Mr. Speaker, before I yield any time, does the Chair wish to put the question on the committee amendment?

The SPEAKER. Will the gentleman yield for an amendment to the committee amendment?

Mr. HAYS. No, Mr. Speaker, I will not yield for an amendment to the committee amendment.

The SPEAKER. Does the gentleman move the previous question on the committee amendment?

Mr. HAYS. Mr. Speaker, I move the previous question on the committee amendment.

PARLIAMENTARY INQUIRY

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

The SPEAKER. The gentleman will state it.

Mr. McCLORY. Mr. Speaker, I want to speak on the amendment.

The SPEAKER. The gentleman from Ohio has control of the time under the privileged resolution which is before the House. The gentleman has moved the previous question.

Mr. McCLORY. Mr. Speaker, I have a further parliamentary inquiry.

The SPEAKER. Will the gentleman yield for a parliamentary inquiry?

Mr. HAYS. Mr. Speaker, I move the previous question on the committee amendment.

PARLIAMENTARY INQUIRY

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

The SPEAKER. Will the gentleman yield for a parliamentary inquiry?

Mr. HAYS. No, I will not yield, Mr. Speaker. I intend to yield time to the gentlemen who asked for it.

The SPEAKER. The question is on ordering the previous question.

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

Mr. CEDERBERG. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 230, nays 182, not voting 21, as follows:

[Roll No. 587]

YEAS—230

Abzug	Bevill	Burke, Mass.
Adams	Biaggi	Burleson, Tex.
Addabbo	Bingham	Burlison, Mo.
Alexander	Blatnik	Burton
Anderson, Calif.	Boggs	Byron
Andrews, N.C.	Boland	Carey, N.Y.
Annunzio	Bolling	Carney, Ohio
Ashbrook	Bowen	Casey, Tex.
Ashley	Brademas	Chappell
Aspin	Brasco	Chisholm
Badillo	Breaux	Clark
Barrett	Breckinridge	Clay
Bennett	Brinkley	Conyers
Bergland	Brooks	Corman
	Brown, Calif.	Cotter
Culver	Jones, Ala.	Reuss
Daniel, Dan	Jones, N.C.	Riegle
Daniels, Dominick V.	Jones, Okla.	Roberts
	Jones, Tenn.	Rodino
Danielson	Jordan	Roe
Davis, S.C.	Karth	Rogers
de la Garza	Kastenmeier	Roncalio, Wyo.
Delaney	Kazen	Rooney, Pa.
Dellums	Kluczynski	Rose
Denholm	Koch	Rosenthal
Dent	Kyros	Rostenkowski
Diggs	Landrum	Roush
Dingell	Leggett	Roy
Donohue	Lehman	Roybal
Dorn	Long, La.	Runnels
Downing	Long, Md.	St Germain
Drinan	McCormack	Sandman
Dulski	McFall	Sarbanes
Eckhardt	McKay	Satterfield
Edwards, Calif.	McSpadden	Schroeder
Eilberg	Madden	Seiberling
Evans, Colo.	Mahon	Shipley
Evins, Tenn.	Mann	Sikes
Fascell	Mathis, Ga.	Slack
Fisher	Matsunaga	Smith, Iowa
Flood	Mazzoli	Staggers
Flowers	Meeds	Stanton, James V.
Flynt	Melcher	
Foley	Metcalfe	Stark
Ford, William D.	Mezvinsky	Steed
	Milford	Stephens
Fountain	Minish	Stokes
Fraser	Mink	Stratton
Fulton	Mitchell, Md.	Stubblefield
Fuqua	Moakley	Studds
Gaydos	Mollohan	Sullivan
Gettys	Montgomery	Symington
Giaimo	Moorhead, Pa.	Taylor, N.C.
Gibbons	Morgan	Teague, Tex.
Ginn	Moss	Thompson, N.J.
Gonzalez	Murphy, Ill.	Thomson, Wis.
Grasso	Natcher	Thornton
Gray	Nedzi	Tiernan
Green, Oreg.	Nichols	Udall
Green, Pa.	Nix	Ullman
Griffiths	Obey	Vanik
Gunter	O'Hara	Vigorito
Haley	O'Neill	Waggonner
Hamilton	Owens	Waldie
Hanley	Patman	White
Hanna	Patten	Whitten
Hansen, Wash.	Pepper	Williams
Harrington	Perkins	Wilson, Charles H., Calif.
Hawkins	Pickle	
Hays	Pike	
Hechler, W. Va.	Poage	Wilson, Charles, Tex.
Helstoski	Podell	
Henderson	Preyer	Wolff
Hicks	Price, Ill.	Wright
Holifield	Randall	Yates
Holtzman	Rangel	Yatron
Howard	Rarick	Young, Ga.
Ichord	Rees	Young, Tex.
Johnson, Calif.	Reid	Zablocki

NAYS—182

Abdnor	Coughlin	Heinz
Anderson, Ill.	Crane	Hillis
Andrews, N. Dak.	Cronin	Hinshaw
	Daniel, Robert W., Jr.	Hogan
Archer		Holt
Arends	Dellenback	Horton
Armstrong	Dennis	Hosmer
Bafalis	Derwinski	Huber
Baker	Devine	Hudnut
Bauman	Dickinson	Hunt
Beard	du Pont	Hutchinson
Bell	Edwards, Ala.	Jarman
Biester	Erlenborn	Johnson, Colo.
Bray	Esch	Johnson, Pa.
Broomfield	Eshleman	Keating
Brotzman	Findley	Kemp
Brown, Mich.	Fish	Ketchum
Brown, Ohio	Ford, Gerald R.	King
Broyhill, N.C.	Forsythe	Kuykendall
Broyhill, Va.	Frelinghuysen	Landgrebe
Burgener	Frenzel	Latta
Burke, Fla.	Frey	Lent
Butler	Froehlich	Lott
Camp	Gilman	McClory
Carter	Goldwater	McCloskey
Cederberg	Goodling	McCollister
Chamberlain	Gross	McDade
Clancy	Grover	McEwen
Clausen, Don H.	Gubser	McKinney
	Gude	Madigan
Clawson, Del	Guyer	Mailliard
Cleveland	Hammer-schmidt	Mallary
Cochran		Maraziti
Cohen	Hanrahan	Martin, N.C.
Collier	Hansen, Idaho	Mathias, Calif.
Collins, Tex.	Harsha	Mayne
Conable	Hastings	Michel
Conlan	Hébert	Miller
Conte	Heckler, Mass.	Minshall, Ohio
Mitchell, N.Y.	Ruth	Towell, Nev.
Mizell	Ryan	Treen
Moorhead, Calif.	Sarasin	Vander Jagt
	Schérle	Veysey
Mosher	Schneebeli	Walsh
Myers	Sebelius	Wampler
Nelsen	Shoup	Ware
O'Brien	Shriver	Whalen
Parris	Shuster	Whitehurst
Passman	Skubitz	Widnall
Pettis	Smith, N.Y.	Wiggins
Peyser	Snyder	Wilson, Bob
Powell, Ohio	Spence	Winn
Price, Tex.	Stanton, J. William	Wyatt
Pritchard		Wydler
Quie	Steele	Wylie
Quillen	Steelman	Wyman
Regula	Steiger, Ariz.	Young, Alaska
Rinaldo	Steiger, Wis.	Young, Fla.
Robinson, Va.	Symms	Young, Ill.
Robison, N.Y.	Talcott	Young, S.C.
Roncallo, N.Y.	Taylor, Mo.	Zion
Rousselot	Teague, Calif.	Zwach
Ruppe	Thone	

NOT VOTING—21

Blackburn	Harvey	Murphy, N.Y.
Buchanan	Hungate	Railsback
Burke, Calif.	Litton	Rhodes
Collins, Ill.	Lujan	Rooney, N.Y.
Davis, Ga.	Macdonald	Sisk
Davis, Wis.	Martin, Nebr.	Stuckey
Duncan	Mills, Ark.	Van Deerlin

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

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

Mr. Sisk for, with Mr. Harvey against.

Mr. Macdonald for, with Mr. Lujan against.

Mrs. Burke of California for, with Mr. Martin of Nebraska against.

Mr. Van Deerlin for, with Mr. Davis of Wisconsin against.

Mr. Hungate for, with Mr. Buchanan against.

Mrs. Collins of Illinois for, with Mr. Duncan against.

Mr. Murphy of New York for, with Mr. Blackburn against.

Until further notice:

Mr. Mills of Arkansas with Mr. Stuckey.

Mr. Davis of Georgia with Mr. Litton.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the committee amendment.

The committee amendment was agreed to.

A motion to reconsider was laid on the table.

Mr. HAYS. Mr. Speaker, I yield 5 minutes, for the purposes of debate only, to the gentleman from New Jersey (Mr. THOMPSON), the chairman of the subcommittee.

Mr. THOMPSON of New Jersey. Mr. Speaker, House Resolution 702 is intended to appropriate funds to the Committee on the Judiciary for the purpose of carrying out its responsibilities pursuant to the impeachment clause of the Constitution and for other committee matters.

As we know, the Constitution commands the impeachment of civil officers if there be evidence of treason, bribery, or high crimes and misdemeanors.

All of us who serve in this body are aware of the matters which have been aired in the hearings held by the select committee in the other body which, incidentally, had appropriated to it solely for their purpose—and they are virtually finished—$1,500,000.

Mr. Speaker, without going into detail, suffice it to say that testimony has been given which on its face would ap-

pear to implicate the President in impeachable conduct. Several resolutions alleging impeachable conduct lie before the Committee on the Judiciary. There is literally no way in which the committee can properly address itself to these resolutions and the charges obtained therein unless it has staff and counsel commensurate to the task. It was for that purpose that this resolution was introduced and the request for funds incorporated in this resolution to be appropriated to conduct a thorough investigation of the charges alleged in the resolution pending before the committee.

In no way does any Member who supported this in the committee prejudge the case. Certainly the President is entitled to due process, and the public demands that these charges be fully aired and disposed of so that, as the President has requested, faith can be restored in that office.

I would hope that in the course of the debate there will be the assurances sought by Members of the minority so that they are entitled—and I feel deeply that they are entitled—to get a reasonable share of this money for their staffing, because they need it as well as the majority needs it. I do not think it reasonable or rational to demand 50 percent, any more than I consider it reasonable or rational for the minority to demand 50 percent of the Justice Department's or the Special Prosecutor's staff.

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

Mr. THOMPSON of New Jersey. I will yield for a question.

Mr. CLEVELAND. Mr. Speaker, may I ask, what percentage does the gentleman think is reasonable or rational?

Mr. THOMPSON of New Jersey. Well, I think that one-third might be about 5 percent in excess of what the caucus would allow me to say. I think that the history of the Subcommittee on Accounts is clear in each and every instance.

Mr. CLEVELAND. Will the gentleman yield further?

Mr. THOMPSON of New Jersey. I decline to yield any further. Let me answer your first question.

Mr. CLEVELAND. I think you have. You said you would not agree with one-third.

Mr. THOMPSON of New Jersey. Yes. I said I would not agree to one-third. I cannot.

Mr. HAYS. Will the gentleman yield?

Mr. THOMPSON of New Jersey. I am glad to yield to the gentleman.

Mr. HAYS. I would like to tell you a little experience I had. I happened to be the ranking member of the minority on a committee the last time the Republicans had control of the Congress. It was an investigative committee with an investigative staff.

I got very fine treatment from the Republican majority. They did not give me employee No. 1—nothing—zero—zilch.

Now, what we propose to do is to give you some employees, but I do not think the majority will let you set an arbitrary figure.

I heard Mr. RODINO saying here that if he thought it was necessary, we would give you half of the employees, but he will be the judge of that and there will not be any figure written into this bill, because there is no way that it can be. However, you will be treated a lot more fairly than we were a good many years ago when your party had control here.

Mr. CLEVELAND. Will the gentleman yield further?

Mr. THOMPSON of New Jersey. Just one moment.

The fact is that I honestly deplore the emergence of this great issue facing the Nation into a partisan squabble over staff. As I said before every ranking member on that side knows that the Subcommittee on Accounts has treated committees fairly.

The SPEAKER. The time of the gentleman has expired.

Mr. HAYS. Mr. Speaker, I yield the gentleman 2 additional minutes for the purpose of debate.

Mr. THOMPSON of New Jersey. The committees have been treated eminently fairly, as the ranking member of the Committee on the Judiciary himself will attest. The fact of the matter is that it has been 100 years since there has been an impeachment process against a President. These are very painful, unpleasant, and complicated procedures, and prodigious amounts of investigation and paperwork and so on are required. I think the minority will need it. I think that to defeat this resolution or to amend it substantially would be an indication that you do not want, really, a full opportunity for the President to have the due process which I feel he deserves.

Mr. CLEVELAND. Will the gentleman yield further?

Mr. THOMPSON of New Jersey. I will yield briefly.

Mr. CLEVELAND. First of all, I would like to compliment the gentleman from Ohio (Mr. HAYS) because if he can remember the time when the Republicans had control of this House, he has got a darn good memory and it goes back a long, long time.

Mr. THOMPSON of New Jersey. And it is going to be a longer time in the future.

Mr. CLEVELAND. Will the gentleman yield further?

Mr. THOMPSON of New Jersey. I will yield to you all day.

Mr. CLEVELAND. Well, you drafted a bill and voted for that bill on the floor of the House that gave the minority one-third. Now why do you say you cannot let them have one-third of the staffing?

Mr. THOMPSON of New Jersey. I have the unhappy experience, which I learned to live with quite comfortably, of having my great party's caucus bind me not to exceed one third of the moneys.

Mr. CLEVELAND. In other words, you stand in the well enslaved by your caucus and say you cannot vote your conscience.

Mr. THOMPSON of New Jersey. Yes. I am enslaved, and I am proud to be; and I am not married to my party in such a way that I can never vote against it like you do not.

Mr. HAYS. Mr. Speaker, for purposes of debate only I yield five minutes to the gentleman from Alabama (Mr. DICKINSON), and I will yield him more time if he needs it.

Mr. DICKINSON. Mr. Speaker. I thank the gentleman for yielding me the 5 minutes.

I hope I can clear up the situation at least in the minds of some of those here. Let me put this thing in perspective if I may.

The normal and usual and customary way of a committee being funded is for them to come before the Committee on House Administration with their ranking member and chairman and present a budget to us with some testimony to show us what they have done or what they propose to do. The members of the committees are then interrogated both as to the minority and the majority with regard to the funds they are requesting.

We seek some justification for the amounts that they ask for, and then we either give them what they ask for or, in many instances perhaps, we cut them some.

But what has happened in this instance? Mr. Speaker, we were presented with a resolution 2 days ago calling for $2 million for the purpose of giving it to the Committee on the Judiciary to carry out their business, principally the impeachment investigation of the President.

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

Mr. DICKINSON. No, I will not yield to the gentleman.

But the point is, Mr. Speaker, no one came before us, there was not one word of testimony in support of anything, to say nothing of the $2 million. The ranking minority member did not come. The chairman of judiciary did not come. There was no request in writing. We were simply given a resolution calling for an arbitrary $2 million. And it was explained to us that the leadership on the Democratic side had decided this might be a good figure.

In committee it was cut, arbitrarily, a half million dollars. I do not know why. There was no way that we could tell what they needed or did not need.

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

Mr. DICKINSON. No, not at this time—yes, Mr. Speaker, I will yield to the chairman.

Mr. HAYS. Mr. Speaker, I appreciate the gentleman yielding to me, and I would like to point out to the gentleman in the well that the chairman of the committee is the one who took the lead in cutting the amount. And I had no control over who appeared before the subcommittee, or who did not come before the subcommittee.

Mr. DICKINSON. I am getting there, Mr. Chairman.

Yesterday in the full committee the chairman of the full committee suggested, well, maybe this was too much, and we ought to cut it to $1 million. Well, there was no testimony. We do not know what they are going to do. One of the members of the Committee on the Judiciary said it would probably be spring before they get to the point of deciding what is an impeachable offense, and they would not need any investigative money until then.

There has been nothing said, not one word presented in the committee in justification of the request.

Well, what did we decide on, and how did we make up our minds? We have no assurances there will be any equitable consideration in the committee between the allocation or apportioning of the moneys, and the staff. We do not know what they are going to do with it. We do not know for what length of time they will need it. There should be some basis of fact on which to base $1 million. It is a nice, round figure.

Let me say this: There has been a pushing and a shoving, trying to get some reasonable compromise as to what will be the allocation, if this money is given. Let me say that this money is really not the question. I would vote for $5 million if they could justify it, and show it was necessary. But it is not a question of the money. Those who have been before the committee know that we have been pretty free-hearted and open-handed, and that we quite often state that if that is not enough then come back for more.

So the only reason for denying any dollar figure to the minority is simply to deny them the right to do the job that they feel is necessary; not of saving money, but strictly a partisan situation, if they deny the minority their right to an equal portion of the funds.

So what is the parliamentary situation here? This is a privileged resolution that is not amendable unless the gentleman from Ohio, who has control of the time, will yield for that purpose, and there are some amendments that have been drafted that are intended to be offered. One of these will apportion the money. Another will say that the money shall not be used until at least the Committee on the Judiciary can determine what is an impeachable offense.

If the gentleman from Ohio (Mr. HAYS), refuses to yield for an amendment, then the parliamentary situation is that there is only two things left to do. One is to vote down the previous question when it is next called, which will then open up for 60 minutes for debate and make it subject to amendment, and in order to spread a little of the sunshine of understanding in here so we can have a free and equal debate on both sides. If that fails, then a motion to recommit with instructions will follow.

So that is the parliamentary situation at the present time.

The SPEAKER. The time of the gentleman has expired.

Mr. HAYS. Mr. Speaker, I yield 5 additional minutes to the gentleman from Alabama.

Mr. DICKINSON. I thank the gentleman.

So if this is not to be a partisan squabble, if we are going to give the members of the Committee on the Judiciary the tools and the staff that some claim they so desperately need—and I am not quarreling with the amount, and I do not think that the members of the Committee on the Judiciary on my side of the aisle quarrel with the amount even though it has not been proven—the point is Mr. Speaker, to deny the minority members of the Committee on the Judiciary—what the majority says they need simply removes this from the arena of fair, nonpartisan investigation of an alleged criminal offense. It sort of makes it a lynch mob in effect.

So if we want to be fair, if we want to take it out of the arena of partisan politics, if we want to really be even-handed in the dispensation of justice, then there will be an amendment accepted when offered to apportion these funds, and we will vote it up or down, but to simply cut off debate I think is eminently unfair.

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

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

Mr. McCLORY. I thank the gentleman for yielding.

I believe that if this went over until Monday after the Thanksgiving recess, we would have an opportunity for substantial bipartisan support for such a resolution. We heard about this request for $1 million yesterday afternoon for the first time just on the eve of the Thanksgiving recess—and at a time when we have the confirmation hearings on Congressman FORD going on before our committee. This action deprives the minority of the benefit of a committee meeting and of a discussion with the majority with regard to what the plans are, what the investigation should include, and when it should be concluded.

I believe, and I think all of my Republican colleagues on the House Committee on the Judiciary believe, that we should have an investigation, that is, an inquiry to determine what are and what are not impeachable offenses—upon which the committee can consider whether or not to go forward with impeachment proceedings.

Mr. DICKINSON. I understand that. I agree with the gentleman that there is no urgency here why it cannot go over.

Mr. McCLORY. In addition, the committee probably has sufficient staff at the present time to conduct the kind of inquiry which is justified at this time.

Mr. DICKINSON. There has been no allocation of moneys. As a matter of fact, according to the last report, the Committee on the Judiciary has ample money to run until we get back. I can see no irreparable harm at the present time if it should go over, but it so happens we are not in control.

Mr. YOUNG of Florida. Mr. Speaker, will the gentleman yield?

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

Mr. YOUNG of Florida. I thank the gentleman for yielding. Can the gentleman indicate to the House how long this money is going to be used—3 weeks, 3 months, or 3 years?

Mr. DICKINSON. We have no idea in the world what it is going to be spent for, how long it is going to last, and for what purposes it will be spent.

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

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

Mr. THOMPSON of New Jersey. I thank the gentleman for yielding.

Mr. Speaker, this money is appropriated for use for the remainder of this Congress. The question of whether $1 million will last is as yet unresolved. We might have to come back for more, but the intention is that it will last for this Congress.

Mr. DICKINSON. I should certainly hope it will last into January and considerably later.

Let me reiterate, if I may, the parliamentary situation, because this is what is so important. An attempt will be made to amend this by getting the gentleman from Ohio, who controls the time, to yield for that purpose. If he declines, the only way it can be amended to work equity is to vote down the previous question, which I will ask all of the Members here to do, so that we can have at least fair and impartial bipartisan proceedings here, and not what would appear as a witch hunt because one party is denied the money while the other party is given a million dollars to go and do anything they want to do.

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

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

Mr. DENNIS. I thank the gentleman. Is the gentleman aware of the fact that this Committee on the Judiciary already has an active impeachment investigation underway? That we have 19 people working full time on that subject? Is the gentleman aware that we have $200,000 left in our account for this session, and that, in the regular course of events, at the first of the year, we will get at least another $600,000, without getting a penny under this resolution?

Mr. DICKINSON. That is true.

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

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

Mr. CEDERBERG. I thank the gentleman for yielding.

Mr. Speaker, earlier in the day we heard the proposition that this should be approached in a nonpartisan way. We will find out very quickly whether or not that is going to be the situation. If amendments are not allowed, it will be an obvious indication that they do not want the minority to have an opportunity to express itself.

Secondly, if the previous question is not voted down, then it is a clear indication that we are going on a partisan operation and not a nonpartisan operation in a quiet manner. It will be interesting to see how the press reports it.

Mr. DICKINSON. I do not see how the gentleman could have put it more succinctly.

Mr. HAYS. Mr. Speaker, I yield myself 1 minute.

The only partisanship I have seen has come from the minority. I do not see any reason why, with the minority not controlling 50 percent of the House, they should have 50 percent of the positions, but I would assume whoever is hired would go at this matter to find out if there is reason to report a bill of impeachment.

I am not going to stand up today and say I am going to vote to impeach the President. I am not going to vote to

impeach him unless there is a bill of impeachment brought through that indicates there is some evidence to warrant it.

That is what we are going to find out: What is at issue?

Whoever is going to get the lawyers I would hope would hire people who are impartial, who would go in with the idea of finding the facts and making a determination on that basis.

All this baloney is about who is going to get what patronage. That is what it really amounts to.

Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey, the chairman of the Judiciary Committee (Mr. RODINO) for purposes of debate.

Mr. RODINO. Mr. Speaker, I regret sincerely that while our esteemed colleagues on the Republican side protest about partisanship, they have raised that very issue.

When the Speaker of the House referred the resolutions on impeachment to the Committee on the Judiciary, I made an initial statement and I stated that I had hoped this situation might never be necessary and I assumed that responsibility with a sense of sadness and felt that every responsible American would have viewed this as one of the most sobering influences in his life because he is concerned with the future of America. I meant those words then and I mean them now.

There have been a number of resolutions on impeachment before the House of Representatives referred to the Judiciary Committee. I might say that the question is whether we are to proceed with an inquiry impartially and in a bipartisan manner.

Only yesterday in addressing myself to a query from the press, who was trying to inquire as to what might happen if this were not a bipartisan effort, I said it would be disastrous for all of our country.

I believe that throughout my total tenure as chairman of the House Committee on the Judiciary—and I call upon each and any member of that committee to say otherwise—I have treated the members of that committee and especially the ranking Republican member with the utmost fairness, not because I just wanted to be fair but also because one must be fair, especially in this matter.

The Committee on the Judiciary has presently a staff of 26 attorneys. Of them 19 were selected by the Democrats and 7 were selected by the Republicans. That is better than a one-third ratio. I have never rejected or refused a request on the part of the ranking Republican member, the gentleman from Michigan (Mr. HUTCHINSON).

We hired mail clerks, seven or eight mail clerks, to open up the mail on this alone.

The five GAO investigators were not hired by the committee investigation funds. We requested them from GAO. We have one officer manager that we hired in order to be able to supervise the personnel.

The balance of the money left to the Committee on the Judiciary for the operation of the balance of the year is going to be less than $25,000 or $30,000 with the present complement that is there now to handle the matters before the committee—the question of the special prosecutor, the question of the Watergate grand jury, the question of the confirmation of Vice-President-designate Mr. GERALD R. FORD, whose confirmation proceedings are supposedly underway and they are being held up now because of this display here. I intend to go through the recess with the hearings. The money that is being requested today is money that we believe would be necessary to put together the most judicious, the most erudite, the most qualified legal experts who are constitutionally motivated, objective and who would do a fair job.

Mr. Speaker, to do that kind of job that I believe needs to be done in a situation which is as grave as this matter is that is now before the House of Representatives requires all this.

I am not at this moment, though I have explored and researched and inquired of constitutional experts, able to say that with the mass of evidence that is in the various committees, whether or not there are offenses which have been alleged which can be construed and interpreted under the Constitution to be impeachable offenses.

I am the first one to state that this is the very reason why it becomes necessary that his kind of staff be a staff that is going to be divided in a manner that I believe will be fair and do a proper and responsible job.

On October 23, 1973, I repeat I assured the House and the American people that the Committee on the Judiciary will approach the inquiry into the impeachment resolutions in a "fair, thorough, and responsible" manner.

It is certainly unnecessary to impress upon my colleagues the gravity of our investigation into the allegations that the President has committed impeachable offenses and there is general agreement that an exhaustive and impartial inquiry of these charges is needed. I urge the adoption of this resolution and sincerely believe that this increase in funds is imperative in order that the Committee on the Judiciary and the House of Representatives can satisfy its constitutional obligations in this serious matter.

The Judiciary Committee has already moved forward in assuming the awesome responsibility of investigating charges that the President of the United States should be impeached. I am pleased to advise the House that additional investigators and clerical staff have already been added to the committee and these individuals are presently reviewing the voluminous body of material which has already been developed respecting this matter as well as conducting preliminary investigations into other allegations contained in the resolutions of impeachment.

In addition to their other obligations the legal staff of the committee, including the general counsel and the associate general counsel, has been conducting extensive research on the legal and constitutional issues relating to the subject of impeachment.

In addition, a substantial portion of the staff's time has been devoted to reading, categorizing and responding to the massive amount of correspondence which has been received on impeachment. To date over 100,000 letters, telegrams, and other correspondence have been received—107,352 for impeachment and 3,418 against impeachment.

In other words preliminary work and inquiries are well underway but I emphasize that additional resources must be provided if we are to adequately respond to our constitutional mandate.

The conduct of an impeachment inquiry, particularly concerning the President of the United States, involves many unchartered and untested issues. Since we are denied firm precedents and extensive experience in these areas we must necessarily rely upon the best qualified minds in the academic and legal fields. It will be necessary to assemble a staff of the highest quality and rectitude, including persons with extensive judicial experience to assist us in carrying out a proper and complete investigation. In selecting these individuals, we will look to those who have demonstrated their objectivity and fair-mindedness and who will conduct themselves in a judicious manner at all times.

In order to accomplish this objective we must be provided with the necessary funds by the House of Representatives. I am confident that the funding level provided in House Resolution 702 will adequately meet the demands of the committee. In the event this resolution is adopted, I envision the appointment of a special counsel and several assistant counsels, each of whom will be assigned a separate subject to be reviewed and investigated. Moreover, the following supportive personnel will also be required: investigators; research assistants; clerks; secretaries; stenographers and other office assistants.

Although it is difficult to estimate the extent and direction of the investigation at the present time, I believe we can look to the experience of the Senate Select Committee on Presidential Activities to approximate our requirements. The original resolution establishing the Senate Select Committee authorized the expenditure of $500,000 for the conduct of its investigation and study. However, just 4 months after this resolution was adopted, it became apparent that this figure was totally unrealistic in light of the mandate given to that committee. As a result, the funding level was increased to $1 million shortly after the Select Committee commenced the formal hearing phase of its investigation.

I am hopeful that it will not be necessary to come before the House with an additional request for funding, as occurred in the case of the Senate Select Committee and I trust that this resolution will cover any contingencies that might arise.

I urge my colleagues to approve this resolution and I sincerely believe it will provide us with the necessary resources

to go forward with a fair and comprehensive investigation of all allegations in order to determine if articles of impeachment are warranted.

Mr. HAYS. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from California (Mr. WIGGINS) a member of both the Committee on the Judiciary and the Committee on House Administration.

Mr. WIGGINS. Mr. Speaker, I have just a brief time and I cannot yield to anyone else in order to reserve sufficient time make the few points I want to make and that should be made.

Chairman RODINO is an honorable man. I believe him when he states his intention that he will be fair to the minority; but gentlemen, the going is rough and it is going to get rougher. We, in the minority, would be more comfortable if the rules were amended to require the gentleman to do what he said he will do as a matter of grace.

We have some reason to be suspicious, because we had the representation of the chairman of the Committee on the Judiciary that he would be fair with respect to subpena power in this investigation. When the minority asked that the right which was promised, that the minority would have the right to subpena witnesses, be incorporated into the rules, the majority voted us down a strictly party vote.

So you see, gentlemen, we have some reason to be skittish on this issue. We would be much more comfortable if the gentleman would agree in writing to what he says he will do.

Let me make two quick points. The resolution is technically defective. It does not give power to the Committee on the Judiciary to conduct an impeachment investigation. I do not have time to develop this fact. I just ask the staff to look at the basic resolution No. 74 and look to rule 11 of the House and they will see that the Committee on the Judiciary has no power given by the House in the matter of impeachment. Accordingly, the resolution is well-intentioned, but defective.

Second, and perhaps more important, do the Members realize that the Committee on the Judiciary has not had its first meeting on the subject of impeachment? We have not yet decided what we are going to do, what is impeachable, what is not, and what instructions are to be given this staff which is to be available.

Would it not be more fair and judicious and prudent for the committee to decide itself what we are going to do before we run to the House administration for money? I think so.

In other words, gentlemen, the resolution is grossly premature.

All of us on the minority side of the Committee on the Judiciary are quite desirous of having a fair investigation of these matters. We are getting off on the wrong fact if that be our objective.

I would think it would be appropriate for the chairman to yield to me for the purpose of an amendment. I have been told that he will not; but if he were to yield to me for the purpose of an amendment, I would offer an amendment to insure that the minority is treated fairly with respect to staffing and to insure that the Committee on the Judiciary at least decides what it is going to do before this $1 million is spent.

I urge a no vote on the previous question in order to permit me to offer these amendments.

I will now yield to the chairman of the Committee on the Judiciary.

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

Mr. WIGGINS. I yield to the gentleman from New Jersey, the chairman of the committee.

Mr. RODINO. Mr. Speaker, I would merely like to make mention of the fact that the gentleman talked about the subpena authority. As the gentleman will recall, I stated it would be my policy as the chairman first to consult with the ranking minority member before I issued subpenas.

I would like the gentleman to know that there were a few subpenas that had been issued with regard to the Ford confirmation, and those matters were discussed with the ranking Republican member. I got his assurance of cooperation before I issued them.

Mr. WIGGINS. Mr. Speaker, I appreciate that, but the fact is the chairman resisted an amendment to the rule which would require that we have something besides his verbal assurance that he will be fair.

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

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

Mr. McCLORY. Mr. Speaker, I want to concur with what the gentleman says. If we had a meeting on the subject to decide where we were going and staff we need, what professional staff we need, whether it be majority or minority, and lay out the guidelines for this kind of inquiry, I think there would be virtually unanimous support on the part of all the members of the committee for an impartial inquiry, which is what we all want.

Mr. WIGGINS. Mr. Speaker, do the Members realize that even as late as yesterday, after the Committee on House Administration had acted on this resolution, even then the majority had no thoughts as to how the money was to be spent.

I urge a vote against the previous question.

Mr. HAYS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would just like to point out that I might be persuaded to yield for an amendment if the gentleman says this is so technically imperfect. Over in the other body, the Committee on Rules and Administration is handling this, and the rules seem fairly pervasive that it should have come to the House Administration Committee here, but the Republican leadership and the Democratic leadership said that they wanted it to go to the Judiciary Committee, and we made no fight about it.

Maybe it would be better if the gentleman would offer an amendment to send it to the House Administration Committee, where there are fewer lawyers and we might have less squabbling.

Mr. Speaker, at this point I would like to yield 4 minutes to the ranking minority member of the Judiciary Committee, the gentleman from Michigan (Mr. HUTCHINSON) for the purpose of debate only.

Mr. HUTCHINSON. Mr. Speaker, I can assure the House that in all of my dealings with the chairman of the Judiciary Committee since January and to date, he has been very fair with the minority in staffing matters. He has advised me with regards to those instances when he thought it necessary to issue subpenas in the Ford confirmation matter, as he states. Those subpenas, however, are not at all contentious, and they were friendly subpenas, so to speak.

I have no reason to doubt that the Chairman will continue his policy of fairness, but I wish that the chairman did not find himself bound by the actions of his own caucus to the extent that he cannot state on the floor and give some assurances on the floor as to staffing in this impeachment situation.

Mr. Speaker, the impeachment of a President is a very, very grave matter in our constitutional system. In fairness to all parties—I am not talking about political parties, but I am talking about people involved—there should be, shall we say, a high professionalism and an absolute impartiality in evaluating facts and evaluating the inferences that have been brought together.

Of course, if the minority is going to be assured in the end that we will get a third of the staffing, I think that is probably generous in light of history generally. However, that means that I have got to find an expert who is doubly able, twice as able, if you please, as the experts of the majority in order to have an equality of evaluation power.

Now, what I simply want to say is that I think I can work with the chairman of the Committee on the Judiciary in the future as in the past, and I am going to work, of course, toward getting as strong a quality of staff in this very grave matter, as I can possibly get. I do wish that the chairman could give me on this floor now such assurances.

I understand that he does not feel that he can give them publicly. I will work with him toward that end, but I regret exceedingly that this matter has had to come up today in the middle of the Ford hearings. My own desires were that we could put it over until after the Thanksgiving recess.

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

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

Mr. HAYS. Mr. Speaker, it seems to me that everybody is assuming that the gentleman from Michigan (Mr. HUTCHINSON), as well as others, and their experts are going to find one thing and the experts of the gentleman from New Jersey

(Mr. RODINO), are going to find another, that the whole case is prejudged.

It may very well be that the experts of both sides will find the same thing, that there is no indictable reason to bring an impeachment indictment against the President, because that is what an impeachment is—an indictment.

I just do not think we ought to assume this is going to be a partisan matter. I would hope that the gentleman could get somebody who is above partisanship and find the facts

The SPEAKER. The time of the gentleman from Michigan (Mr. HUTCHINSON) has expired.

Mr. HAYS. Mr. Speaker, I yield 1 additional minute to the gentleman from Michigan (Mr. HUTCHINSON).

Will the gentleman yield further?

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

Mr. HAYS. Mr. Speaker, this Committee on House Administration in the past has made certain that in the case of every committee that came in there, there was fairness before they got any more money.

Now, as far as I can figure out from this group of lawyers on the Committee on the Judiciary, this probably is not going to be decided before Mr. Nixon's term is over, and they are going to need some more money anyway, and when they come back, they had better come back and be able to say that there was fairness, because otherwise the committee might just close the investigation down.

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

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

Mr. RAILSBACK. Mr. Speaker, I wish to thank the gentleman for yielding.

I will say to the gentleman on the other side that I think some of us would be willing to support this resolution, some of us who do not necessarily want to obstruct the process, if the gentleman would simply be willing to give him the assurance he is asking.

Why can the gentleman not give him that assurance?

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

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

Mr. RODINO. Mr. Speaker, I do not know exactly what the gentleman meant when he stated I could not say publicly that I could give him assurance. I stated that the caucus has expressed itself.

However, I am not bound by that, because I believe the situation which has been presented here, as in any matter that has been before our committee, demands that I would treat it fairly as I have done in the past.

The gentleman has had my assurance, and I give him my assurance at this time that I will continue to treat this matter in the same manner.

If he needs half of staff, I can assure the gentleman that we can work with him—and I am not being carried away—because it is a matter that I believe is grave enough for us to consider it soberly and seriously.

I believe that the gentleman knows that I have also suggested that I would consult with him in the selection of a staff.

Mr. HAYS. Mr. Speaker, I yield 3 minutes, for the purposes of debate only, to the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. I thank the gentleman for yielding. Mr. Speaker, on October 23, you referred all resolutions relating to impeachment to the Committee on the Judiciary of which I am a member. I fully support such referral and acknowledge our committee's responsibility to make a searching and painstaking inquiry into the matter of impeachment. But this is a solemn responsibility of the entire committee, not just of the chairman and not just of the majority members of the committee. And I submit for the consideration of the House that on a matter of such awesome importance as the impeachment of the President, we the minority members of the Judiciary Committee should be consulted and given an opportunity to express our views and to vote in the committee before matters affecting our constitutional responsibilities relative to impeachment are brought to the floor of the House. But except in one solitary instance that privilege has been denied us. We have not been given that opportunity. In the 23 days since the Judiciary Committee assumed jurisdiction, the chairman has convened only one meeting to consider any aspect of impeachment.

That was on October 30, when the sole question considered was the chairman's request for sweeping powers of subpena. Those sweeping subpena powers were granted him on that occasion by a straight party line vote of 21 to 17. But except for that one meeting on October 30 there has been no meeting of the committee or any of its subcommittees in which there has been any discussion or consideration of the ground rules or guidelines under which the impeachment inquiry should be conducted and no discussion of what existing staff should be assigned to the inquiry or what additional staff might be needed or how it should be organized or what funds might be required to carry out the committee's mission. Certainly there has never been any discussion in the committee or consultation with the minority members about the million dollar resolution which is before us today. In fact there has been no consideration of impeachment at all.

Shortly before noon yesterday, November 14, there was delivered to the offices, of minority members of the committee, a memorandum from the chairman dated November 13 telling us for the first time of activities of existing committee staff on the impeachment inquiry to date. The third paragraph reads as follows and I quote:

Thus far, there are a total of 19 people working full time and directly on the Impeachment Inquiry. The above number includes: (1) Five investigators who have been assigned to the Judiciary Committee by the General Accounting Office to work exclusively on the Inquiry; (2) An investigator with prior Congressional experience; (3) An office manager; (4) A file clerk; (5) Secretarial and typing assistants; and (6) Mail clerks. The General Counsel, Associate General Counsel, and three staff counsels are devoting major portions of their time to matters relating directly to impeachment. Under their supervision three other staff counsels are working full time and exclusively on impeachment. In addition, staff counsel and investigators from other committees have been assigned to work with the Judiciary Committee on a day-to-day basis as needed.

I am advised that all 19 of these staffers who are working full time on impeachment, including 5 from the General Accounting Office, are working under the direction of the chairman and are assigned to the majority members of the committee. None of them are working, as a matter of fact, with the minority and they have not even communicated to minority members or minority staffers any information as to what sort of work they are doing on this project. In other words the minority has been kept in the dark while 19 majority staff members have been busily at work in a partisan effort to lay the basis for impeachment. We in the minority have been given no real opportunity to participate or be informed.

If it is really necessary to spend $1 million for staff work on impeachment in addition to the 19 staff members already working on it, then it should be a matter of sufficient importance to be considered by the Judiciary Committee which is going to spend it, at a meeting of the full committee. It should also be pointed out that our Judiciary Committee has already been authorized to spend more than $606,000 this year for investigations and still has a balance of more than $208,000 of that amount unexpended. In addition, since July 1, it has drawn around $449,000 more for permanent or standing staff. I will say frankly I would hope our committee could carry out its inquiry on impeachment in a sufficient and adequate manner with a much smaller expenditure than $1 million. But I am willing to listen to the evidence justifying such expenditure and to be persuaded if the actual need for a full $1 million in addition to the $606,000 we have already received for investigations can be shown. But I think this should be considered and approved by the Judiciary Committee before it comes to the House floor, and I also think there should be some assurance that at least some of the funds provided for in this resolution will be made available for the use of the Republican minority rather than being devoted exclusively to the Democratic majority of the committee as has been true up to the present time. The Democratic floor managers of the resolution have been unwilling to give such assurances. I am hopeful that the resolution can be improved today by amendment so that I can support it, as I am entirely willing to vote for reasonable funding to finance the impeachment inquiry. But no showing has yet been made here that $1 million is reasonable or necessary. I do not believe Members of the House should be asked to approve this resolution in the manner and under the circumstances in which it is being presented today.

I will, therefore, vote against the res-

olution unless it is substantially improved before final passage.

Mr. HAYS. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Wisconsin (Mr. FROEHLICH).

Mr. FROEHLICH. Mr. Speaker, I thank the gentleman for yielding me this time.

The chairman asked some time ago "What is at issue here." Ladies and gentlemen of this Chamber, what is at issue here is letting the minority participate.

This is a very fundamental investigation in the history of this Nation. To this point the minority has not, in all fairness, been able to participate.

I agree wholeheartedly with the words of the chairman of the Committee on the Judiciary, but in my opinion his actions do not coincide with his words. He told us on the floor today that there were seven or eight mail clerks hired. Last night the first information we got was his staff said there were 14 individuals working: 5 GAO, 3 committee lawyers part time, and 2 committee lawyers full time, and 1 office manager, 2 secretaries, and 1 messenger.

We do not even know what the true facts are, that is the problem.

The ranking Republican was not consulted on the $2 million, or the $1.5 million, or the $1 million, or the staffing schedule. They just assured us that we would get some part of the staff when it was hired.

So what are we asking you for? We are asking you not to make this partisan, not to take the lead without letting us know what is going on, but let us at least have an opportunity to express our opinion. But up to this point in the investigation that has not happened.

Let us make it bipartisan. Let us put aside the squabbles. Let us preserve cool impartiality, and then let us start talking, let us start meeting. Let us know what is what, and let us know what is going on.

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

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

Mr. BROWN of Michigan. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, I would like to address my remarks to the chairman of the Committee on the Judiciary, for whom I have high respect. In this Congress, the minority has a precedent on this issue before it. That precedent was established when the majority of the Members on the other side of the aisle voted for the Congressional Reorganization Act which provided that one-third of the money allocated to a committee would be usable for minority staffing. Nevertheless, at the very commencement of the next session of the Congress after the majority on that side of the aisle had voted to enact that legislation into public law, that same majority turned around and in its caucus bound its members to deny to the minority one-third of the staff, and violated the provisions of that public law. I suggest, Mr. Speaker, that, even though the chairman of the Judiciary Committee has agreed informally with the minority today, if his caucus says tomorrow that he cannot perform on his promise, he will not. And, in view of this precedent, the Members on the other side of the aisle should show their good faith by putting the allocation of staff funding in the resolution itself.

Mr. HAYS. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. RAILSBACK) for the purpose of debate only.

Mr. RAILSBACK. Mr. Speaker, I want to thank the gentleman from Ohio for yielding to me. I want to address a question, if I may, to the chairman of the Committee on the Judiciary, the gentleman from New Jersey (Mr. RODINO).

Mr. Chairman, did you—and forgive me if I am in error in what I understood you to say—but when you were engaging in a colloquy with the gentleman from Michigan (Mr. HUTCHINSON) did I understand the gentleman to say that he was willing to give him the assurances that he did privately? Or what, exactly, did the gentleman say?

Mr. RODINO. Mr. Speaker, if the gentleman will yield, I stated that. I stated so, and that is notwithstanding the action of the caucus.

Mr. RAILSBACK. Mr. Speaker, then I would say, for myself—and I can understand how people object to the $1 million figure, and so forth, but if you have given us those assurances, then I, for one, intend to vote for the resolution because I trust the gentleman.

Mr. CEDERBERG. Mr. Speaker, if the gentleman will yield, I am not so impressed on the question of staffing. I am more interested in supplying the dollars, and I read on page 2 of the resolution:

> Not to exceed $500,000 of the total amount provided by this resolution may be used to procure the temporary or intermittent services——

Mr. RAILSBACK. Mr. Speaker, if I may interrupt, if the gentleman will talk with the gentleman from Michigan (Mr. HUTCHINSON) he will find, as I am told, that it represents the money, rather than just staffing. In other words, what the gentleman is talking about is money.

Mr. CEDERBERG. Then the gentleman is talking about money, not staff, because it is money no matter whose staff it is.

Mr. RAILSBACK. I am not talking about the money, because these men will be staff.

Mr. McCLORY. Mr. Speaker, if the gentleman will yield, I would feel more confident if the chairman would meet with the Committee on the Judiciary so that we would know where we stood as to the $1 million. That is more important to me than voting $1 million for an expanded staff about which there has not been any testimony in the committee. We should have assurances as to where we are going with this inquiry and the subjects and scope of the inquiry as well as a time when the inquiry is to be concluded.

Mr. YOUNG of Florida. Mr. Speaker, if the gentleman would yield, I would like to raise a question of concern on what the gentleman from Ohio stated earlier. The gentleman from Ohio made the statement a moment or so ago that this investigation might last until the end of President Nixon's term, and that does bother me. I am wondering if we are looking at a 3-year fishing expedition rather than an investigation on the part of the Committee on the Judiciary.

Mr. HAYS. Mr. Speaker, if the gentleman will yield, I was referring to the fact about the way you kept dragging your feet and filibustering, that if that continued it might turn out that way. I hope it does not.

In an effort to be fair, I will yield two-thirds of the time to the minority, and I will yield 4 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. I thank the gentleman from Ohio. I appreciate his generosity.

Mr. Speaker, I regret that we are proceeding today on an exceedingly important matter in the worst possible way. We are coming here and we are asking for $1 million for the Committee on the Judiciary to follow out its investigation on the possible impeachment of the President. One would think a matter of that importance and magnitude would be taken up by that committee in a meeting of the committee, but I regret to say, because I do have the highest regard and respect and friendship for the gentleman who is the chairman of that committee, that for some reason this exceedingly important matter has not been once discussed by the committee which is now seeking the $1 million. We have not only not discussed impeachment, except for the subpena power; we have not decided to do anything about it as a committee; but we have never talked about this request for money.

Mr. Speaker, I do not oppose an inquiry. A preliminary inquiry is going on actively, and I am in favor of it. If we need more money as time goes on and facts are developed, we can come here and get money, but this is premature. One million dollars is too much for openers. It is not the question of the money so much as it is the question of the effect. This House is not ready today by any means to vote an impeachment. The people are not ready for any such thing.

But when we start spending $1 million, although it is not intended, and I am sure of that, there is the danger that it begins to predetermine the result, because, Mr. Speaker, we have to justify spending $1 million. How are we going to do it unless we bring forth some kind of a tangible result? I do not oppose an inquiry, but I do not think my people at home, Democrat or Republican, want me to go home at this point and tell them that I voted $1 million of their money for the impeachment or the possible impeachment of the President of the United States.

This resolution is improvident; it is premature, it is too much too soon; and I regret to say, in view of some of the remarks made over here—not by our chairman, of course, but by the distinguished majority leader—that we have a

reason to wonder about partisanship in this matter.

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

Mr. DENNIS. I yield to our distinguished majority leader, the gentleman from Massachusetts.

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

Mr. Speaker, if it were not for the scandalous action on the part of the administration, it would not cost anything.

Mr. DENNIS. Mr. Speaker, I am not defending everything the administration has done; I am talking about whether we ought to come in here and ask for $1 million at this time, on this resolution, without ever discussing it or considering it in the committee concerned.

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

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

Mr. WIGGINS. I thank the gentleman for yielding.

I address this question to the chairman of the full committee. Would the chairman yield to me at the conclusion of the gentleman's remarks for the purpose of offering an amendment?

Mr. HAYS. I will not yield for the purpose of offering an amendment. I know generally the substance of the amendment. The chairman of the committee has publicly gone beyond that.

The SPEAKER. The time of the gentleman has expired.

Mr. HAYS. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I have yielded now about 50 minutes. Thirty-three minutes have gone to the minority. I just want to make one comment and then I am going to move the previous question.

The gentleman who just spoke talked about this wasteful $1 million. That is just exactly the same amount that it cost to redecorate the interior of the President's plane when somebody did not like the way it was done the first time, so I think it is a rather minuscule amount of money. It is not being appropriated to convict the President. It may well be appropriated to clear the air.

I will go along with my colleague on the conference committee the other day, the Senator from Vermont, Mr. GEORGE AIKEN. He said, Let us either present a bill of impeachment or get off his back.

Mr. Speaker, I think the matter ought to be settled one way or the other, and I think it ought to be settled expeditiously. I think it ought to be settled on the evidence, whatever that may be.

Mr. FINDLEY. Mr. Speaker, my experience over the years with the gentleman from New Jersey (Mr. RODINO) convinces me that he will provide able, fair leadership in the investigation of Presidential conduct. I am confident he will cooperate in all vital questions by consulting the gentleman from Michigan (Mr. HUTCHINSON) and will proceed expeditiously to dispose of the investigation.

Mr. LEGGETT. Mr. Speaker, today we face the first test of whether the House of Representatives intends to live up to its responsibilities with respect to the power of impeachment.

The polls consistently show a majority of the American people feeling President Nixon should not continue in office. Whether he should be removed in the event he does not resign is something only the Congress can determine. And determine it we must. Mr. Nixon cannot govern effectively in his present state of limbo. His domestic and international credibility has been reduced to an intolerable degree. He must be either given a clean bill of health or removed.

We can neither exonerate nor impeach without a thorough investigation of the very long list of impeachable actions of which Mr. Nixon has been accused. And we cannot do either without a substantial staff of vigorous and capable investigators.

The Special Prosecutor's task force cannot do the job; their main thrust involves suspects other than Mr. Nixon. Moreover, they are confined to explicit indictable violations of Federal criminal law, whereas an impeachment investigation must also look into nonfelonious high misdemeanors.

Nor can the Judiciary Committee's existing staff do the job. These people have their hands full dealing with the normal business of the committee. In any case, they are not investigators or prosecutors by experience.

We must hire a full task force of energetic and competent professionals. The requested appropriation of $1 million, which presumably would be expended over a 6-month period, will hire a force roughly comparable to that now employed by Special Prosecutor Jaworski.

We can do no less.

Mr. HAYS. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on ordering the previous question.

Mr. DICKINSON. 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 233, nays 186, not voting 14, as follows:

[Roll No. 588]

YEAS—233

Abzug	Casey, Tex.	Flood
Adams	Chappell	Flowers
Addabbo	Chisholm	Flynt
Alexander	Clark	Foley
Anderson, Calif.	Cohen	Ford, William D.
Andrews, N.C.	Conyers	Fountain
Annunzio	Corman	Fraser
Ashley	Cotter	Fulton
Aspin	Cronin	Fuqua
Badillo	Culver	Gaydos
Barrett	Daniels, Dominick V.	Gettys
Bennett	Danielson	Giaimo
Bergland	Davis, Ga.	Gibbons
Bevill	Davis, S.C.	Ginn
Blaggi	de la Garza	Gonzalez
Biester	Delaney	Gray
Bingham	Dellums	Green, Oreg.
Blatnik	Denholm	Green, Pa.
Boggs	Dent	Griffiths
Boland	Derwinski	Gude
Bolling	Diggs	Gunter
Brademas	Dingell	Haley
Brasco	Donohue	Hamilton
Breaux	Dorn	Hanley
Breckinridge	Downing	Hanna
Brooks	Drinan	Hansen, Wash.
Brown, Calif.	Dulski	Hawkins
Burke, Mass.	Eckhardt	Hays
Burleson, Tex.	Edwards, Calif.	Hébert
Burlison, Mo.	Eilberg	Hechler, W. Va.
Burton	Evans, Colo.	Heckler, Mass.
Carey, N.Y.	Evins, Tenn.	Helstoski
Carney, Ohio	Fascell	Henderson
Hicks	Morgan	Sarbanes
Holifield	Moss	Schroeder
Holtzman	Murphy, Ill.	Seiberling
Howard	Murphy, N.Y.	Shipley
Hungate	Natcher	Sikes
Johnson, Calif.	Nedzi	Slack
Jones, Ala.	Nichols	Smith, Iowa
Jones, N.C.	Nix	Staggers
Jones, Okla.	Obey	Stanton, James V.
Jones, Tenn.	O'Hara	Stark
Jordan	O'Neill	Steed
Karth	Owens	Steele
Kastenmeier	Patman	Stephens
Kazen	Patten	Stokes
Kluczynski	Pepper	Stratton
Koch	Perkins	Stubblefield
Kyros	Peyser	Stuckey
Landrum	Pickle	Studds
Leggett	Pike	Sullivan
Lehman	Podell	Symington
Long, La.	Preyer	Taylor, N.C.
Long, Md.	Price, Ill.	Teague, Tex.
Lujan	Railsback	Thompson, N.J.
McCormack	Randall	Thornton
McFall	Rangel	Tiernan
McKay	Rarick	Udall
McSpadden	Rees	Ullman
Macdonald	Reid	Vanik
Madden	Reuss	Vigorito
Madigan	Riegle	Waggonner
Mahon	Rinaldo	Waldie
Mann	Roberts	Whalen
Mathis, Ga.	Rodino	White
Matsunaga	Roe	Wilson, Charles H., Calif.
Mazzoli	Rogers	Wilson, Charles, Tex.
Meeds	Roncalio, Wyo.	Wolff
Melcher	Rooney, Pa.	Wright
Metcalfe	Rose	Yates
Mezvinsky	Rosenthal	Yatron
Milford	Rostenkowski	Young, Ga.
Minish	Roy	Young, Tex.
Mink	Roybal	Zablocki
Mitchell, Md.	Runnels	
Moakley	Ryan	
Mollohan	St Germain	
Moorhead, Pa.	Sandman	

NAYS—186

Abdnor	Eshleman	Mailliard
Anderson, Ill.	Findley	Mallary
Andrews, N. Dak.	Fish	Maraziti
Archer	Fisher	Martin, N.C.
Arends	Ford, Gerald R.	Mathias, Calif.
Armstrong	Forsythe	Mayne
Ashbrook	Frelinghuysen	Michel
Bafalis	Frenzel	Miller
Baker	Frey	Minshall, Ohio
Bauman	Froehlich	Mitchell, N.Y.
Beard	Gilman	Mizell
Bell	Goldwater	Montgomery
Bowen	Goodling	Moorhead, Calif.
Bray	Grasso	Mosher
Brinkley	Gross	Myers
Broomfield	Grover	Nelsen
Brotzman	Gubser	O'Brien
Brown, Mich.	Guyer	Parris
Brown, Ohio	Hammer-schmidt	Passman
Broyhill, N.C.	Hanrahan	Pettis
Broyhill, Va.	Hansen, Idaho	Poage
Burgener	Harrington	Powell, Ohio
Burke, Fla.	Harsha	Price, Tex.
Butler	Hastings	Pritchard
Byron	Heinz	Quie
Camp	Hillis	Quillen
Carter	Hinshaw	Regula
Cederberg	Hogan	Robinson, Va.
Chamberlain	Holt	Robison, N.Y.
Clancy	Horton	Roncallo, N.Y.
Clausen, Don H.	Hosmer	Roush
Clawson, Del	Huber	Rousselot
Cleveland	Hudnut	Ruppe
Cochran	Hunt	Ruth
Collier	Hutchinson	Sarasin
Collins, Tex.	Ichord	Satterfield
Conable	Jarman	Scherle
Conlan	Johnson, Colo.	Schneebeli
Conte	Johnson, Pa.	Sebelius
Coughlin	Keating	Shoup
Crane	Kemp	Shriver
Daniel, Dan	Ketchum	Shuster
Daniel, Robert W., Jr.	King	Skubitz
Dellenback	Kuykendall	Smith, N.Y.
Dennis	Landgrebe	Snyder
Devine	Latta	Spence
Dickinson	Lent	Stanton, J. William
Duncan	Lott	Steelman
du Pont	McClory	Steiger, Ariz.
Edwards, Ala.	McCloskey	Steiger, Wis.
Erlenborn	McCollister	Symms
Esch	McDade	Talcott
	McEwen	Taylor, Mo.
	McKinney	

Teague, Calif.	Ware	Wydler
Thomson, Wis.	Whitehurst	Wylie
Thone	Whitten	Wyman
Towell, Nev.	Widnall	Young, Alaska
Treen	Wiggins	Young, Fla.
Vander Jagt	Williams	Young, Ill.
Veysey	Wilson, Bob	Young, S.C.
Walsh	Winn	Zion
Wampler	Wyatt	Zwach

NOT VOTING—14

Blackburn	Davis, Wis.	Rhodes
Buchanan	Harvey	Rooney, N.Y.
Burke, Calif.	Litton	Sisk
Clay	Martin, Nebr.	Van Deerlin
Collins, Ill.	Mills, Ark.	

So the previous question was ordered.

The Clerk announced the following pairs:

On this vote:

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

Mr. Van Deerlin for, with Mr. Martin of Nebraska against.

Mr. Sisk for, with Mr. Buchanan against.

Mrs. Burke of California for, with Mr. Harvey against.

Mrs. Collins of Illinois for, with Mr. Blackburn against.

Mr. Clay for, with Mr. Davis of Wisconsin against.

Until further notice:

Mr. Litton with Mr. Mills of Arkansas.

The result of the vote was announced as above recorded.

MOTION TO RECOMMIT OFFERED BY MR. DICKINSON

Mr. DICKINSON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the resolution?

Mr. DICKINSON. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. DICKINSON moves to recommit the Resolution, H. Res. 702, to the Committee on House Administration with instructions that the Committee report back forthwith the resolution with the following amendment: On page 2, line 21, add the following new sections:

SEC. 4. Not less than one-third of the funds authorized by this Resolution shall be available to the Minority for the purposes authorized by the first section.

SEC. 5. No part of the funds authorized by this resolution shall be available for expenditure hereunder until the Committee on the Judiciary shall have defined the nature and scope of such studies and investigations.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

PARLIAMENTARY INQUIRY

Mr. DICKINSON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. DICKINSON. Mr. Speaker, am I not entitled to 5 minutes as the Member offering this motion to recommit?

The SPEAKER. The Chair will advise the gentleman that that procedure is not applicable on a motion to recommit a simple resolution.

Mr. DICKINSON. Mr. Speaker, is that also true when there are instructions in the motion to recommit?

The SPEAKER. The Chair will advise the gentleman that the procedure permitting 10 minutes of debate on a motion to recommit with instructions only applies to bills and joint resolutions.

The question is on the motion to recommit offered by the gentleman from Alabama (Mr. DICKINSON).

RECORDED VOTE

Mr. McCLORY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 190, noes 227, not voting 16, as follows:

[Roll No. 589]

AYES—190

Abdnor	Goodling	Poage
Anderson, Ill.	Gross	Powell, Ohio
Andrews, N. Dak.	Grover	Price, Tex.
Archer	Gubser	Pritchard
Arends	Guyer	Quie
Armstrong	Hamilton	Quillen
Ashbrook	Hammer-schmidt	Regula
Bafalis	Hanrahan	Rinaldo
Baker	Hansen, Idaho	Robinson, Va.
Bauman	Harsha	Robison, N.Y.
Beard	Hastings	Roncallo, N.Y.
Bowen	Hechler, W. Va.	Roush
Bray	Heinz	Rousselot
Brinkley	Hillis	Ruppe
Broomfield	Hinshaw	Ruth
Brotzman	Hogan	Sandman
Brown, Mich.	Holt	Sarasin
Brown, Ohio	Horton	Satterfield
Broyhill, N.C.	Hosmer	Scherle
Broyhill, Va.	Huber	Schneebeli
Burgener	Hudnut	Sebelius
Burke, Fla.	Hunt	Shoup
Butler	Hutchinson	Shriver
Byron	Jarman	Shuster
Camp	Johnson, Colo.	Skubitz
Carter	Johnson, Pa.	Smith, N.Y.
Cederberg	Jones, Okla.	Snyder
Chamberlain	Keating	Spence
Clancy	Kemp	Stanton, J. William
Clausen, Don H.	Ketchum	Steele
Clawson, Del	King	Steelman
Cleveland	Kuykendall	Steiger, Ariz.
Cochran	Latta	Steiger, Wis.
Collier	Lent	Symms
Collins, Tex.	Lott	Talcott
Conable	Lujan	Taylor, Mo.
Conlan	McClory	Teague, Calif.
Conte	McCloskey	Thomson, Wis.
Coughlin	McCollister	Thone
Crane	McEwen	Towell, Nev.
Cronin	McKinney	Treen
Daniel, Dan	McSpadden	Vander Jagt
Daniel, Robert W., Jr.	Madigan	Veysey
Dellenback	Mailliard	Walsh
Dennis	Mallary	Wampler
Devine	Maraziti	Ware
Dickinson	Martin, N.C.	Whitehurst
Duncan	Mathias, Calif.	Whitten
Edwards, Ala.	Mayne	Widnall
Erlenborn	Michel	Wiggins
Esch	Miller	Williams
Eshleman	Minshall, Ohio	Wilson, Bob
Findley	Mitchell, N.Y.	Winn
Fish	Mizell	Wyatt
Fisher	Montgomery	Wydler
Ford, Gerald R.	Moorhead, Calif.	Wylie
Forsythe	Mosher	Wyman
Frelinghuysen	Myers	Young, Alaska
Frenzel	Nelsen	Young, Fla.
Frey	O'Brien	Young, Ill.
Froehlich	Parris	Young, S.C.
Gilman	Passman	Zion
Goldwater	Pettis	Zwach
	Peyser	

NOES—227

Abzug	Biester	Carney, Ohio
Adams	Bingham	Casey, Tex.
Addabbo	Blatnik	Chappell
Alexander	Boggs	Chisholm
Anderson, Calif.	Boland	Clark
Andrews, N.C.	Bolling	Cohen
Annunzio	Brademas	Conyers
Ashley	Brasco	Corman
Aspin	Breaux	Cotter
Badillo	Breckinridge	Culver
Barrett	Brooks	Daniels, Dominick V.
Bell	Brown, Calif.	Danielson
Bennett	Burke, Mass.	Davis, Ga.
Bergland	Burleson, Tex.	Davis, S.C.
Bevill	Burlison, Mo.	de la Garza
Biaggi	Burton	Delaney
	Carey, N.Y.	
Dellums	Jordan	Reuss
Denholm	Karth	Riegle
Derwinski	Kastenmeier	Roberts
Diggs	Kazen	Rodino
Dingell	Kluczynski	Roe
Donohue	Koch	Rogers
Dorn	Kyros	Roncalio, Wyo.
Downing	Landgrebe	Rooney, Pa.
Drinan	Landrum	Rose
Dulski	Leggett	Rosenthal
du Pont	Lehman	Rostenkowski
Eckhardt	Long, La.	Roy
Edwards, Calif.	Long, Md.	Roybal
Eilberg	McCormack	Runnels
Evans, Colo.	McDade	Ryan
Evins, Tenn.	McFall	St Germain
Fascell	McKay	Sarbanes
Flood	Macdonald	Schroeder
Flowers	Madden	Seiberling
Flynt	Mahon	Shipley
Foley	Mann	Sikes
Ford, William D.	Matsunaga	Slack
Fountain	Mazzoli	Smith, Iowa
Fraser	Meeds	Staggers
Fulton	Melcher	Stanton, James V.
Fuqua	Metcalfe	Stark
Gaydos	Mezvinsky	Steed
Gettys	Milford	Stephens
Giaimo	Minish	Stokes
Gibbons	Mink	Stratton
Ginn	Mitchell, Md.	Stubblefield
Gonzalez	Moakley	Stuckey
Grasso	Mollohan	Studds
Gray	Moorhead, Pa.	Sullivan
Green, Oreg.	Morgan	Symington
Green, Pa.	Moss	Taylor, N.C.
Griffiths	Murphy, Ill.	Teague, Tex.
Gude	Murphy, N.Y.	Thompson, N.J.
Gunter	Natcher	Thornton
Haley	Nedzi	Tiernan
Hanley	Nichols	Udall
Hanna	Nix	Ullman
Hansen, Wash.	Obey	Vanik
Harrington	O'Hara	Vigorito
Hawkins	O'Neill	Waggonner
Hays	Owens	Waldie
Hébert	Patman	Whalen
Heckler, Mass.	Patten	White
Helstoski	Pepper	Wilson, Charles H., Calif.
Henderson	Perkins	Wilson, Charles, Tex.
Hicks	Pickle	Wolff
Holifield	Pike	Wright
Holtzman	Podell	Yates
Howard	Preyer	Yatron
Hungate	Price, Ill.	Young, Ga.
Ichord	Railsback	Young, Tex.
Johnson, Calif.	Randall	Zablocki
Jones, Ala.	Rangel	
Jones, N.C.	Rarick	
Jones, Tenn.	Rees	
	Reid	

NOT VOTING—16

Blackburn	Dent	Rhodes
Buchanan	Harvey	Rooney, N.Y.
Burke, Calif.	Litton	Sisk
Clay	Martin, Nebr.	Van Deerlin
Collins, Ill.	Mathis, Ga.	
Davis, Wis.	Mills, Ark.	

So the motion to recommit was rejected.

The Clerk announced the following pairs:

On this vote:

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

Mr. Van Deerlin for, with Mr. Martin of Nebraska, against.

Mr. Sisk for, with Mr. Blackburn against.

Mr. Dent for, with Mr. Buchanan against.

Mrs. Burke of California for, with Mr. Davis of Wisconsin against.

Mrs. Collins of Illinois for, with Mr. Harvey against.

Until further notice:

Mr. Mills of Arkansas with Mr. Litton.

Mr. Mathis of Georgia with Mr. Clay.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

RECORDED VOTE

Mr. McCLORY. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 367, noes 51, not voting 15, as follows:

[Roll No. 590]

AYES—367

Abdnor	Drinan	Leggett
Abzug	Dulski	Lehman
Adams	Duncan	Lent
Addabbo	du Pont	Long, La.
Alexander	Eckhardt	Long, Md.
Anderson, Calif.	Edwards, Ala.	Lujan
	Edwards, Calif.	McCloskey
Anderson, Ill.	Eilberg	McCollister
Andrews, N.C.	Erlenborn	McCormack
Andrews, N. Dak.	Esch	McDade
	Eshleman	McEwen
Annunzio	Evans, Colo.	McFall
Archer	Evins, Tenn.	McKay
Arends	Fascell	McKinney
Armstrong	Findley	McSpadden
Ashley	Fish	Macdonald
Aspin	Fisher	Madden
Badillo	Flood	Madigan
Bafalis	Flowers	Mahon
Barrett	Flynt	Mailliard
Bauman	Foley	Mallary
Bell	Ford, Gerald R.	Mann
Bennett	Ford, William D.	Maraziti
Bergland		Martin, N.C.
Bevill	Forsythe	Mathias, Calif.
Biaggi	Fountain	Matsunaga
Biester	Fraser	Mazzoli
Bingham	Frelinghuysen	Meeds
Blatnik	Frenzel	Melcher
Boggs	Frey	Metcalfe
Boland	Froehlich	Mezvinsky
Bolling	Fulton	Milford
Bowen	Fuqua	Miller
Brademas	Gaydos	Minish
Brasco	Gettys	Mink
Breaux	Giaimo	Minshall, Ohio
Breckinridge	Gibbons	Mitchell, Md.
Brinkley	Gilman	Mitchell, N.Y.
Brooks	Ginn	Mizell
Broomfield	Goldwater	Moakley
Brotzman	Gonzalez	Mollohan
Brown, Calif.	Grasso	Moorhead, Pa.
Brown, Mich.	Gray	Morgan
Brown, Ohio	Green, Oreg.	Mosher
Broyhill, N.C.	Green, Pa.	Moss
Broyhill, Va.	Griffiths	Murphy, Ill.
Burgener	Grover	Murphy, N.Y.
Burke, Fla.	Gubser	Natcher
Burke, Mass.	Gude	Nedzi
Burleson, Tex.	Gunter	Nichols
Burlison, Mo.	Guyer	Nix
Burton	Haley	Obey
Butler	Hamilton	O'Brien
Byron	Hanley	O'Hara
Carey, N.Y.	Hanna	O'Neill
Carney, Ohio	Hanrahan	Owens
Casey, Tex.	Hansen, Wash.	Parris
Chamberlain	Harrington	Passman
Chappell	Hastings	Patman
Chisholm	Hawkins	Patten
Clark	Hays	Pepper
Clausen, Don H.	Hechler, W. Va.	Perkins
	Heckler, Mass.	Pettis
Cleveland	Heinz	Peyser
Cohen	Helstoski	Pickle
Collier	Henderson	Pike
Collins, Tex.	Hicks	Poage
Conable	Hillis	Podell
Conlan	Holifield	Powell, Ohio
Conte	Holt	Preyer
Conyers	Holtzman	Price, Ill.
Corman	Horton	Price, Tex.
Cotter	Howard	Pritchard
Coughlin	Hungate	Quie
Crane	Hunt	Railsback
Cronin	Hutchinson	Randall
Culver	Ichord	Rangel
Daniel, Dan	Jarman	Rees
Daniel, Robert W., Jr.	Johnson, Calif.	Regula
	Johnson, Colo.	Reid
Daniels, Dominick V.	Johnson, Pa.	Reuss
	Jones, Ala.	Riegle
Danielson	Jones, N.C.	Rinaldo
Davis, Ga.	Jones, Okla.	Roberts
Davis, S.C.	Jones, Tenn.	Robinson, Va.
de la Garza	Jordan	Robison, N.Y.
Delaney	Karth	Rodino
Dellenback	Kastenmeier	Roe
Dellums	Kazen	Rogers
Denholm	Kemp	Roncalio, Wyo.
Dent	King	Roncallo, N.Y.
Derwinski	Kluczynski	Rooney, Pa.
Diggs	Koch	Rose
Dingell	Kuykendall	Rosenthal
Donohue	Kyros	Rostenkowski
Dorn	Landrum	Roush
Downing	Latta	Rousselot
Roy	Steele	Wampler
Roybal	Steelman	Ware
Runnels	Steiger, Wis.	Whalen
Ruppe	Stephens	White
Ruth	Stokes	Whitehurst
Ryan	Stratton	Whitten
St Germain	Stubblefield	Widnall
Sandman	Stuckey	Williams
Sarasin	Studds	Wilson, Bob
Sarbanes	Sullivan	Wilson, Charles H., Calif.
Satterfield	Symington	
Schneebeli	Talcott	
Schroeder	Taylor, N.C.	Wilson, Charles, Tex.
Seiberling	Teague, Calif.	
Shipley	Teague, Tex.	Winn
Shoup	Thompson, N.J.	Wolff
Shriver	Thomson, Wis.	Wright
Sikes	Thone	Wyatt
Skubitz	Thornton	Wydler
Slack	Tiernan	Yates
Smith, Iowa	Towell, Nev.	Yatron
Smith, N.Y.	Udall	Young, Alaska
Staggers	Ullman	Young, Fla.
Stanton, J. William	Vander Jagt	Young, Ga.
	Vanik	Young, Ill.
Stanton, James V.	Veysey	Young, Tex.
	Vigorito	Zablocki
Stark	Waldie	Zion
Steed	Walsh	Zwach

NOES—51

Ashbrook	Harsha	Nelsen
Baker	Hébert	Quillen
Beard	Hinshaw	Rarick
Bray	Hogan	Scherle
Camp	Hosmer	Sebelius
Carter	Huber	Shuster
Cederberg	Hudnut	Snyder
Clancy	Keating	Spence
Clawson, Del	Ketchum	Steiger, Ariz.
Cochran	Landgrebe	Symms
Dennis	Lott	Taylor, Mo.
Devine	McClory	Treen
Dickinson	Mayne	Waggonner
Goodling	Michel	Wiggins
Gross	Montgomery	Wylie
Hammer-schmidt	Moorhead, Calif.	Wyman
		Young, S.C.
Hansen, Idaho	Myers	

NOT VOTING—15

Blackburn	Davis, Wis.	Mills, Ark.
Buchanan	Harvey	Rhodes
Burke, Calif.	Litton	Rooney, N.Y.
Clay	Martin, Nebr.	Sisk
Collins, Ill.	Mathis, Ga.	Van Deerlin

So the resolution was agreed to.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Rhodes.

Mr. Van Deerlin with Mr. Mathis of Georgia.

Mr. Sisk with Mr. Clay.

Mrs. Burke of California with Mr. Buchanan.

Mr. Mills of Arkansas with Mr. Martin of Nebraska.

Mrs. Collins of Illinois with Mr. Blackburn.

Mr. Litton with Mr. Davis of Wisconsin.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. HAYS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just agreed to.

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

There was no objection.

PERSONAL EXPLANATION

Mr. LATTA. Mr. Speaker, on rollcall 585, on yesterday, the vote on H.R. 11459, military construction appropriations for 1974, I am recorded as not being present.

I was present and voted "aye," and it is my wish that the permanent RECORD could be corrected accordingly.

The SPEAKER. The gentleman's statement showing his vote will appear. The Chair does not have authority to change an actual vote.

SOCIAL SECURITY BENEFITS INCREASE

Mr. ULLMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 11333) to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Oregon (Mr. ULLMAN).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 11333, with Mr. DINGELL in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on yesterday, all time for general debate on the bill had expired. Under the rule, the bill is considered as having been read for amendment. No amendments are in order to the bill except as offered by direction of the Committee on Ways and Means, and an amendment proposing to strike out the provisions on page 11, lines 11 through 22, of the bill.

Are there any committee amendments to be offered at this time?

Mr. ULLMAN. Mr. Chairman, there are no committee amendments.

AMENDMENT OFFERED BY MRS. GRIFFITHS

Mrs. GRIFFITHS. Mr. Chairman, I offer an amendment.

Mr. Chairman, I ask for immediate consideration of the amendment. It is in order under the rule.

The CHAIRMAN. The Clerk will report the amendment offered under the rule.

The Clerk read as follows:

Amendment offered by Mrs. GRIFFITHS: On page 11, strike out line 11 through line 22.

The CHAIRMAN. The gentlewoman from Michigan is recognized for 5 minutes in support of her amendment.

Mrs. GRIFFITHS. Mr. Chairman, this amendment strikes out the hold-harmless part of this bill under SSI. I would like to explain to you what the hold-harmless provision would do.

The hold-harmless would add 175 million Federal dollars to six States, and those dollars would be divided: $66.5 million into the State of California next year, $56 million to New York, $21 million to Massachusetts, $15.8 million to Wisconsin, $12.2 million to New Jersey, and $3.5 million to Michigan, my own State. Pennsylvania, Hawaii, and Nevada would get $1 million among them, and Rhode Island would get nothing. No other State would get anything, either.

Last year we set up the new SSI program giving $195 a month for an elderly couple. We have now raised that amount to $205 before the program ever becomes effective. It will begin on January 1, 1974.

Now the State of California pays to that old couple $394. This amendment would permit them to increase their payment to $409 for that couple, subsidized by Federal funds, but 40 States will pay $210 only.

I would like to point out to you that the maximum social security in the United States payable to anyone would give to that same couple $399.15 as opposed to $409 under SSI.

The average social security in California is $243.20 for a couple. In New York they would be permitted to raise their SSI payment from $294.51 SSI payment to $309.51. Massachusetts from $340.30 to $355.30, Wisconsin from $329 to $344, New Jersey from $245 to $260, and Michigan from $240 to $255, all subsidized by Federal funds, above the $210 paid to all other couples.

Federal money would participate in making all of these payments, but in your States, if you are not from one of these States, your State, if it raises that payment one penny above $210 a month, your State's taxpayers will pay it alone. Your State's taxpayers will first contribute $175 million to insure that everybody in California, New York, Massachusetts, Wisconsin, New Jersey, and Michigan get higher payments than anybody else in the country. But if you pay anything more than $210, you will pay it alone.

In my judgment, this defeats the purpose of SSI. Federal taxpayers' money should be used to treat all people fairly. If we are going to spend $175 million of the taxpayers' money, then why do we not spend that money equally and equitably among the poorest in the United States, which theoretically would be the people in the other States drawing $210.

However, in fact, in most of these States the poorest people can be those people drawing social security who have a little money earned and cannot receive supplemental security income because they cannot pass the asset test. I received a letter from a woman in New York who was drawing $123 in social security. She could get no other funds. That woman would be far better off if she refused to take the social security and took SSI, which now pays in New York for a single person $159.

But that woman's mistake was that she had saved $2,000. She is not entitled to one additional thing because she has that money. She cannot have medicaid, she cannot get any SSI. She was too thrifty. That is the inequity of the whole system.

If the Members vote against my amendment they are voting to tax their taxpayers in their States to raise the payments in six States far above $210, and let the Federal taxpayers from every State pay for it.

I urge the Members to vote for my amendment; for equity and for fairness among all the people of the United States.

The CHAIRMAN. Under the rule, the opponents to the amendment are entitled to 5 minutes.

Mr. ULLMAN. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from Michigan (Mrs. GRIFFITHS).

Mr. Chairman, I want to make it very clear that the committee was divided on this issue, and that the purpose of requesting a rule that would allow the gentlewoman from Michigan (Mrs. GRIFFITHS) to bring this amendment to the floor was to have the House work its will on this particular issue.

Let me very briefly read the official committee position from the report:

The Congress, in developing the supplemental security income program, established a uniform benefit structure which was regarded as the Federal responsibility. It recognized that States might wish to add to the amount of the Federal benefit because of living arrangements, high living costs and other factors.

And I think this is crucial:

However, its clear and unequivocal intention was that such payments would be a State responsibility and wholly State financed. A "hold harmless" provision was included—

This was in 1972, when we set up the program—

because of the uncertainty of costs of trying to maintain benefit levels comparable to what the States have been paying. However, it was not intended that modification of total income be assured. Notwithstanding this general philosophy, at this late date, your committee does not believe that all States can shift their financial planning before January 1. The bill accordingly provides that during the calendar year 1974—

And only for 1 year—

the "adjusted payment level" computed for purposes of the "hold harmless" provision may be raised by the amount of the January increase in SSI benefits ($10 for individuals and $15 for couples).

Mr. Chairman, I would now like to yield to our distinguished colleague, the gentleman from California (Mr. CORMAN) the balance of my time.

Mr. CORMAN. Mr. Chairman, I thank the gentleman for yielding me this time. I just want to point out that the committee very carefully sought to give to every aged, blind and disabled person who comes under the SSI program in January a $10 increase, no matter in what State they live. Without that, the aged, blind and disabled who live in the 40 smaller States will receive $10 of new Federal money, but those in the 10 most populous States will not.

Let me try to draw a quick comparison on what we are talking about.

In California under the existing adult assistance program, an aged person, a blind person, or a disabled person gets $7.36 a day to live on; in New York, $6.90; in Michigan, $6.66.

I would just like to say how much I live on. I live on $73.33 a day. If the Secretary of the Department of Health, Education, and Welfare pays the same rate of income tax as I do, he lives on $101 a day. If the President pays the same income tax rate—and that seems to be in doubt—he lives on $339.73 a day.

Now, there is not very much similarity among the groups I am talking about, but there is this: First of all, we are all getting our money from the U.S. Treasury; second, we all pay exactly the same amount of money for a quart of milk and a loaf of bread.

I urge the Members to think about this for a moment—think about those people who are trying to live on $6.90 a day, and give them this 33 cent per day increase. That is the only issue.

Mr. Chairman, I urge the Members to support the committee and to vote down the Griffiths amendment.

Mr. DOMINICK V. DANIELS. Mr. Chairman, I rise in support of H.R. 11333, a bill to provide a two-step, 11-percent cost-of-living increase in social security benefits.

Mr. Chairman, when Public Law 93–66 was enacted in July, it provided a 5.9-percent cost-of-living increase applicable only to social security benefits payable for June 1974 through December 1974. This benefit increase was enacted as a sort of advance payment of the first automatic benefit which was scheduled under the bill to go into effect in January 1975.

Unfortunately, since July the cost of living has continued to soar in an uncontrolled fashion. For example, in July, August, and September the index rose at a seasonally adjusted rate of 10.3 percent. Even worse for the thousands of elderly persons in Hudson County, N.J., and other constituents living on fixed incomes, food prices have risen almost three times as fast.

Mr. Chairman, in my district we have people going hungry. I mean in the very literal sense of the word. A man from Kearny living on social security wrote me that he and his wife could not remember when they last had meat. He ended his letter with the plaintive words: "Help us, Mr. DANIELS, because we are hungry." Should this go on in rich fertile America? Should elderly people be forced to eat pet food and go without meals? God help us, Mr. Chairman, if this is the best we can do for our old people.

Mr. Chairman, I urge that this bill be passed and signed into law without delay. America's older citizens cannot wait. I ask all of my colleagues, Democrats and Republicans, who care about humanity, to join with me in passing this badly needed measure.

Mr. EDWARDS of California. Mr. Chairman, I wish to express my support for H.R. 11333, the two-step cost-of-living increase for social security recipients and an increase in the supplemental security program. I would like to urge my colleagues to vote in favor of this important legislation.

There are approximately 30 million individuals in this Nation who receive social security payments. These individuals, along with the rest of our Nation, have encountered a 28.8-percent increase in the food portion of the Consumer Price Index. But because of their fixed incomes, social security and supplemental security recipients will suffer greater hardships than the rest of us from the soaring increase in the cost of living. We must take action to alleviate this unfair situation. The 5.9-percent increase,

which we passed last July, will not meet their needs adequately in June 1974 if the Consumer Price Index continues to rise.

We can take great pride in the social security and SSI programs. We must continue to upgrade the programs in order to provide the security we have promised our aged, disabled, and blind citizens. Modifications must be made to meet the economic situation of 1974.

I do realize the fiscal impact of this increase; however, for the reasons I have stated, I believe this legislation should be passed, and, I urge my colleagues to support this measure.

Mr. BIAGGI. Mr. Chairman, I rise in opposition to the Griffiths amendment. Deletion of section 4c, as proposed, will severely damage this most important piece of legislation for older Americans.

In recent weeks I saw many elderly Americans in nursing homes and on the streets of New York. The one plea that came through loud and clear from these poor people was the need for more money with which to live. The meager income received from social security or small pension is just not sufficient to put a decent meal on the table, and live in a proper home.

Congress recognized this need and with this legislation will provide the increases necessary to help the older American at least keep pace with inflation. Now the gentlewoman from Michigan (Mrs. GRIFFITHS) wants to cut out any aid for these poorest of the poor by eliminating section 4c. While I understand her concern for perfection in this legislation, I do not think we can turn a cold heart to those elderly poor who will find this winter one of the hardest to get through.

Adoption of this amendment would have a particularly drastic effect on those progressive States, such as New York, which have consistently provided supplemental security income beneficiaries with reasonably adequate levels of income to keep them just above the poverty line.

Section 4c will permit a passthrough of 62.5 percent of the increase under the bill to the SSI recipient. But the gentlewoman from Michigan will have none of that. "Let the States pay," she says.

For New York it would mean additional State expenditures of almost $50 million to help the 270,000 blind and disabled citizens who depend so much on the SSI program. Such an expenditure would require a special session of the legislature to appropriate those funds even if they might be available. Rather than punishing those States who truly try to help their aged, we should be encouraging them to continue to provide adequate income levels.

Remember we are talking about people who worked hard all their lives and thought that their retirement would be adequately covered by the provisions they made. The policies of the Federal Government in the last 10 years, however, has created an inflationary bite the likes of which none of these people contemplated.

I do not see how we can push them aside now when they need our help. Voting for this proposal would be a vote to ignore the serious plight of hundreds of thousands of elderly poor. I do not intend to shy away from my responsibilities to these Americans. I hope my colleagues agree and will join with me in defeating this amendment.

Mrs. HOLT. Mr. Chairman, today we have enacted legislation which will provide needed increases in social security cash benefits and supplemental security income payments.

The enactment of these increased benefits will greatly aid our older Americans who are forced to subsist on fixed retirement incomes during this period of rapidly rising prices. However, there is one deserving group of people which will again be short changed—our veteran pensioners.

Under existing regulations, each increase in social security results in a reduction in pension benefits for many veterans. This classic example of the Government giving with one hand and extracting with the other, has been frequently discussed but the problem still exists. The Veterans" Affairs Committee must be commended for their efforts this session to increase monthly pension compensation.

However, this legislation, H.R. 11333, in my opinion provides only a temporary solution. This bill will restore practically all of the reductions in pensions which resulted from last year's social security increase, but the increase we have just voted will result in a recurrence of the problem. Once again, pensioners will witness a reduction in their pensions to reflect increases in social security payments.

Mr. Chairman, the only long run answer to this situation is the enactment of legislation which exempts social security income from the earnings limitation which regulates veterans' pensions. I strongly urge my colleagues to work for the passage of such legislation.

Mr. DELLUMS. Mr. Chairman, I rise in support of H.R. 11333.

The case against Nixonomics is well documented. This administration has wreaked incredible economic havoc and caused an era of unprecedented inflation. The cost-of-living has reached the highest level in this Nation's history.

No one is immune from the tragic effects of this amazing state of affairs. However, it is the low-and fixed-income citizen who is most traumatically affected. Senior citizens who have done their best to plan for retirement and the fixed income on which they must survive, now find their best plans destroyed.

The response from the White House is that we must hold the line against inflation. This is a fine response were it not that those being asked to "hold the line" are those least able to afford doing so. This is just the most recent example of the economic genocide being perpetrated on the poor and unpowerful in an attempt to cover administration mistakes in the handling of the economy.

This bill will not solve the problems of this neglected group of Americans. However, it will enable them to survive.

Mr. DONOHUE. Mr. Chairman, as one who has advocated and introduced legislation for more immediate social security cost-of-living increases, I very deeply oppose and regret the delay in such increases until next April, some 5 months from now, when it is my continuing and firm belief that these benefit increases are urgently needed right now by our senior citizens.

However, since our only practical choice here today is to accept or reject this compromise measure providing for a 7-percent benefit increase next March with an additional 4-percent benefit increase that will be reflected in the benefit checks received next July there is no alternative to the acceptance of this bill, especially under the closed rule that applies, without endangering the certainty of increased benefits to our older people next April. If there was any alternative I would vigorously support amendment provisions for inclusion in this bill to grant an immediate 7-percent, at least, increase in social security benefits.

Mr. Chairman, the plight of our Nation's older citizens is a national tragedy and disgrace. In 1972 the median income of families headed by an individual over the age of 55 was $5,968, half of the income of younger families. In that same year, 91,000 elderly families had yearly incomes below $1,000. Another 5 percent of our older families, 402,000 citizens, had incomes of less than $2,000 and 1.2 million elderly families had incomes below $3,000.

With reference to these statistics, let me emphasize that the Agriculture Department itself predicts food prices alone will rise at least 20 percent this year and wholesale prices have already reached their highest level in history.

Medical costs and prescription drug prices are constantly increasing and everyone knows that the high costs of these essentials for our senior citizens are nowhere near covered by medicare.

Let us realize and emphasize that those who experience the most extreme hardships from these distressing economic developments are the elderly and others who must try to live through and survive this extraordinary inflationary period on fixed meager incomes and who must spend some 30 percent of such income on food.

Since the authorities testify that practically every person who will receive these social security benefit increases will spend, immediately, every cent of them for the purchase of fundamental living necessities, it is extremely difficult, if not impossible, to try to attach any vestige of inflationary criticism whatever to this very limited benefit increase to these too long and too greatly neglected American citizens and families.

Mr. Chairman, it would be a dramatic contradiction of our boasted American system and tradition of fair play to permit even the appearance of our poor and elderly people being used as scapegoats, for the economic turmoil afflicting this country today, and more especially so when cost increases and "pass-ons" are almost daily being granted to so many industries, like steel and auto manufacturing and while no effective actions or efforts are being supported, by those opposed to social security increases, to accomplish sensible reductions in the enormous defense budget, and our overextended foreign-aid program nor to achieve an equitable revision of our discriminatory tax system.

Mr. Chairman, let us, therefore, intensify and concentrate all our energies toward reductions in those areas of Government spending that can best absorb them and to the establishment of an equitable tax system that will truly impose its burdens in strict accord with the ability to bear them. In the meantime, let us quickly and overwhelmingly attend to the urgent priority needs of all social security recipients by resoundingly approving this bill, however delayed, that will extend Cost of Living increase benefits to some 21 million senior American citizens who are justly entitled to them.

Mr. YOUNG of Florida. Mr. Chairman, I rise in support of H.R. 11333, the Social Security Act Amendments of 1973. This legislation provides for a much-needed increase in social security benefits and supplemental security income—SSI—payments to the aged, blind and disabled.

Recent rapid increases in the cost of living have made an increase in social security benefits for our older Americans a top priority for the Congress. In June of this year, the Congress voted to speed up the cost of living increase originally scheduled for January 1975 to July 1974. I felt that even this action did not provide enough relief, and therefore sponsored H.R. 11005, a bill calling for a 7-percent increase effective in January 1974.

The Social Security Act amendments which we are considering today represent an effort at compromise between the need of our senior citizens for an increase in benefits and the requirement for fiscal responsibility in the social security trust funds. H.R. 11333 provides a 7-percent increase in benefits effective in the April 1974 checks and an additional 4-percent increase to be given in the July 1974 checks, a grand total of 11 percent. This means that the average monthly payment for a single retired worker will rise from $162 to $181 in July of 1974; a retired couple now receiving $277 will have their income increased to $310 per month by July 1974.

The fiscal integrity of the trust funds will be insured by an increase in the taxable wage base and a slight increase in the tax rate itself. Workers will be taxed, starting in January 1974, on the first $13,200 of income at a rate for OASDI of 4.95 percent. Increasing social security taxes in January will provide the extra money for the $215 million in extra benefits to be paid in fiscal 1974 and the $250 million in extra benefits for fiscal 1975. Total social security payments now constitute over $55 billion, more than a fifth of our national budget, and it is therefore extremely important that the trust fund income and outgo remain properly balanced.

H.R. 11333 also provides a payment increase for recipients of supplemental security income—SSI. SSI is the new Federal program of income security for the aged, blind, and disabled which replaces the patchwork system of State welfare payments on January 1, 1974. As originally approved by the 92d Congress, SSI would have provided a guaranteed minimum payment of $130 per month for a single person or $195 for a couple with no other meaningful income sources. Because such aged, blind, and disabled poor are especially hard-hit by inflation, H.R. 11333 increases the January 1974 payment levels to $140 for a single person and $210 for a couple; in July 1974, these levels rise to $146 for a single person and $219 for a couple.

Clearly these social security amendments are of critical importance for our older Americans, and I sincerely hope that the Senate will act quickly to approve them and send them on to the President for signature. But I must add that I am disappointed in this legislation in two important respects.

First, by considering H.R. 11333 under a closed rule which prevents amendment by the House, we are kept from considering certain other important issues related to social security. I have introduced H.R. 2943, increasing the allowable outside earnings for social security recipients to $3,000. Many, many other Members have also introduced similar legislation to increase or remove the earnings limitation. These Members share my feeling that it is unfair to penalize those social security recipients who wish to continue working and making a contribution to our economy. Yet because of the closed rule, I am prevented from offering my bill as an amendment today, even though a majority of Members would favor its passage.

A second problem which is even more pressing to millions of Americans is the effect of next year's 11-percent increase on veterans' pensions. Once again the Congress is giving with one hand and taking away with the other hand. We have not even solved the problems caused by the last social security increases. H.R. 9474, a bill providing a 10-percent increase in veterans' pensions, is still bouncing back and forth between the House and Senate. The intent of this legislation was to restore the cuts caused by the last social security increase. With luck, it will receive final congressional approval before Christmas. Yet veterans who are also dependent on social security payments will have a "breather" of just a few short months before they are once again penalized by a social security increase.

On the first day of the 93d Congress this year, I reintroduced my bill to protect veterans' pensions against losses due to social security increases, and on June 12 I testified on behalf of this legislation before the House Veterans' Affairs Committee. In my testimony I pointed out the critical need to give relief to our veterans and cited a few of the many examples from the hundreds of letters which I have received on the pension cuts. I urged the committee to act quickly because inflation was having a cruel impact on the pensioners in my district and every single dollar could mean a difference between sickness and health, eating and not eating.

Mr. Chairman, it is now the middle of November and the necessary legislation has not been approved. Moreover, we are in the process of starting the vicious circle all over again next year. Therefore, as I cast my vote in support of the 11-percent social security increase, I would also express to my colleagues on the Veterans' Affairs Committee my deep concern for the veterans and dependents of veterans who await similar relief from the scourge of inflation.

Mr. DORN. Mr. Chairman, the 11-percent increase in social security now before the House has my full support. Our senior citizens, many of whom rely on annuities and other fixed income, are hit the hardest by the continuing increase in the cost of living. They are the victims of inflation. Many of our people have paid into social security since it was set up in 1937. They deserve the increase in benefits. This bill would provide for about 30 million of our people an additional $2.4 in benefits. Social security would be raised 7 percent in March and an additional 4 percent in June 1974. This social security increase is good government and good economics. I support it completely, and urge its passage by an overwhelming vote.

Mr. ANNUNZIO. Mr. Chairman, I rise in support of H.R. 11333, the Social Security Act amendments. This bill would amend the Social Security Act to provide benefit increases to social security recipients as well as increases in supplemental security income benefits. It would meet the pressing needs of approximately 30 million people in our Nation who depend on social security benefits for their major source of income, and merits immediate enactment.

H.R. 11333 provides a 7-percent increase in social security benefits as of March 1974 and an additional 4-percent increase beginning with June 1974.

It also provides an increase in supplementary security benefits, by speeding up the benefit increases provided in the recent enactment of Public Law 93-66. Under that law, a single individual's benefits were increased from $130 to $140 per month, and a couple's benefits were increased from $195 to $210, payable in July 1974. H.R. 11333 would make these increased benefits payable this coming January.

Moreover, further increases, $6 per month for a single individual and $9 for a couple, would be granted in July 1974.

Finally, H.R. 11333 would also bring the long-range actuarial deficit of the system under more control by increasing the annual amount of earnings subject to tax. It is a compromise measure designed to provide an urgently needed cost-of-living increase while at the same time maintaining the fiscal integrity of the system's financing.

The Social Security Act was envisioned to provide our older population with a floor of income protection. It has been amended 10 times to keep up with the increased costs of living in our society. But no one could have foreseen the rampant inflation that has taken our country by storm these past few years. Prices of essentials—food, and shelter, and medical care—have skyrocketed, and the people that are hurt the most by these spiraling prices are our retired and elderly; those on fixed incomes.

In 1972, most elderly families had incomes below $5,960, which was less than half the income of their younger counterparts. About 1 elderly couple in 10 had an annual income of less than $2,500,

and approximately 22 percent of our older individuals were living in households wth icomes below the official poverty index.

I cannot imagine anything more disheartening than the situation which faces so many of our elderly—being "strapped in" by a fixed income that daily seems to dwindle, buying less of their needs and essentials. And this economic nightmare does not promise to get better. Surely a man who has labored long and devotedly his whole life for his family and for our Nation deserves more than this.

As critical as the situation was in 1972—even with the 20 percent increase at the beginning of this year—conditions promise to grow more critical without the assistance H.R. 11333 would provide.

Our elderly over 65 now comprise over 10 percent of our population. During their life span our society has changed dramatically, and inflation and the shrinking dollar have taken a heavy toll.

All of us know that the annual increase in the cost of living index has been fantastic—in excess of 6 percent since 1972; that farm price increases have been almost unbelievable—one need only to recall the giant 20 percent increase recorded from July 15 to August 15, 1973—which was the biggest 1-month rise on record; and total food prices have increased better than 16.3 percent annually. Additionally, rents and medical costs have soared, and our older people are hard put just trying to keep food on the table and a roof over their heads.

This appalling rate of inflation is difficult for everyone, but it is hardest of all for our senior citizens who are living on fixed incomes. We cannot permit our elderly to fall victim to these humiliating conditions without extending a helping hand. I urge the swift and final passage of H.R. 11333. We are in a position to provide relief to millions of our people. I do not see how we can do otherwise.

Mr. REID. Mr. Chairman, I rise in strong opposition to the amendment offered by the gentlewoman from Michigan (Mrs. GRIFFITHS).

This amendment will benefit no one. Rather, it will deprive the majority of the aged, blind, and disabled in this country a vitally needed increase in SSI benefits. This amendment will have the effect of rewarding those States that have traditionally had low benefit levels and will penalize the States which have been out in the forefront on assistance to these needy people.

What this amendment will achieve is a savings of dollars. States with low benefit levels will continue to have the Federal Government absorb the full cost of this increase while States such as New York will have to expend somewhere in the order of $50 million in order to pay for this SSI increase.

Most important, as always is the case, it is the most deprived individuals in our society who will suffer the most—our aged, blind, and disabled poor. We are the most affluent Nation in the world and yet we have millions of individuals who through no fault of their own are living in the most dire circumstances. How can we here in Congress, spending millions on defense, deny almost 70 percent of our aged, blind, and disabled population 30 cents a day for an individual and 50 cents a day for a couple? And yet, quite clearly, this will be the effect of the amendment offered here today.

The question is the Federal Treasury on the one hand, and our poorest aged, blind, and disabled Americans on the other.

For this reason, I strongly urge my colleagues to support the committee's recommendations and to defeat the Griffiths amendment.

Mr. GOLDWATER. Mr. Chairman, during the debate on H.R. 11333, I have listened to some very thoughtful arguments about the future course of the social security program. My distinguished colleague from New York (Mr. CONABLE) raised some very telling points during the debate yesterday concerning the economic future of social security as did many of our colleagues. I have also been impressed with the debate on the amendment offered by the gentlewoman from Michigan (Mrs. GRIFFITHS) regarding the new SSI financing arrangement.

However, one point missing in this debate that deserves the attention of every Member of this body is the growing use of the social security number as a standard universal identifier and the effect this has on a person's individual privacy. I realize that this point does not bear upon the specific bill before us today, but it should be mentioned during the debate.

Several of my colleagues have joined me in a bill pending before the Committee on Ways and Means, H.R. 11276, that would prohibit the use of the social security number without the consent of the individual holding the number for any purpose not directly related to the operation of the social security program.

Frankly, I wish that the rule on H.R. 11333 would have allowed me to introduce my bill as an amendment, especially in view of the fact that the social security program continues to expand and with that expansion the potential for abuses of the social security number also increases. I have received literally thousands of letters and telegrams in behalf of the bill, and in a great percentage of this correspondence, people related how their privacy had been violated as a result of indiscriminate use of the social security number. The specific examples are shocking, and they are certainly an indictment of our computerized society.

Mr. Chairman, when the social security program was initiated almost 40 years ago, America was a different country. Computers had not come of age, and the potential for privacy invasion was not too great. But the social security program has grown to a point never envisioned by its early supporters. It is now a cradle to grave program, and the social security number is a means to identify most Americans. So universal is the number that few documents relating to an individual fail to contain it.

It is only logical that if a person has a permanent number by which he can be identified, it becomes an efficient and expedient process to exchange information about him, from one data bank to another. In addition to such an exchange, it can also encourage the Federal Government and certain types of private organizations to develop dossiers on much of the Nation's citizenry. This kind of activity should not be tolerated. It must be avoided.

Again, I only wish that procedure would allow me to offer this bill as an amendment to the social security increase legislation now before us. In this connection, I hope that the Ways and Means Committee will take up the bill in the near future.

Briefly stated, my bill requires that the use of the social security number be limited by law to those purposes that are mandated by Federal statute. It requires that Federal agencies and departments not request or promote the use of the social security number except to the extent justified by Federal law.

Additionally, the bill would also permit any person to refuse to disclose his social security number unless he is required to do so by Federal law, and it would prohibit the exchange of the social security number by an unauthorized group.

Mr. Chairman, it would be a great tragedy and a blow to the Bill of Rights if we allowed an identifying number for an economic security program to become the means by which Americans lost their right to privacy and entered the horrible world envisioned by the late George Orwell in his frightening novel, "1984."

Mr. SARASIN. Mr. Chairman, in adopting this present increase in social security, we are at least taking a small step to alleviate the unreasonable burden placed on many of our elderly and handicapped citizens by the inflationary spiral which has gripped our country.

Persistent month-by-month increases in the cost of living, particularly in food and other necessities of life, have been extremely hard on those dependent upon a fixed income, notably social security recipients. The present level of payments is simply not sufficient to meet today's needs; regrettably, neither is today's level of income into the social security trust fund.

While a significant cause of this problem is the past inability of the Federal Government to responsibly control its own spending, thus adding fuel to the inflationary fires, it is unconscionable to make our elderly and dependent citizens pay the penalty for this failure.

The adoption of this bill will at least go some way toward rectifying this serious problem for those persons who must depend on social security for their sustenance, their shelter, their clothes, and other necessities. It will still be difficult for these people, but there will be at least a little more security, a fraction more ease, a degree less apprehension as the bills become due.

I would be remiss if I did not reiterate the need for fiscal responsibility on the part of this body, for the adoption of sound, reasonable and enforceable budgetmaking procedures. I would much prefer to be speaking for a bill which could really be described as allowing our senior citizens to get a little ahead, rather than just trying to keep them from falling too far behind.

If we start by adopting this bill to meet the real and desperate need of the moment, and continue by doing those things necessary to control the inflation that contributes so much to that need, then in the future we will be able to consider such legislation in terms of adding a little something to the lives of our richly deserving older citizens, not just making up for what is being so cruelly and inexorably taken away.

Mr. DON H. CLAUSEN. Mr. Chairman, I wish to take this time to express my support of H.R. 11333 and the 11 percent increase in social security benefits it provides.

The increase represents a cost-of-living raise based upon the rise in the Consumer Price Index since the last increase plus an estimate of the increase between now and July of next year.

Many of my constitutents who are beneficiaries of the social security system have contacted me personally and by letter to point out vividly their failing attempts to cope with the perils of inflation.

It is to restate the obvious to say that inflation hurts those most on fixed incomes and the Nation's senior citizens have been battered this year.

They recognize as I do that the true solution to their problem lies not so much with repeated increases in social security benefits as it does in controlling inflation. It is easier for the Congress, however, to raise social security payments periodically than to bite the bullet and come up with a controlled, balanced Federal budget.

We persist in maintaining deficit spending during periods of rapid inflation when we should be maintaining strict expenditure controls on the Federal budget. Cost-of-living increases only come after the damage has been done and the recipients' financial resources have already been eroded.

A second important point to consider and one related to the problem of inflation is the need to maintain the strong, fiscally secure financial integrity of the social security trust fund both to insure the ability of the fund to meet the future needs of beneficiaries and to minimize the impact any increase will have on inflation by adding to the Federal deficit.

If we blur in any way the distinction between the insurance concept of social security and the welfare concept of other assistance programs, we will do a grievous disservice to present and future social security recipients.

The gentleman from Illinois (Mr. COLLIER) has pointed out that an employee paying the maximum social security contribution each year from age 23 to age 65 could put that money in a savings account at 6 percent interest and have $221,863 at age 65.

I am quite certain that no social security recipient can expect to see benefits even approaching $221,863 and if he could he would not be worried much about keeping up with inflation.

Any individual should be able to get back from the social security system as much or more than he puts in since this is the basic concept behind insurance.

Finally, we must not forget the workingman who is paying into the social security trust fund and who is not yet receiving the benefits of the system.

Next year the workingman will be paying up to $772 to the trust fund which will be combined with his employer's contribution making a total of $1,544. For many workers this will mean that they will be paying more in social security taxes than in income taxes.

As I have stated, we must not find ourselves in a situation where the workingman does not get in benefits what he pays in contributions. If such a case arises we can find ourselves in the devastating situation where the worker will not support the social security program. Such a feeling would mark the end of social security as a viable program since it depends upon the support of the working man and woman for payments to the retired man and woman.

The social security program is a long-run continuing insurance program. Under no circumstances whatsoever should we take any short-term actions which will jeopardize its fiscal or political support over the long term.

Therefore, Mr. Chairman, I strongly urge the House Committee on Ways and Means to hold a full-scale public hearing into the issues and problems facing the system.

I recognize the questions that have brought the committee to approve this legislation without indepth hearings but I believe they could be resolved to some extent by holding an investigatory hearing in the near future.

I will be pleased when the automatic cost-of-living provision in the social security law goes into effect so increases can be routinely made in accordance with the dictates of the economy and without the need for the beneficiaries coming to the Congress and asking for a new law.

Mr. HORTON. Mr. Chairman, I rise in support of H.R. 11333, to increase social security benefits and supplemental security income benefits. At the same time, I wish to state my opposition to the Griffiths amendment, which would work a hardship on those States which have expended the most funds and effort in pursuit of progressive welfare policies.

For some months, I have called for a more adequate congressional response to enable the elderly at the earliest possible date to cope with the tremendous inflation which has occurred since the last increase in social security benefits. I have been especially concerned with the rapid rise over the past year in food, housing, and medical care costs, which together make up a substantial portion of the budget of elderly Americans.

Simultaneously, Mr. Chairman, and for more than three Congresses, I have sought to focus congressional attention on the need for major reforms in the system we use to finance social security payments. Especially in periods of inflation, which we have experienced over the past decade, it is not fair to fund social security payments solely from trust funds provided by regressive payroll taxes. I was deeply impressed by the minority views included in the Ways and Means report on this bill, signed by Congressman HERMAN SCHNEEBELI, JOEL BROYHILL, and BARBER B. CONABLE, Jr. They make the point that while it is essential to responsibly meet the needs of the elderly and other social security beneficiaries, it is not responsible to continue to do so by patching on to an outdated funding system, across-the-board increases paid for by spiraling increases in employer and employee payroll taxes. To a considerable extent, the social security system has changed from what it was originally intended to be—an individual insurance system. Today, much of what is paid out as benefits is more in the category of welfare and income maintenance payments than insurance benefits. For years, I have been urging the Congress to change funding procedures so that at least the "welfare" segments of the system would be paid for from the general fund—which, in the main, is raised through progressive taxes. This would considerably lighten the load on the wage earner who must now pay a sizable portion of his income in social security taxes, in addition to Federal income and excise taxes, and State and local taxes.

In short, Mr. Chairman, I support the 11-percent increase because I believe it is justified by the inflation we have experienced, but I wish to lend my support to those on the Ways and Means Committee who feel it is time for the Congress to reform the social security funding system in ways that will provide fairness to the wage earner as well as to the elderly.

Mr. VANIK. Mr. Chairman, I am pleased to support H.R. 11333, which provides a 7-percent increase in social security benefits beginning in March 1974, payable in April, and an additional 4-percent increase beginning with June 1974, payable in the July 1974 check.

It is only proper and right that the Ways and Means Committee and the House of Representatives have responded to the urgent need to recognize the economic plight of the elderly in this time of record inflation. This summer, during July, August, and September, the cost-of-living index rose at a seasonally adjusted annual rate of 10.8 percent. Food—which makes up an especially large percentage of the budget of the elderly—rose during the three summer months by an annual rate of 28.8 percent. Thankfully, some food costs now appear to be headed lower—but the total increase remains devastating.

Mr. Chairman, I hope that this 11-percent increase will be enough. I fear that because of the energy crisis, our economy will be in for a roller coaster ride. Prices are likely to be erratic. Because of the fuel shortages, food prices may head back up. Heating costs and home maintenance will certainly be up. If there are shortages and cold weather, the elderly, who may be more susceptible to winter colds, may face additional medical expenses.

In this period of chaotic behavior of the economy, we must stand ready to make necessary adjustments in the social security program. Failure to act and delay in acting can only destroy confidence

in the "security" of the program; and I am sure that the Congress will never permit that to happen.

The benefit increases provided by this bill will provide some significant improvement in the monthly payout. The following table has been prepared to indicate the range of benefit levels and the dollar and cents meaning of the bill we are voting on today:

ESTIMATED EFFECT OF SPECIAL BENEFIT INCREASE OF 7 PERCENT, EFFECTIVE MARCH 1974 AND PERMANENT 11-PERCENT INCREASE EFFECTIVE JUNE 1974, ON AVERAGE MONTHLY BENEFIT AMOUNTS IN CURRENT-PAYMENT STATUS FOR SELECTED BENEFICIARY GROUPS

Beneficiary group	Average monthly amount		
	Before 7-percent increase	After 7-percent increase	After 11-percent increase
Average monthly family benefits:			
Retired worker alone (no dependents receiving benefits)	$162	$173	$181
Retired worker and aged wife, both receiving benefits	277	296	310
Disabled worker alone (no dependents receiving benefits)	179	191	199
Disabled worker, wife, and 1 or more children	363	388	403
Aged widow alone	158	169	177
Widowed mother and 2 children	390	417	433
Average monthly individual benefits:			
All retired workers (with or without dependents also receiving benefits)	167	178	186
All disabled workers (with or without dependents also receiving benefits)	184	197	206

The bill provides that the automatic cost-of-living provision, originally scheduled to begin in January 1975, will now begin in June 1975. The amount of that increase would be equal to the level of inflation between the middle of 1974 and the first 3 months of 1975.

Although I favored increased benefits as of January 1, the action of the Ways and Means Committee substantially responds to the pleas I made before the Rules Committee to make a social security increase a part of the debt ceiling bill, which will reach the President this month.

In our committee consideration of the social security increase, I was shocked by the testimony of administration officials who contended that they required a 5- or 6-month leadtime to adjust the computers to write the checks at the increased benefit level.

This testimony came as a complete surprise, since earlier social security adjustments were put through the computers in 60 to 90 days. The leadtime required to make the social security computer adjustments was a considerable factor in the committee decision to make the 7-percent increase effective on March 1 and payable in the April checks.

This deferred action will be difficult on our retired elderly who have already suffered a bitter, agonizing 12 months of inflationary explosion.

It was my hope that the annual exempt amount under the retirement income test could have been increased to recognize the impact of inflation and to recognize particularly the plight of those who are in the lower levels of social security, lack any other form of support, and must work to survive.

The social security actuaries estimate that under the present system of automatic cost-of-living adjustment, the annual income exempt under the retirement test will be as follows:

Exempt retirement income

1974	$2,400
1975	2,520
1976	2,640
1977	2,880
1978	2,880

This level of exempt income under the retirement test under present law completely disregards the rate of inflation and the widening gap between social security benefit payments and the cost of living for those with relatively lower levels of social security benefits.

It is my hope that the inflationary spiral will halt and make it possible for the American people to catch up with the price spiral which so seriously threatens our standard of living.

Because of the level of inflation during the past year, an actuarial shortage has developed in the trust funds. There has been some comment on this problem in the media recently and I have received several inquiries from concerned beneficiaries.

Let me stress here that the trust fund will never go bankrupt and the checks will always be mailed—as long as there is a Federal Government. Periodically, changes may have to be made in the tax base or tax rate to keep the fund self-financing. If social security tax changes are not desirable, then legislation would be passed so that funds would be provided from other sources.

But to keep the fund self-financing—that is, not dependent on general revenues from the income tax, and so forth—it will be necessary at this time to increase the taxable base from a planned $12,600 to $13,200. I regret the need for any tax increase at this time, but feel that an increase in base is much less regressive than an increase in tax rate. I would hope that in the future, as the committee considers trust fund financing, we will be able to develop a more progressive and equitable system of financing benefits.

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

Mr. PRICE of Illinois. Mr. Chairman, the House failed to amend the rule to permit consideration of a social security increase as an amendment to the public debt limit bill. Today we are considering a social security increase on its own without procedural obstacles. I urge my colleagues to support it.

I have been aware that many of our senior citizens seem to feel that this Congress has done nothing for them. Of course, this is not true, but the situation is so bad that I feel we have not done as much as we could have.

The Congress previously agreed to a 5.9-percent increase, but delayed it a year so the President would not veto it. Today's legislation would replace this inadequate measure with a 7-percent increase effective in March and an additional 4-percent increase in June.

I know all of my colleagues are concerned with the plight of the elderly. The nature of my constituency is such that I am perhaps more involved with the welfare of our seniors than most. Today's economic realities continue to bombard our senior citizens. To repay these venerable citizens for their years of contribution to society is one of the noblest ideals and inherently fundamental services of government.

A large majority in favor of this measure will help protect against another Presidential veto, so I urge my colleagues to support this necessary measure.

Mr. LANDGREBE. Mr. Chairman, this bill places us in a situation where it is impossible to cast a fair and just vote. On the one hand we have the social security beneficiaries. Surely they deserve an increase. Retired workers have been forced to pay into the social security fund during their working years, but receive benefits far less than they would have received by investing the same amount in private insurance. The Social Security Administration estimates that the average worker starting at age 18 will "contribute" $24,273 over his lifetime and receive benefits totaling $94,904; whereas by paying the same amount, plus the employer's contribution which otherwise would have gone to the worker in the form of higher wages, to buy private insurance, the worker would receive a total of $282,362, or about three times the estimated social security benefits.

In addition, the high rate of inflation caused by the Government's deficit spending and manipulation of the money supply is constantly eroding the value of social security benefits. Thus a retired person is paid benefits in dollars worth far less than the dollars he has been "contributing" all his years. Certainly such a person is entitled to a raise in benefits to keep pace with inflation.

On the other hand, however, let us consider who pays the benefits. The social security program began as a Government retirement income fund, but has mushroomed to include such things as medical payments, disability insurance, and even direct welfare payments. What is worse, the program is no longer even a retirement program. The funds originally collected have not been held in trust; they were spent by the Government long, long ago. Only enough money is maintained in the trust fund to provide payments for 9 months.

Obviously, the only way social security can continue is through heavy taxation of those who are currently employed. And what do the working men and women pay, especially those of average or below-average means? H.R. 11333 will raise the wage base ceiling to $13,200, which means that everyone with an income of this amount or less will pay the full tax on 100 percent of his income. Those with incomes over $13,200 will continue to pay no more than the worker with an income of $13,200, no matter how high their earnings might be. It is interesting to

note that Members of Congress, their staffs, and thousands of Government employees are exempt from the program.

The social security tax is not a progressive tax; nor is it fair or equitable. Those with low incomes actually pay a much greater percentage of their gross incomes than the more well-to-do. In fact, if this bill becomes law, over half the American workers will be paying more in social security taxes than they will be paying in Federal income taxes, all under the regressive social security tax system. In other words, social security is the method by which Congress forces low-paid workers to finance our major Federal relief program. Yet the very rich are eligible for the full benefits of the social security program.

At this point I would like to call the attention of my colleagues to an editorial which recently appeared in the Washington Star-News. The writer points out many things that Congress ought to keep in mind while considering this bill:

SOCIAL SECURITY TAXES

Some startling information on the impact of Social Security taxes was revealed the other day in hearings before the House Ways and Means Committee. It is that more than half of all American households pay more Social Security taxes than they do income taxes. To put it another way, the bite for Social Security is higher for them than it is for all the other multitudinous functions of the federal government.

Now, the Congress is considering yet another increase in the tax to finance further increases in Social Security payments. Somewhere along the line, a halt has to be called. It was never intended that the Social Security System enacted in 1936 would become such a drain on the wage-earner.

As Representative Karth of Minnesota, a member of the Ways and Means Committee, said "People already are beginning to rebel, and if we increase the rate substantially there will be an open rebellion."

Under existing law, the tax rate for a worker is 5.85 percent on income up to $10,800, which comes out to a maximum of $631.80 a year. Next year, the wage base on which the tax is levied was scheduled to go up to $12,600, which means the maximum tax would be $737.10 for the year. A new proposal in Congress would raise the base to $13,200 in January, meaning a maximum tax of $772.20.

The person hardest hit by the Social Security tax is the low-income worker. The 5.85 percent tax is extracted from his pay no matter how small.

A number of proposals have been made to reduce the burden on those least able to pay. The Nixon administration is reported to be considering eliminating the tax on workers with income below the poverty level. Some would have a graduated tax—small at the low-income levels and increasing at higher income levels. Some would keep a flat rate but impose a firm cutoff point and make up any deficits by appropriations from general tax funds.

It seems to be time for Congress and the administration to take a serious look at whether some basic changes need to be made in the method of financing. The Social Security System has been of such enormous benefit in alleviating poverty among the elderly that nothing should be done to endanger it. But the simple truth is that the point will come—if it is not already at hand—when the workers will rebel against the payroll taxes that finance the system.

Further, the big lie of the social security system is that the worker pays only half the tax while his employer pays the other half. It is elementary business economics that a worker must earn all of his benefits, whether they take the form of pensions or of the social security tax. The plain fact is that the worker does not pay 5.85 percent of his income in social security taxes. He pays 11.7 percent, for he pays not only his 5.85 percent tax, but also the 5.85 percent forwarded immediately by his employer to the Government. When this is taken into account, the total tax on a worker levied by this bill will not be $772, but twice that amount, over $1,500 per year. The Government is simply exploiting the workers and telling them that it is the employers who are being exploited.

Then, of course, there is the very real question of whether or not today's workers will be able to collect any benefits. Since the Government is spending their "contributions" to social security to pay off yesterday's workers, the Government will be able to pay today's workers when they retire only by more heavily taxing tomorrow's workers. But social security payments are rising at such a phenomenal rate that the whole system may collapse before today's workers will be able to collect anything. In 1950 the social security checks amounted to $1 billion. By 1964 they were $16 billion. By the end of this year, they will be more than $58 billion. And it has been estimated that by 1984 they will reach $250 billion, nearly equaling our total Federal budget for 1974.

Thus this bill presents us with the following dilemma: If we vote no, it is unfair to the social security beneficiaries who have been cheated out of an equitable return on their forced investment through the social security tax. If we vote yes, it is unfair to today's workers who pay a disproportionate share of the burden and who may never collect any benefits.

Under the circumstances the only proper action is to vote against blindly increasing social security benefits and to demand a thorough study of the present social security system. Once we know exactly what the effects of the increase will be and exactly what the result of continuing the program as presently constituted will be, then and only then will we be able to make a proper judgment on either raising benefits and taxes or revising the whole program making it actuarially sound, and if possible, guaranteeing its continuity.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Michigan (Mrs. GRIFFITHS).

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

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were ayes 246, noes 163, not voting 24, as follows:

[Roll No. 591]

AYES—246

Abdnor	Giaimo	Perkins
Alexander	Gibbons	Pickle
Andrews, N.C.	Ginn	Poage
Andrews, N. Dak.	Gonzalez	Powell, Ohio
Annunzio	Goodling	Preyer
Archer	Gray	Price, Ill.
Arends	Green, Oreg.	Price, Tex.
Armstrong	Griffiths	Pritchard
Ashbrook	Gross	Quie
Bafalis	Gude	Quillen
Baker	Gunter	Railsback
Bauman	Guyer	Randall
Beard	Haley	Rarick
Bennett	Hamilton	Regula
Bevill	Hammer-schmidt	Riegle
Bowen	Hanrahan	Roberts
Brademas	Hansen, Idaho	Robinson, Va.
Bray	Harsha	Rogers
Breaux	Hays	Roncalio, Wyo.
Breckinridge	Hébert	Rose
Brinkley	Hechler, W. Va.	Rostenkowski
Broomfield	Henderson	Roush
Brotzman	Hicks	Roy
Brown, Mich.	Hillis	Runnels
Brown, Ohio	Hogan	Ruppe
Broyhill, N.C.	Holt	Ruth
Broyhill, Va.	Huber	Sarasin
Burke, Fla.	Hudnut	Sarbanes
Burleson, Tex.	Hungate	Satterfield
Burlison, Mo.	Hutchinson	Scherle
Butler	Ichord	Schneebeli
Byron	Jarman	Sebelius
Camp	Johnson, Colo.	Seiberling
Carter	Johnson, Pa.	Shoup
Casey, Tex.	Jones, Ala.	Shriver
Cederberg	Jones, N.C.	Shuster
Chamberlain	Jones, Okla.	Sikes
Chappell	Jones, Tenn.	Skubitz
Clancy	Jordan	Snyder
Cleveland	Kazen	Spence
Cochran	Kluczynski	Staggers
Cohen	Kuykendall	Stanton, J. William
Collier	Landrum	Steed
Collins, Tex.	Latta	Steelman
Conable	Lehman	Steiger, Ariz.
Conlan	Long, La.	Stephens
Coughlin	Lott	Stubblefield
Crane	Lujan	Stuckey
Daniel, Dan	McClory	Sullivan
Daniel, Robert W., Jr.	McCloskey	Symington
Davis, Ga.	McCollister	Symms
Davis, S.C.	McDade	Taylor, Mo.
de la Garza	McKay	Taylor, N.C.
Denholm	McKinney	Teague, Tex.
Dennis	McSpadden	Thomson, Wis.
Derwinski	Madden	Thone
Devine	Mahon	Thornton
Dickinson	Mallary	Treen
Diggs	Mann	Udall
Dingell	Martin, N.C.	Vander Jagt
Dorn	Mayne	Vanik
Downing	Mazzoli	Vigorito
Duncan	Meeds	Waggonner
du Pont	Michel	Wampler
Eckhardt	Milford	Ware
Edwards, Ala.	Miller	Whalen
Erlenborn	Mizell	White
Esch	Mollohan	Whitehurst
Eshleman	Montgomery	Whitten
Evins, Tenn.	Mosher	Wilson, Charles, Tex.
Fascell	Murphy, Ill.	Winn
Fisher	Myers	Wright
Flowers	Natcher	Wyatt
Flynt	Nedzi	Wylie
Ford, Gerald R.	Nelsen	Yates
Ford, William D.	Nichols	Young, Alaska
Fountain	O'Brien	Young, Fla.
Frenzel	O'Hara	Young, Ill.
Frey	Owens	Young, S.C.
Fuqua	Parris	Zablocki
Gettys	Passman	Zion
	Patman	Zwach
	Pepper	

NOES—163

Abzug	Boggs	Corman
Adams	Boland	Cotter
Addabbo	Bolling	Cronin
Anderson, Calif.	Brasco	Culver
Anderson, Ill.	Brooks	Daniels, Dominick V.
Ashley	Brown, Calif.	Danielson
Aspin	Burgener	Delaney
Badillo	Burke, Mass.	Dellums
Barrett	Burton	Dent
Bell	Carney, Ohio	Donohue
Bergland	Chisholm	Drinan
Biaggi	Clausen, Don H.	Dulski
Biester	Clawson, Del	Edwards, Calif.
Bingham	Conte	Eilberg
Blatnik	Conyers	Evans, Colo.

Findley
Fish
Flood
Foley
Forsythe
Fraser
Frelinghuysen
Froehlich
Gaydos
Gilman
Goldwater
Grasso
Green, Pa.
Grover
Gubser
Hanley
Hanna
Hansen, Wash.
Harrington
Hastings
Hawkins
Heckler, Mass.
Heinz
Helstoski
Hinshaw
Holifield
Holtzman
Horton
Hosmer
Howard
Hunt
Johnson, Calif.
Karth
Kastenmeier
Kemp
Ketchum
King
Koch
Kyros
Landgrebe
Leggett
Lent
McCormack
McEwen
McFall
Macdonald
Madigan
Mailliard
Maraziti
Mathias, Calif.
Matsunaga
Melcher
Metcalfe
Mezvinsky
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moorhead, Calif.
Moorhead, Pa.
Moss
Murphy, N.Y.
Nix
Obey
O'Neill
Patten
Pettis
Peyser
Pike
Podell
Rangel
Rees
Reid
Reuss
Rinaldo
Robison, N.Y.
Rodino
Roe
Roncallo, N.Y.
Rooney, Pa.
Rosenthal
Rousselot
Roybal
Ryan
St Germain
Sandman
Schroeder
Shipley
Slack
Smith, Iowa
Stanton, James V.
Stark
Steele
Steiger, Wis.
Stokes
Stratton
Studds
Talcott
Teague, Calif.
Thompson, N.J.
Tiernan
Towell, Nev.
Ullman
Veysey
Waldie
Walsh
Widnall
Wiggins
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wolff
Wydler
Wyman
Yatron
Young, Ga.
Young, Tex.

NOT VOTING—24

Blackburn
Buchanan
Burke, Calif.
Carey, N.Y.
Clark
Clay
Collins, Ill.
Davis, Wis.
Dellenback
Fulton
Harvey
Keating
Litton
Long, Md.
Martin, Nebr.
Mathis, Ga.
Mills, Ark.
Minshall, Ohio
Morgan
Rhodes
Rooney, N.Y.
Sisk
Smith, N.Y.
Van Deerlin

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there any further committee amendments? If not, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. DINGELL, 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. 11333) to provide a 7-percent increase in social security benefits beginning with March 1974 and an additional 4-percent increase beginning with June 1974, to provide increases in supplemental security income benefits, and for other purposes, pursuant to House Resolution 695, 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.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

RECORDED VOTE

Mr. ULLMAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 391, noes 20, not voting 22, as follows:

[Roll No. 592]

AYES—391

Abdnor
Abzug
Adams
Addabbo
Alexander
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Arends
Ashbrook
Ashley
Aspin
Badillo
Bafalis
Baker
Barrett
Bauman
Beard
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blatnik
Boggs
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brinkley
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Burgener
Burke, Fla.
Burke, Mass.
Burlison, Mo.
Burton
Butler
Byron
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chamberlain
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Conable
Conlan
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Daniel, Dan
Daniel, Robert W., Jr.
Daniels, Dominick V.
Danielson
Davis, Ga.
Davis, S.C.
de la Garza
Delaney
Dellums
Denholm
Dent
Derwinski
Devine
Dickinson
Diggs
Dingell
Donohue
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Esch
Eshleman
Evans, Colo.
Evins, Tenn.
Fascell
Findley
Fish
Flood
Flowers
Flynt
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Froehlich
Fulton
Fuqua
Gaydos
Gettys
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Grasso
Gray
Green, Pa.
Griffiths
Grover
Gubser
Gude
Gunter
Guyer
Haley
Hamilton
Hammer-schmidt
Hanley
Hanna
Hanrahan
Hansen, Idaho
Hansen, Wash.
Harrington
Harsha
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks
Hillis
Hinshaw
Hogan
Holifield
Holt
Holtzman
Horton
Hosmer
Howard
Huber
Hudnut
Hungate
Hunt
Hutchinson
Ichord
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Ala.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kastenmeier
Kazen
Keating
Kemp
Ketchum
King
Kluczynski
Koch
Kuykendall
Kyros
Landrum
Latta
Leggett
Lehman
Lent
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McCollister
McCormack
McDade
McEwen
McFall
McKay
McKinney
McSpadden
Macdonald
Madden
Madigan
Mahon
Mailliard
Mallary
Mann
Maraziti
Martin, N.C.
Mathias, Calif.
Matsunaga
Mayne
Mazzoli
Meeds
Melcher
Metcalfe
Mezvinsky
Michel
Milford
Miller
Minish
Mink
Mitchell, Md.
Mitchell, N.Y.
Mizell
Moakley
Mollohan
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Myers
Natcher
Nedzi
Nelsen
Nichols
Nix
Obey
O'Brien
O'Hara
O'Neill
Owens
Parris
Passman
Patman
Patten
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Podell
Powell, Ohio
Preyer
Price, Ill.
Price, Tex.
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rarick
Rees
Regula
Reid
Reuss
Riegle
Rinaldo
Roberts
Robinson, Va.
Robison, N.Y.
Rodino
Roe
Rogers
Roncalio, Wyo.
Roncallo, N.Y.
Rooney, Pa.
Rose
Rosenthal
Rostenkowski
Roush
Roy
Roybal
Runnels
Ruppe
Ruth
Ryan
St Germain
Sandman
Sarasin
Sarbanes
Scherle
Schneebeli
Schroeder
Sebelius
Seiberling
Shipley
Shoup
Shriver
Shuster
Sikes
Skubitz
Slack
Smith, Iowa
Smith, N.Y.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steele
Steelman
Steiger, Ariz.
Steiger, Wis.
Stephens
Stokes
Stratton
Stubblefield
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague, Calif.
Teague, Tex.
Thompson, N.J.
Thomson, Wis.
Thone
Thornton
Tiernan
Towell, Nev.
Treen
Udall
Ullman
Vander Jagt
Vanik
Veysey
Vigorito
Waggonner
Waldie
Walsh
Wampler
Ware
Whalen
White
Whitehurst
Whitten
Widnall
Williams
Wilson, Bob
Wilson, Charles H., Calif.
Wilson, Charles, Tex.
Winn
Wolff
Wright
Wyatt
Wydler
Wylie
Wyman
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Ill.
Young, Tex.
Zablocki
Zion
Zwach

NOES—20

Archer
Armstrong
Burleson, Tex.
Camp
Collier
Collins, Tex.
Crane
Dennis
Fisher
Goldwater
Goodling
Gross
Jarman
Landgrebe
Poage
Rousselot
Satterfield
Symms
Wiggins
Young, S.C.

NOT VOTING—22

Blackburn
Buchanan
Burke, Calif.
Carey, N.Y.
Clark
Clay
Collins, Ill.
Davis, Wis.
Dellenback
Dorn
Green, Oreg.
Harvey
Litton
Martin, Nebr.
Mathis, Ga.
Mills, Ark.
Minshall, Ohio
Morgan
Rhodes
Rooney, N.Y.
Sisk
Van Deerlin

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Dorn.
Mr. Sisk with Mr. Clay.
Mr. Van Deerlin with Mr. Rhodes.
Mrs. Burke of California with Mr. Minshall of Ohio.
Mr. Mills of Arkansas with Mr. Blackburn.
Mrs. Collins of Illinois with Mr. Dellenback.
Mr. Litton with Mr. Buchanan.
Mrs. Green of Oregon with Mr. Harvey.
Mr. Morgan with Mr. Davis of Wisconsin.
Mr. Clark with Mr. Martin of Nebraska.
Mr. Carey of New York with Mr. Mathis of Georgia.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

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

There was no objection.

PERMISSION FOR COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO FILE A REPORT ON H.R. 9437

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the Committee

on Interstate and Foreign Commerce may have until midnight tonight to file a report on H.R. 9437.

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

There was no objection.

EXTENDING THE TEMPORARY SUSPENSION OF DUTY ON CERTAIN BICYCLE PARTS AND ACCESSORIES

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 6642) to suspend the duties on certain bicycle parts and accessories until the close of December 31, 1976.

The Clerk read the title of the bill.

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

Mr. SCHNEEBELI. Mr. Speaker, reserving the right to object, and I shall not object, I take this time to ask the committee chairman to explain the bill.

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

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

Mr. DENT. I thank the gentleman for yielding.

I was going to just take a minute to call the attention of the House to the fact that this legislation really has to pass now because in 1961 the former Member of this House and later Governor of the State of Pennsylvania, Mr. William Scranton, came before the Committee on the Impact of Imports and testified for 13 pages full of testimony, in which he said—and I am covering, if the Members do not mind, at this time both bills with this one short statement, because both are identical and both of them have the roots of this particular action contained in these hearings before our committee—that unless we gave tariff relief, rather, total relief by extending it to both the bicycle and bicycle parts industries, and the silk yarn industry in the United States, which was basically the silk textile industry in the northeastern region of the State of Pennsylvania, that in 1959 when this legislation was first put on the books, that by 1961 they had lost 80 percent of the silk textile industry. He said there will be a day when we will have this particular legislation become permanent. So I was just wondering why we are extending this legislation for a period of time when there is not one single manufacturer of either of these products in the United States of America today—why do we not make it permanent, because we might as well get a pattern, because within the next 5 years this legislation will cover almost every commodity. The committee has no other road to go.

I would suggest the Members just pass the bill by a voice vote and forget it.

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

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

Mr. ULLMAN. I thank the gentleman for yielding.

Mr. Speaker, the purpose of H.R. 6642 as reported to the House by the Committee on Ways and Means is to extend, to the close of December 31, 1976, the existing suspension of duties on imports of certain bicycle parts and accessories. In the absence of legislation, the existing suspension of duties on such bicycle parts and accessories will expire on December 31, 1973.

The existing suspension of duty on these items was enacted in order to improve the competitive ability of domestic producers of bicycles by reducing the landed cost of certain imported bicycle parts and accessories which are not available from domestic sources. Domestic bicycle manufacturers have advised the Committee on Ways and Means that this duty suspension has helped domestic manufacturers to reduce their costs, and no objection to H.R. 6642 was raised by representatives of bicycle parts manufacturers. Favorable reports were received from the executive branch on the bill.

The Committee on Ways and Means is unanimous in recommending enactment of H.R. 6642, and I urge its favorable consideration by the House.

Mr. SCHNEEBELI. Mr. Speaker, in reply to the observation of the gentleman from Pennsylvania, I shall be very happy to tell of Governor Scranton's interest in this bill, because I think he is referring to Governor Scranton who originated this legislation back in the early 1960's.

Mr. Speaker, I support H.R. 6642, a bill to continue the existing suspension of duty on imports of certain bicycle parts and accessories for the 3-year period from December 31, 1973 through December 31, 1976.

The parts and accessories involved are generator lighting sets, derailleurs, caliper brakes, drum brakes, three-speed hubs incorporating coaster brakes, three-speed hubs not incorporating coaster brakes, click twist grips, click stick levers, and multiple free-wheel sprockets. These items normally are dutiable at rates ranging from 15 to 19 percent ad valorem.

Only one of these items is available domestically. The exception is the click stick lever, which is made by a single U.S. producer, and our committee was informed that this producer does not object to the temporary suspension of duty on that item.

The suspensions of duty were enacted initially in order to improve the competitive position of domestic bicycle producers by cutting the cost to them of parts and accessories which were not available from domestic sources. During our hearings on the Trade Reform Act of 1973, our committee heard testimony to the effect that the suspensions of duty are serving their purpose and should be continued. We heard no objection to the proposal before us.

After receiving favorable reports on the bill from interested departments and agencies, and determining that it would not result in any revenue loss, our committee unanimously approved the measure.

Mr. Speaker, I believe the 3-year continuation of duty suspensions on these bicycle parts and accessories will be beneficial to home industry and I, therefore, urge the enactment of H.R. 6642.

Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 6642

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subpart B of part 1 of the appendix of title I of the Tariff Act of 1930 (Tariff Schedules of the United States; 28 F.R. pt. II Aug. 17 1963; 77 A Stat.; 19 U.S.C. 1202) is amended as follows:

Immediately preceding item 915.25 insert the following new items:

"	912.05	Generator lighting sets for bicycles (provided for in item 653.39, part 3F, schedule 6)	Free	No change	On or before 12/31/76
	912.10	Derailleurs, caliper brakes, drum brakes, hubs incorporating coaster brakes, rear hubs not incorporating coaster brakes, click twist grips, click stick levers, multiple free-wheel sprockets (provided for in item 732.36, part 5C, schedule 7)	Free	No change	On or before 12/31/76 ."

SEC. 2. The amendments made by this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after the date of enactment of this Act.

With the following committee amendment:

Committee amendment: Strike out all after the enacting clause and insert: That items 912.05 and 912.10 of the Appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) are each amended by striking out "12/31/73" and inserting in lieu thereof "12/31/76".

SEC. 2. The amendments made by the first section of this Act shall apply with respect to articles entered, or withdrawn from warehouse, for consumption after December 31, 1973.

The committee amendment was agreed to.

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

EXTENDING TEMPORARY SUSPENSION OF DUTY ON CERTAIN CLASSIFICATIONS OF YARNS OF SILK

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 7780), to extend for an additional temporary period the existing suspension of duties on certain classifications of yarns of silk, which was unanimously reported to the House by the Committee on Ways and Means.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 7780

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) items 905.30 and 905.31 of the appendix to the Tariff Schedules of the United States (19 U.S.C. 1202) are each amended by striking out "11/7/73" and inserting in lieu thereof "11/7/75"; and such item is further amended by striking out "and item".

(b) The amendments made by subsection (a) shall apply with respect to articles entered, or withdrawn from warehouse, after November 7, 1973.

With the following committee amendment:

Page 1, line 6, immediately before the period insert the following: "; and such item 905.31 is further amended by striking out 'and item 308.51' ".

The amendment was agreed to.

Mr. ULLMAN. Mr. Speaker, the purpose of the pending bill, H.R. 7780, as reported to the House by the Committee on Ways and Means, is to continue for 2 years the suspension of duties on certain classifications of spun silk yard. The present suspension of duties expires on November 7, 1973, and the bill would extend the suspension through November 7, 1975.

The original suspension of duties on spun silk yarns, enacted on September 8, 1959, was done in order to enable domestic producers of fine yarn fabrics to import fine silk yarns free of duty in order to make it more economical to produce fine yarn fabrics in competition with imported similar fabrics. The suspension of duties has been continued since the original enactment by means of various temporary extensions, and the Committee on Ways and Means is advised that the same reasons which justified the original suspension justify its continuation. Favorable reports on H.R. 7780 were received from the executive branch, and no objection to the bill was made known to the committee.

The Committee on Ways and Means is unanimous in recommending enactment of this legislation, and I urge its favorable consideration by the House.

Mr. SCHNEEBELI. Mr. Speaker, I support H.R. 7780, which would extend for 2 years, through November 7, 1975, the suspension of duties on certain classifications of spun silk yarns.

The yarns involved are used in making sewing thread, decorative stripings for fine worsteds, lacing cord for cartridge bags, and in combination with other fibers, a number of additional items such as upholstery and drapery materials.

These duty suspensions originally were approved in 1959. The aim was to help domestic producers of fine yarn fabrics remain competitive with imports of like items by enabling them to import, free of duty, the raw material they needed. Our committee was informed that the same reasons for suspension exist today.

No objection to this legislation was voiced to the committee, and favorable reports were received from interested Government agencies. It is estimated that the bill will not result in any additional revenue loss or administrative expenses.

The committee was unanimous in reporting H.R. 7780, and I urge the House to approve it.

Mr. SIKES. Mr. Speaker, the purpose of H.R. 7780 is to continue for 2 additional years, until the close of November 7, 1975, the suspension of duties on certain classifications of spun silk yarn.

The duties on spun silk yarns have been suspended by various public laws since the original duty suspension was enacted by Public Law 86–235, approved on September 8, 1959. The suspension of the duties on spun silk yarns was last extended by Public Law 92–161 for a 2 year period from November 7, 1971, to November 7, 1973.

The suspension of the duty has been made in order to enable domestic producers of fine yarn fabrics to import fine silk yarns free of duty in order to make it more economical to produce fine yarn fabrics in competition with imported similar fabrics. The situation which justified earlier suspensions of duty continues to exist. The justification, stated simply, is that the bill helps American industry to stay in business and to provide employment for American workmen.

Favorable reports were received by the Ways and Means Committee from interested Government agencies and, no objection to the continuation of the suspension of duty has been brought to my attention or to the attention of the committee. The Ways and Means Committee was unanimous in recommending enactment of H.R. 7780 and, I sincerely hope that the House will approve this legislation today.

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

GENERAL LEAVE

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the two bills just passed.

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

There was no objection.

AUTHORIZING PRINTING OF PROCEEDINGS UNVEILING PORTRAIT OF THE LATE HONORABLE PHILIP J. PHILBIN

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Report No. 93–644) on the resolution (H. Res. 680) authorizing the printing of proceedings unveiling the portrait of the late Hon. Philip J. Philbin, and ask for immediate consideration of the resolution.

The Clerk read the resolution, as follows:

H. RES. 680

Resolved, That the transcript of the proceedings in the Committee on Armed Services of October 24, 1973, incident to the presentation of a portrait of the late Honorable Philip J. Philbin to the Committee on Armed Services be printed as a House document with illustrations and suitable binding.

SEC. 2. In addition to the usual number, there shall be printed eight hundred copies of such document for the use of the Committee on Armed Services.

With the following committee amendment:

On page 1, line 7, delete "one thousand" insert "eight hundred".

The committee amendment was agreed to.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING CERTAIN PRINTING FOR THE COMMITTEE ON VETERANS' AFFAIRS

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93–645) on the concurrent resolution (H. Con. Res. 88) authorizing certain printing for the Committee on Veterans' Affairs, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 88

Resolved by the House of Representatives (the Senate concurring), That after the conclusion of the first session of the Ninety-third Congress there shall be printed for the use of the Committee on Veterans' Affairs of the House of Representatives fifty-six thousand one hundred copies of a publication entitled "Summary of Veterans Legislation Reported, Ninety-third Congress, First Session", with an additional forty-four thousand copies for the use of Members of the House of Representatives.

With the following committee amendment:

Page 1, line 8, insert after "forty-four thousand" the following: "two hundred"

The committee amendment was agreed to.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PRINTING AS HOUSE DOCUMENT HOUSE COMMITTEE PRINT ON IMPEACHMENT, SELECTED MATERIALS

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93–646) on the concurrent resolution (H. Con. Res. 369) to print as a House document House committee print on Impeachment, Selected Materials, and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 369

Resolved by the House of Representatives (the Senate concurring), That there is authorized to be printed as a House document the House committee print on Impeachment, Selected Materials, and that six thousand four hundred twenty copies be printed, of which one thousand shall be for the use of the House Committee on the Judiciary, one thousand for the House Document Room, and

the balance prorated to the Members of the House of Representatives.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR PRINTING AS HOUSE DOCUMENT BOOKLET ENTITLED "THE SUPREME COURT OF THE UNITED STATES"

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93-647) on the concurrent resolution (H. Con. Res. 375) providing for the printing as a House document the booklet entitled "The Supreme Court of the United States," and ask for immediate consideration of the concurrent resolution.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 375

Resolved by the House of Representatives (the Senate concurring), That there shall be printed as a House document with illustrations, the booklet entitled "The Supreme Court of the United States"; and that ninety-eight thousand four hundred additional copies shall be printed of which eighty-eight thousand four hundred shall be for the use of the House of Representatives and ten thousand copies shall be for the use of the Joint Committee on Printing.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING PRINTING OF ADDITIONAL COPIES OF REPORT OF SENATE SPECIAL COMMITTEE ON TERMINATION OF THE NATIONAL EMERGENCY

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93-468) on the Senate concurrent resolution (S. Con. Res. 47) authorizing the printing and additional copies of a report to the Senate Special Committee on the Termination of the National Emergency, and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 47

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Special Committee on the Termination of the National Emergency five thousand additional copies of its report to the Senate entitled "Emergency Powers Statutes: Provisions of Federal Law Now in Effect Delegating to the Executive Extraordinary Authority in Time of National Emergency".

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

Mr. BRADEMAS. Mr. Speaker, I am glad to yield to the gentleman from Iowa.

Mr. GROSS. Mr. Speaker, on the present resolution, how many copies of this publication are made available to the House?

Mr. BRADEMAS. Mr. Speaker, under the text of the resolution, no copies are specifically earmarked for the use of the House but, of course, if Members of the House would wish to avail themselves of copies of this report, they could do so by request of the Senate Special Committee on the Termination of the National Emergency.

Mr. GROSS. Does the gentleman think that the other body would be pleased to give a Member of the House a copy of this booklet on delegated powers by Congress to the executive branch of Government?

Mr. BRADEMAS. Mr. Speaker, I am sure that would be the case.

Mr. GROSS. Mr. Speaker, I would think this would be one that every Member of the House ought to read and profit by, if the booklet is headed in the right direction.

Mr. BRADEMAS. Mr. Speaker, I share the viewpoint of the gentleman from Iowa.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

PRINTING OF PRAYERS OF CHAPLAIN OF THE SENATE DURING 92D CONGRESS

Mr. BRADEMAS. Mr. Speaker, by direction of the Committee on House Administration, I submit a privileged report (Rept. No. 93-649) on the Senate Concurrent Resolution (S. Con. Res. 49) authorizing the printing of the prayers of the Chaplain of the Senate during the 92d Congress as a Senate document, and ask for immediate consideration of the Senate concurrent resolution.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 49

Resolved by the Senate (the House of Representatives concurring), That there be printed with an illustration as a Senate document, the prayers by the Reverend Edward L. R. Elson, S.T.D., the Chaplain of the Senate, at the opening of the daily sessions of the Senate during the Ninety-second Congress, together with any other prayers offered by him during that period in his official capacity as Chaplain of the Senate; and that there be printed two thousand additional copies of such document, of which one thousand and thirty would be for the use of the Senate and nine hundred and seventy would be for the use of the Joint Committee on Printing.

SEC. 2. The copy for the document authorized in section 1 shall be prepared under the direction of the Joint Committee on Printing.

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

LEGISLATIVE PROGRAM

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

Mr. ARENDS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute in order to ask the distinguished majority leader the program following our return.

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

Mr. ARENDS. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. Mr. Speaker, I also want to make comment on the fact that we regret to see that the gentleman from Illinois has made the fateful decision to leave this Congress. We will be with bowed heads the day he leaves.

Mr. ARENDS. Mr. Speaker, I thank the gentleman.

Mr. O'NEILL. Mr. Speaker, the program for the House of Representatives for the week of the 26th of November, 1973, is as follows:

Monday is District day. There are five pieces of legislation:

H.R. 6186, dividends received by a corporation from insurance companies;

H.R. 7218, Holding Company System Regulatory Act;

H.R. 9577, Yacht Club of the District of Columbia;

H.R. 10806, District of Columbia Minimum Wage Act amendment; and

H.R. 11238, adoption of children subsidy.

On Tuesday and the balance of the week, we have H.R. 9107, Federal retirement annuities, with an open rule and 1 hour of debate; H.R. 11324, year-round daylight saving, subject to a rule being granted; H.R. 11010, Comprehensive Manpower Act, subject to a rule being granted; H.R. 11401, special prosecutor appointment, subject to a rule being granted.

Then, we have the Defense appropriations for the fiscal year of 1974, and the supplemental appropriations for the fiscal year of 1974.

Conference reports may be brought up at any time, and any further program will be announced later.

Mr. Speaker, may I repeat that the Members will note that on the calendar it says—

Tuesday and balance of the week.

It is the anticipation that we will work Friday of the week that we come back, because it seems that we have that much important legislation that it will carry through at least Friday.

Mr. ARENDS. Mr. Speaker, I thank the gentleman for the information.

PROPOSED LEGISLATION TO LIMIT EXPENDITURES ON PRESIDENTIAL PROPERTIES

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

Mr. BROOKS. Mr. Speaker, American taxpayers must not be subjected again to the possibility of spending millions of dollars on the private property of the President of the United States.

A recent investigation by the Subcommittee on Government Activities, of which I am chairman, has disclosed that more than $10 million has been spent in support of three private homes of President Nixon. Our investigation exposed numerous irregularities and excesses in the expenditure of public funds in the name of security. The absence of any management guidelines in the expenditure of these funds has virtually allowed the Secret Service to unload its budget on other Government agencies, particularly the GSA.

I am today, along with several other members of my subcommittee, introducing legislation to correct these abuses of public funds. My legislation, entitled the Presidential Protection Assistance Act of 1973, will limit such expenditures to one principal property designated by the President or other person entitled to Secret Service protection. In addition, it would require advance written requests by the Secret Service, payment by the Secret Service for such expenditures, and reports to Congress every 6 months. If the President changes the designation of his principal property, he would have to reimburse the Government for all expenditures made at the previously designated location not otherwise recoverable by the Government.

This legislation would further limit any permanent Secret Service guard detail to one location at a time, thereby saving the taxpayers approximately one-half million dollars a year at the present time. It would also prohibit the obligation of Government funds by non-Government personnel and would require that all improvements be removed if economically feasible to do so.

Mr. Speaker, the sponsors of this legislation fully recognize the tremendous responsibilities of the Secret Service and the problems they face. We have attempted to provide sufficient flexibility in this legislation to permit them to fulfill their function without being irresponsible in obligating funds from the public treasury. Our legislation would permit the Secret Service to request equipment, personnel, and facilities from other agencies on loan for not more than 2 weeks at a time without reimbursement and without written requests. It would also permit the Secret Service to spend up to $5,000 at locations other than the principal designated property of the person entitled to protection. Under these provisions, the Secret Service should in no way be hampered in fully carrying out its statutory responsibilities.

It is important that the Congress act upon this legislation so as to avoid further extravagant expenditures of taxpayers' money for improvements on private property that do not accrue to the benefit of the general public. Since no concern or self-restraint has been shown for obligating the American public to spend millions of dollars on private property owned by the President, the Congress must now take steps to define more specifically what expenditures can and cannot be made.

THE TRAGIC PLIGHT OF MOISE AND ADELE KERBEL

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

Mr. BADILLO. Mr. Speaker, for the past several years the free world has witnessed the cruel and ceaseless campaigns of repression perpetrated against Jewish citizens of the Soviet Union by their government. We have been shocked and angered over the denial of basic human rights and personal dignity to these thousands of men, women, and children. Many of us have spoken out against these various ill-conceived actions undertaken by Soviet authorities and have expressed our revulsion over the callous denial of the right of free emigration to Soviet Jews and the economic, social, and cultural isolation forced upon those who seek to emigrate to other countries.

For over 2 years Moise and Adele Kerbel of Kharkov in the Ukraine have been attempting to secure official permission to leave the U.S.S.R. and join their family in Israel. During this period they have been subjected to various forms of harassment and intimidation and have been denied the necessary permission to leave.

What is especially tragic is the fact that Adele Kerbel is reportedly in very poor health, suffering from an incurable disease. I understand that emigration to Israel to be reunited with family and loved ones is, for Mrs. Kerbel, a matter of life or death because of her very serious physical condition. However, the Soviet authorities have the effrontery to declare that the Kerbels' emigration to Israel is not in conformity with government interests and that Adele Kerbel's departure—even in her state of complete physical helplessness and ill health—threatens the security of the Soviet Union. Denying Adele Kerbel the hope of emigration to Israel and to once again see and be with her family is to deny her any hope of improvement and condemns her to a very uncertain future. How can a woman who has been bedridden for some 4 years threaten the security of the U.S.S.R. or any other nation?

The tragic plight of the Kerbels is just another example of the Soviet Union's complete disregard for the basic rights of its own citizens and reinforces my very strong belief that the Congress must take affirmative action to make plain our position that we will simply not tolerate the tactics employed against Soviet Jews. The fate of the more than 100,000 Soviet Jews, such as Moise and Adele Kerbel, who seek to leave the Soviet Union is in our hands and we must insure that they not be denied their right to emigrate and that they will be free from further victimization.

AWARD TO SENATOR LLOYD M. BENTSEN, JR.

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

Mr. DE LA GARZA. Mr. Speaker, I recently enjoyed the privilege of participating in a ceremony in South Texas in which the distinguished Senator from Texas and my longtime friend, Senator LLOYD M. BENTSEN, JR., was presented with the Distinguished Eagle Scout Award of the Boy Scouts of America.

It was an eminently fitting award. LLOYD BENTSEN earned the rank of Eagle Scout in 1938. During the ensuing quarter of a century, as the citation accompanying the award noted, he has been an outstanding public servant, never swerving from the principles of that great organization, the Boy Scouts of America.

The ceremony accompanying the presentation of the award had special personal significance for me. From 1949 through 1953 Senator BENTSEN occupied the seat I now hold as Representative of the 15th Congressional District of Texas. His successor and my immediate predecessor, the Honorable Joe Kilgore, whom I am also proud to call my friend, presided over the meeting in McAllen, Tex.—a meeting held under the auspices of the Rio Grande Council of the Boy Scouts of America, of which my brother, Robert de la Garza, is an active member.

It was an inspiring occasion—a time when old friends got together to join in paying deserved honor to a man they have known and admired for many years.

I include the text of the citation accompanying the award of the rank of Distinguished Eagle Scout to Senator LLOYD M. BENTSEN, JR.

DISTINGUISHED EAGLE SCOUT CITATION

THE BOY SCOUTS OF AMERICA

Because Lloyd M. Bentsen, Jr. earned the rank of Eagle Scout as a member of the Boy Scouts of America more than twenty-five years ago, in 1938, and

Because as an Eagle Scout, he has continued to serve his God, Country and fellow man, following the principles of the Scout Oath and Law, and

Because he has achieved distinction through service to scouting as local council executive board member, and

Because he has given distinguished service to his nation and community as United States Senator, former member of the House of Representatives, member of several important committees in the Senate and House and subcommittee chairman; former County Judge of Hidalgo County, Texas; member of the governing bodies of the United Fund of Houston and Harris County, Houston Chamber of Commerce, Texas Presbyterian Foundation, University of Texas Development Board, Y.M.C.A. and Salvation Army; veteran of World War II service in the U.S. Army Corps and holder of the Distinguished Flying Cross and the Air Medal with three Oak Leaf clusters;

Because of these and other achievements and the desire of the Boy Scouts of America, upon the nomination of his local council and the recommendation by a committee of Distinguished Eagle Scouts to the National Court of Honor, acting on behalf of the Executive Board of the Boy Scouts of America, the Honor and Rank of Distinguished Eagle Scout are awarded to and conferred upon him.

In testimony whereof, The Boy Scouts of America has caused these presents to be signed by its Officers and its Corporate Seal to be hereto affixed.

THE DILEMMA OF "WATERGATE"

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. ROBISON) is recognized for 30 minutes.

Mr. ROBISON of New York. Mr. Speaker, while the broader implications of Watergate run back over a period of many months now, the disturbing events of Saturday, October 20, gave them new and alarming dimensions.

I have been searching, ever since that weekend, to find the responsible position to take—and hold—relative to the President's future.

By resisting, in the interim, the mounting pressure to join the chorus of those now shouting for the President's im-

peachment, I have disappointed those making that demand.

Conversely, as one who has viewed with concern and deep regret many of the President's actions—or nonactions—which have precipitated the current drive for impeachment, I have disappointed those all-out supporters of the President who, though fewer in number if measured only by my mail, have demanded comparable allegiance on my part.

Whatever future political problems these reactions from polarized public attitudes toward Mr. Nixon may pose for me is of little consequence.

For my sole personal concern has been —and remains—one of determining the most responsible course for me to take; one that would meet the dictates of my own conscience, and would measure up to what I perceive to be the serious duty borne by me, as a Member of this House, in this largely unprecedented situation.

Let me not be misunderstood.

As we face up to our present dilemma, I am fully aware of the "representative" nature of my duty no matter how often I have heretofore, and favorably, quoted this admonition from Edmund Burke:

Your representative owes you, not his industry only, but his judgment; and he betrays instead of serving you if he sacrifices it to your opinion.

Any conscientious legislator is well-advised to follow that guideline—as I have sought to do—but I have spent a good deal of time pondering of late whether or not the decision the House may be facing here is the exception that, traditionally, "proves" such a rule.

Those who write in support of impeachment seem to think so. They say they speak "for the people." They demand that I hear the "voice of the people"—and some even go so far as to declare that, if I do not, they will actively work against me should I seek reelection. A few, of course, go even further—questioning both my courage and my patriotism, much after the fashion of a recent Carl T. Rowan pro-impeachment column which he concluded with these words:

The members of Congress who turn out to be gutless in this national hour of need ought to be consigned to infamy for as long as their names are uttered.

There is a further common thread running through much of my pro-impeachment mail, Mr. Speaker—this to the effect that, in the case of Presidential impeachment, the House does not really decide anything, anyway, being required only to determine if sufficient grounds for impeachment lie against the President, sufficient for his "indictment" that is, in effect, which charges will then be heard and decided upon by the Senate.

In essence, this may well be true—and I am as aware as anyone of the familiar litany of charges against the President which, supposedly, add up now to sufficient grounds for his "indictment" by the House, charges which one of my local editors neatly summed up this way:

His highest crime (being) that, in tearing our government apart, he has brought a great nation into a time of doubt and confusion.

Well, surely, there is "doubt and confusion" aplenty, Mr. Speaker, not the least of which is the clear fact that "the people" do not presently speak with one voice when it comes to that question of impeachment, plus the doubt and confusion that exists over the salient question of what, exactly, is an "impeachable" offense by a President under our Constitution.

As to the former—public opinion—while all of us have surely heard from a surprisingly broad-based, articulate and, for the most part, obviously sincere segment of our constituencies who favor impeachment, it is by no means clear that it represents a majority of public opinion on the impeachment question at the moment. Despite the President's obvious fall from grace if one considers only the Gallup-Harris attempts to measure his "support" among the populace, there are strong signs indicating that the contrary is the case. For instance, the just-released Sindlinger survey on the twin question of impeachment-and-resignation demonstrates the uncertain, and volatile nature of public opinion on such question this way:

[In percent]

	For	Against
On impeachment:		
After Cox firing (Oct. 20)	47	30
After release of tapes (Act. 23)	35	54
After Nixon press conference (Oct. 26)	30	60
After disclosure of nonexistent tapes (Oct. 31)	31	54
On resignation:		
After Cox firing (Oct. 20)	54	29
After release of tapes (Oct. 23)	38	47
After Nixon press conference (Oct. 26)	32	54
After disclosure of nonexistent tapes (Oct. 31)	33	

In any event, as to the latter—that nagging question of what is sufficient ground for a majority vote in support of specific "Articles of Impeachment" of a President by the House—I think a decent regard for the designers of this ultimate, political weapon against a President would require something substantially more than mere congressional disagreement, however strong, with a President's policies, and certainly more than the suggestion that "* * * an impeachable offense is whatever a majority of the House of Representatives considers it to be at a given moment in history," as once, in what I have to think was an unguarded idea, was advanced by the current Vice President-designate, the Honorable GERALD R. FORD.

The point here is, Mr. Speaker, that there is far more than the future of Richard Nixon at stake in our discussion of this question. Beyond whatever fate may eventually—and properly—befall the current incumbent of the White House, lies the future legitimacy, and stability, of the institution of the American Presidency, itself.

I suggest we ignore that aspect of our dilemma only at the future peril of our whole political system—and its survivability.

As Prof. Raoul Berger—perhaps the only acknowledged expert on the impeachment process—has noted:

The design of the Founders should constrain the Senate to disclaim unlimited power, and to act within the confines contemplated by the Founders. When Congress impeaches and convicts in disregard of those bounds, it is guilty of an abuse of its power which posterity, if not the Court, will condemn. No member of Congress should lightly invite a judgment such as branded the impeachment of President Andrew Johnson as "one of the most disgraceful episodes in our history." Congress should have before it the admonition of Edmund Burke with respect to a mooted impeachment: "We stand in a position very honorable to ourselves and very useful to our country, if we do not abuse the trust that is placed in us." Let impeachment be (then), not a mere means of venting party spleen, but rather, as it was for Burke, "that great guardian of the purity of the Constitution".

Mr. Speaker, I would here and now—and most sincerely—wish to congratulate you, personally, and the Democratic majority in this House, for the obvious restraint you have both shown up to now in this most-difficult situation. Surely, the voters are in your possession—if you wished to use them—for "venting party spleen," to borrow Burke's phrase; but equally surely you have perceived the danger to the Nation in your rejection of that route, Mr. Speaker, as well as having recognized the potentially substantial benefits to that same Nation by holding, with respect to GERALD FORD'S designation as Vice President, to the letter and spirit of the 25th amendment to its Constitution.

I am encouraged—and grateful—Mr. Speaker, for the statesmanship, and individual decency, that has prompted you, instead, to squelch every temptation to hold the Ford designation hostage, either to President Nixon's future performance, or in anticipation of his possible impeachment. As the Washington Post has said, editorially, in this regard:

Settling the issue of succession (will) remove one source of public uncertainty . . . (and) demonstrate that the Congress can perform responsibly at a time when a sense of responsibility is a precious commodity in public life.

It would seem that an equal sense of responsibility is the motivating factor behind the deliberate pace of the House Committee on the Judiciary, as it embarks on its preliminary inquiry into the difficult question of whether or not constitutional grounds for the President's impeachment by the House presently lie against Mr. Nixon. While I have not joined in introducing one of the several resolutions that precipitated that inquiry, I do agree that the same should go forward promptly and, hopefully, in a nonpartisan environment.

At this point—and in this regard—I would like to suggest to all of my colleagues, Mr. Speaker, a rereading of chapter 6 of John F. Kennedy's "Profiles in Courage," wherein he recounts for us the background of, and issues involved in, the abortive impeachment attempt of President Andrew Johnson, in 1868.

The parallels—as between that situation and today's—are, of course, far from being four-square, but they are present in sufficient number as to encourage an objective consideration of them.

Then—as now—the Chief Executive was at odds with Congress; as Kennedy describes it:

The two branches of government were . . . at each other's throats, snarling and bristling with anger . . . bill after bill was vetoed by the President . . . and for the first time in our nation's history, important public measures were passed over a President's veto and became law without his support.

This Congress and President Nixon have not exactly been "snarling" at one another, but they certainly have had their differences, and—to get back to the parallels—then, as now, it was the Presidential firing of a congressional favorite in the executive branch—the Secretary of War—that apparently served as the proverbial last straw causing, as Kennedy further puts it:

Public opinion in the nation to run heavily against the President . . . (who) had intentionally broken the law and dictatorially thwarted the will of Congress!

After several prior such attempts had failed, the House then voted for impeachment under the lash of Pennsylvania's Thaddeus Stevens, quoted by Mr. Kennedy as having warned:

Let me see the recreant who would vote to let such a criminal escape. Point me to one who will dare to do it and I will show you one who will dare the infamy of posterity.

The word, "infamy," seems to be one—for whatever curious reason—reserved for use in such occasions even as, today as noted, columnist Rowan resorted to it since, as Kennedy goes on, when six then-Senators indicated the evidence against Johnson was not in their opinion sufficient to convict, the Philadelphia Press cried, "Infamy!" and asserted that the Republic had been betrayed "in the house of its friends."

In any event, the same newspaper also reported—as Kennedy notes—"a fearful avalanche of telegrams from every section of the country—and a great surge of public opinion from the 'common people'." Moving on, Mr. Kennedy describes how, as the impeachment trial progressed:

It became increasingly apparent that the impatient (Congress) did not intend to give the President a fair trial on the formal issues upon which the impeachment was drawn, but intended instead to depose him from the White House on any grounds, real or imagined, for refusing to accept their policies. Telling evidence in the President's favor was arbitrarily excluded. Prejudgment on the part of most Senators was brazenly announced. Attempted bribery and other forms of pressure were rampant. The chief interest was not in the trial or the evidence, but in the tallying of votes necessary for conviction.

The man who eventually cast the deciding vote against conviction—the man former President Kennedy "profiled"—was Senator Edmund G. Ross, of Kansas, whom the New York Tribune thereafter termed "a miserable poltroon and traitor," with the Phiadelphia Press weighing in, again, against Ross and those few others who voted for acquittal as men who had "plunged from a precipice of fame into the groveling depths of infamy and death."

It is true that neither Ross nor any other Senator who had voted for acquittal was ever reelected to the Senate—and none of them retained the support of their party's organization. But one of them, Senator Lyman Trumbull, of Illinois—as President Kennedy reports it—"filed for the record these enduring words":

The question to be decided is not whether Andrew Johnson is a proper person to fill the Presidential office, nor whether it is fit that he should remain in it. . . . Once set, the example of impeaching a President for what, once the excitement of the House shall have subsided, will be regarded as insufficient cause, no future President will be safe who happens to differ with a majority of the House and two-thirds of the Senate on any measure deemed by them important . . . What then becomes of the checks and balances of the Constitution so carefully devised and so vital to its perpetuity? They are all gone . . .

Senator Ross, himself, in the Kennedy chapter on all this, is described as a man who, personally, disliked President Andrew Johnson but, in a magazine article some years later explained the motives behind his "Not Guilty" vote in these words:

In a large sense, the independence of the executive office as a coordinate branch of the government was on trial . . . If the President must step down . . . a disgraced man and a political outcast . . . upon insufficient proofs and from partisan considerations, the office of the President would be degraded, cease to be a coordinate branch of the government, and ever after be subordinated to the legislative will. It would practically have revolutionized our splendid political fabric into a partisan Congressional autocracy.

Mr. Speaker, one has to conclude that the lessons of history—as drawn from this, our sole, prior experience with Presidential impeachment—weigh heavily upon your mind, and on the minds of those of our colleagues on the Committee on the Judiciary who now must endeavor to decide what possible, constitutionally-acceptable grounds for impeachment, if any, now lie against Richard Nixon.

This is a very difficult and delicate task—considering the absence of precedents to actually guide us, and the ultimate, political enormity of even an attempt at impeachment of the President; something which Time magazine, in its unprecedented editorial of last week calling for a Nixon resignation, described as a process which, even if Mr. Nixon were to be acquitted "would leave him and the country devastated." Fleshing out that thought, Time declared—and, I think, accurately—that any such impeachment trial "would take at least several months, during which the country would be virtually leaderless and the White House would be paralyzed while the United States and the world awaited the outcome."

Then Time stated:

The Republic would doubtless survive. But the wise and patriotic course is for Richard Nixon to resign, sparing the country and himself this agony.

I will address myself to the question of resignation in a moment, Mr. Speaker, choosing to stay yet awhile with that alternative question—if it can accurately be described as an alternative—of impeachment.

As to that question—continuing to draw from "Time's" editorial—it is stated therein, in a manner that elaborates upon the lessons I have sought to draw from the 1868 impeachment trial, that:

The right of free men to choose their leaders is precious and rare in a world ruled by authoritarian governments. It is the genius of the American Constitution that it combines stability with liberty; it does so in part by fixing a term for the Chief Executive and largely protecting him from the caprices of parliamentary governments. An American President must be given the widest freedom of action, the utmost tolerance, the most generous benefit of every doubt. It is a system that has served us well.

A President's Gallup rating can fluctuate as much as the Dow Jones. He may push unpopular programs or oppose popular ones. Being a political as well as a national leader, he may dissemble within more or less accepted political limits. His Administration may be touched by corruption, provided that he does not condone it. He may make mistakes, many of them. He may fight the other branches of Government, for this is sometimes necessary to get things done. None of these matters—especially since they are always subject to partisan interpretation—are sufficient in themselves to justify the removal of a President.

What, then, Mr. Speaker, is "sufficient to justify the removal of a President"?

I confess I do not know; and I suggest, in all candor, that none of us knows, for certain—but I would urgently also suggest that it ought to mean, if we care at all about the institution that is the American Presidency, far more than ". . . whatever a majority of the House of Representatives considers it to be at a given moment in history."

This is the decision initially confronted by the distinguished gentleman from New Jersey (Mr. RODINO), and his colleagues on the Judiciary Committee. It is understandable if they have approached the challenge—and the enormity—thereof in a hesitant manner, up to now. Who would not—even if their mail was not running, as is mine, about 15 to 1 against the President, and the latest Gallup poll still showed that 54 percent of our citizens voted, despite grievous doubts about Mr. Nixon's noninvolvement in Watergate, against removing him from office?

Where, then, Mr. Speaker, do I—or we—go from here?

Our present situation—with both Mr. Nixon and the Nation left to dangle somewhere between the proverbial "hard-place" and the "rock" is well-nigh intolerable.

We simply cannot go on much longer—either the President, or the Nation—on the horns of such a dilemma.

My responsibility—our responsibility, Mr. Speaker, as members of the House is undoubtedly less than that of a member of the Senate who, in the end, votes "guilty" or "not guilty" on articles of impeachment.

And, yet, I no more think we should—at this point in time—prejudge the question of whether or not constitutionally-acceptable grounds for the impeachment of Richard Nixon now lie against him than a member of the other body should prejudge the sufficiency thereof for purposes of conviction. We, on the House

side, do not act as "judges"—more nearly as grand-jurors—and yet, I have felt constrained to answer some of my more violent proimpeachment mail in the words of Senator William Pitt Fessenden, of Maine, who asked, in 1868.

> By what right can any man upon whom no responsibility rests, and who does not even hear the evidence, undertake to advise me as to what the judgment should be . . . ?

A large segment of the American public—perhaps urged in that direction by the news media, and perhaps not—has prejudged the impeachment case against the President. They—like some segments of the news media—are impatient over the slowness of the congressional pace towards such a judgment. A recent "New Yorker" magazine comment asks why:

> We go on searching for evidence—evidence that can only prove for the thousandth time what we already know. Hypnotized by investigations, we have not as a people, found the will to press for a resolution. Even in our extremity, we wait, it seems, for evidence that is more than evidence, as if some final memo or tape from the White House could free us of our obligations, and make for us the solemn decision we must now make for ourselves.

I understand the sense of frustration that lies behind such words, Mr. Speaker, for I share an equal sense of frustration.

And I appreciate the sincerity with which most of my constituent mail urging me to get on with the task of impeachment was written.

But, yet, as Stewart Alsop warns—in his Newsweek column for November 12—we, here in this House, must be wary of the "fever abroad in this city today, uncomfortably like the ferocious fever that seizes a fight crowd when the knees of a punch-drunk fighter begin to wobble."

It continues:

> (For) the danger is that, when the punch-drunk President is brought down, the Presidency itself will be brought down, its authority eroded, its defense damaged beyond repair.

Today, Mr. Speaker, after some unfortunate displays of partisan fireworks, we voted the Committee on the Judiciary $1 million to hire necessary staff, and pay the expenses involved in carrying out what its chairman (Mr. RODINO) called "the awesome responsibility of reviewing and investigating charges that the President of the United States should be impeached."

I voted for such funds, because I believe it essential that this preliminary inquiry be carried forward—and urge that it be completed at the earliest practicable date.

It is my understanding that word has come from the majority side of the committee to the effect that no resolution of its work can come before "late spring" next year.

I am not privy to all the problems involved in reaching such a resolution—even a tentative one—though I can well imagine what they must be.

I could not urge the committee to lose sight of the gravity of the task with which it is charged—but I would urge them to get on with it and, in all honesty, Mr. Speaker, it does seem to me that if it does a proper job, right now, of beginning to separate out the possible "constitutional wheat" from all the "political chaff," so to speak, contained in that familiar litany of current charges against Mr. Nixon, it could give us a resolution containing articles of impeachment for the House to vote "up" or "down" by early next year.

Mr. Speaker, I would strongly urge the committee to now set such a goal for itself—and announce the same publicly.

In doing so, the committee will have to reject the pleas of those who, for whatever motives, would want to drag the committee's inquiry on and on, until the broadest possible case against the President might be put.

It is necessary for the committee to do so for reasons well expressed in this excerpt from a recent "Wall Street Journal" editorial:

> (For) as it is Mr. Nixon is drowning in a sea of unproved charges. The moment he starts to address one of them, his answers are swept away by another. The farrago of charges includes the plausible and implausible, clear crime, disagreements on policy, differences on constitutional interpretation and no small measure of political malice. The result is to convince part of the public that the President is Satan himself, and to convince another part of the public that he is the victim of a campaign of baseless innuendo . . .
>
> Someone will have to seize the responsibility to frame a set of accusations that can be proved or disproved. The President must be given a bill of particulars against which he can defend himself, his critics must be given a feeling that at last the most serious of their fears was fully explored, and the public must be given a feeling that they are governed by serious and responsible men.

Mr. Speaker, there is a crisis of confidence—abroad in this sadly troubled Nation, today.

The author of the crisis may well be the present occupant of the White House.

But this House—this Congress, Mr. Speaker—shares with the President the larger responsibility of acting, now, to resolve that crisis, one way or another.

This brings me back, finally, to that question of Presidential resignation—which Time and many Americans view as an easier, and far quicker, way to resolve our dilemma.

Time declared—as we will recall—that the President has, with the Nation, passed ". . . a tragic point of no return—that the President has irredeemably lost his moral authority, the confidence of most of the country, and therefore his ability to govern effectively."

Again, while I respect the views of those who concur in this judgment, it remains my own judgment that it is too soon to come to any such conclusion.

Obviously, the President's moral authority has been grievously wounded—his effectiveness as our Chief Executive badly eroded.

I think he understands this—now—after months of seeming not to want to accept that prospect, and months of hoping, evidently, that his troubles would, somehow, all blow away.

Yet, I think he can—if he wants to badly enough—begin now to recapture some of that authority, perhaps not all, and some of that effectiveness, again perhaps not all, for I gravely doubt things will ever be quite the same again as they once were for Richard Nixon and the people he has worked so hard, and occasionally so successfully, to serve.

This is a matter that—like resignation—is out of my hands.

It is, instead, a matter between Richard Nixon and the American people.

I would not call upon him, as some in effect have, to now make "public penance," but surely right now a measure of humility would go down far better than further displays of bitterness—and, without intending to sound facetious, it might be a good time to replace "Hail to the Chief" with the National Anthem at White House functions.

What I suppose I am saying, Mr. Speaker, is that, even as Watergate has altered President Nixon's status—and, perhaps, eventually even his place in history—it has probably altered for all of us our concept of the Presidency, itself.

What I want—what I suspect we all now want is a far more open, more forthcoming, more down-to-earth Presidency than we have had in recent times.

We have had enough *of confrontations*—of internal divisions and strife; indeed, a decade full of both.

We want—and need instead, an era of reconciliation, and of cooperation; a national drawing together.

The saving grace in Watergate's whole shaking of our ideas and our ideals could be in the opportunity it now brings to us all—from Richard Nixon to the lowliest citizen—to move in such directions.

Mr. Speaker, we know, then, what we must do—so let us get on with it.

The President—in the interim—must decide what he can do, and what he will do.

But the only thing that really matters—as we contemplate our respective dilemmas—is the Republic, itself, which ought to be everyman's concern.

WATERGATE SPECIAL PROSECUTOR

The SPEAKER. Under a previous order of the House, the gentleman from Maryland (Mr. HOGAN) is recognized for 60 minutes.

Mr. HOGAN. Mr. Speaker, the Subcommittee on Criminal Justice of the House Judiciary Committee on which I am privileged to serve has held hearings on legislation relating to a special prosecutor in the Watergate matters. The Judiciary Committee has reported out a bill calling for a court-appointed prosecutor.

More than two dozen bills have been introduced regarding this matter in the wake of the firing of Archibald Cox. Many of these bills reflect the haste with which they were put together. For example, the proposals by Congressman CULVER and Senator BAYH called for appointment of the special prosecutor by the chief judge of the U.S. District Court for the District of Columbia—Judge John Sirica. Although this legislation had many sponsors in the House and Senate, it is now conceded by most sponsors that this is not a desirable thing to do.

There is, however, substantial support

for the special prosecutor to be appointed by the judiciary rather than by the executive branch.

A great many Americans were shocked over the firing of Archibald Cox and the subsequent resignations of Attorney General Elliot Richardson and Deputy Attorney General William D. Ruckelshaus, and the confidence of the public was shaken that the prosecution of Watergate-related matters would go forward aggressively in an unfettered way.

There was unanimity on our subcommittee that everyone engaged in wrongdoing in connection with Watergate and its fallout extensions should be brought to justice. There was also agreement that there should be a special prosecutor to pursue these matters without interference. There was disagreement, however, as to how this special prosecutor should be appointed.

Mr. Speaker, I recommend that our colleagues in the House read the transcript of the hearings which our subcommittee held on the various proposals so they can assess the views of the witnesses about the merits and demerits of the various measures and the constitutional questions related to such legislation.

For purposes of simplification the various proposals can be divided into those which call for appointment of the special prosecutor by the judicial branch and those which call for his appointment by the executive branch.

This is the rock of the issue around which all of the constitutional controversy swirls.

The hearings evoked conflicting views from legal scholars as to whether or not it would be constitutional for the judicial branch to appoint a special prosecutor. Acting Attorney General Robert H. Bork, former Attorney General Elliot Richardson—who testified before the other body, Roger C. Cramton, dean of the Cornell Law School, and some members of the subcommittee itself believe the weight of authority is on the side of this being unconstitutional. Archibald Cox, former Watergate Special Prosecutor and Prof. Paul Bator, of the Harvard Law School, initially announced publicly that they felt it would be unconstitutional, but on further reflection both men changed their mind and concluded that they thought it would be constitutional.

Mr. Bork assured us during his testimony that there has been no interruption in the work of the former Watergate Special Prosecution Force. The group of lawyers assembled by Mr. Cox remains intact and has continued its work from the same quarters, with the same staff, and with the same investigative and administrative support from the Department of Justice. The Special Prosecution Force continues to have access to the full resources of the executive branch, including assistance from the Federal Bureau of Investigation and investigators from the Internal Revenue Service.

He said that the new special prosecutor, Mr. Leon Jaworski, has precisely the same charter that Mr. Richardson established for the former special prosecutor, with an additional safeguard of the special prosecutor's independence. That safeguard is the President's assurance that he will not exercise his constitutional power to discharge the special prosecutor or to limit his independence in any way without first consulting the majority and minority leaders and chairmen and ranking members of the Judiciary Committees of the Senate and the House, and ascertaining that their consensus is in accord with his proposed action.

Mr. Bork said it is anticipated that Mr. Jaworski will receive cooperation from the White House in getting any evidence he feels he needs to conduct investigations and prosecutions, but it is clear and understood on all sides that he has the power to use judicial processes to pursue evidence if a disagreement should develop in this regard.

I am sure I can speak for the entire subcommittee in stating that we were all satisfied that Mr. Jaworski will conduct the investigations and prosecutions with complete impartiality and diligence.

Mr. Bork testified that:

> The question is whether congressional legislation appointing a Special Prosecutor outside the Executive Branch or empowering courts to do so would be constitutionally valid and whether it would provide significant advantages that make it worth taking a constitutionally risky course." He said further, I am persuaded that such a course would almost certainly not be valid and would, in any event, pose more problems than it would solve.
>
> As I have said, the Special Prosecution Force is now and has been in uninterrupted pursuit of the cases under its jurisdiction. Should the Congress or the courts attempt to establish a new Special Prosecutor there is bound to be legal confusion, delay, and disruption of these investigations and prosecutions.

He added:

> There is also the danger—and this is the problem that concerns me most—that the establishment of a Special Prosecutor outside the Executive Branch would ultimately be held unconstitutional so that persons otherwise properly convicted would go free. A person "convicted" would, on a second trial, conceivably have a double jeopardy claim under the Fifth Amendment and, perhaps more plausibly, a claim that he had been denied the right to a speedy trial guaranteed by the Sixth Amendment and that the publicity generated by his first, invalid, trial denied him due process and an impartial jury as required by the Fifth and Sixth Amendments, respectively. There is, moreover, the real possibility that the delay would have let the statute of limitations run on some offenses and that witnesses and other evidence would be lost. These seem to me very substantial dangers that ought not to be courted unless there is no other way to proceed.

He went on to explain that the constitutional problem arises because the Constitution of the United States makes prosecution of criminal offenses an executive branch function. The Constitution distributes the powers of the three branches of Government and the only reference to prosecutorial powers is in article II, section 3, which states that the President "shall take care that the laws be faithfully executed." Article II, section 2 gives the President "power to grant reprieves and pardons for offenses against the United States." This power, too, indicates that the Constitution lodges in the executive branch complete control over criminal prosecutions.

The Acting Attorney General reminded us,

> Congress duty under the Constitution is not to enforce the laws but to make them. The Federal courts' duty under the Constitution is not to enforce the laws but to decide cases and controversies brought under the laws. The Executive alone has the duty and the power to enforce the laws by prosecutions brought before the courts. To suppose that Congress can take that duty from the Executive and lodge it either in itself or in the courts is to suppose that Congress may by mere legislation alter the fundamental distribution of powers dictated by the Constitution. Under such a theory, the Congress, should it deem it wise, could take the decision of criminal cases from the courts and assume that function itself or lodge it in the Criminal Division of the Department of Justice. That is simply not our system of government.

Some believe that the tradition which places prosecutorial power solely in the executive branch, may be evaded by powers expressly given the Congress in article II, section 2, and in article I, section 8.

Article II, section 2, grants wide powers to the President, including the nomination or appointment of various officers of the United States, and then states:

> But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments."

Mr. Bork reminded us that this provision was added with little or no debate toward the end of the Constitutional Convention almost as an afterthought. Would the framers of the Constitution so carelessly destroy the principle of separation of powers they had so painstakingly worked out in the course of their deliberations? I think not.

There is no doubt whatever that the powers delegated to Mr. Jaworski are not only those exclusively vested in the executive branch but also are broad and comprehensive. The special prosecutor has four heads of jurisdiction:

First. Offense arising out of the unauthorized entry into Democratic National Committee Headquarters at the Watergate;

Second. Offenses arising out of the 1972 Presidential Election for which the special prosecutor deems it necessary and appropriate to assume responsibility;

Third. Allegations involving the President, members of the White House staff, or Presidential appointees; and

Fourth. Any other matters which he consents to have assigned to him by the Attorney General.

An Attorney General can delegate such functions to a special prosecutor but can Congress take them away from an Attorney General and give them either to itself or to the judiciary?

Acting Attorney General Bork concluded his formal statement before the subcommittee as stating:

> It is particularly important in times of crisis and deep-seated unease that we adhere to the constitutional system that has sustained us so long. It is all too easy to say that this is an emergency and we will violate

the Constitution this one time. But that kind of expediency is habit forming. Bad precedents, once established, are easily used in the future.

In sum, we now have a Special Prosecutor and a staff in operation. There is every reason to expect that they will carry out their investigations and prosecutions with the full rigor that the law requires. There is no reason to abandon a constitutional system of government that has served us so well for so long.

I agree with Mr. Bork's conclusion.

Professor Bator wrote in the May 5, 1973 New York Times:

The Constitution vests executive power in the President and commands him to take care that the laws be faithfully executed. The enforcement of Federal criminal law is a central part of the function of executing the laws. For the Congress or anyone else to purport to create an agency wholly independent from the Executive Branch with power to enforce the criminal law would probably be unconstitutional.

The most serious doubts raised center on the fact that there are constitutional problems inherent in such a blend of the traditionally separate roles of the prosecutor and the judiciary. Some claim this violates the principle of separation of powers and appears to be at odds with the judicial function of the Federal courts as provided in article III. There has also been concern expressed that the creation of such a special prosecutor under the direction and supervision of the judiciary might well jeopardize the success of all future Watergate related prosecutors.

Everyone agrees that there is a serious question about the constitutionality which would inevitably be challenged in the courts. Obviously, any defense counsel for a defendant indicted by such a court-appointed prosecutor would certainly challenge the validity of the indictment and cause considerable delay while the question is resolved through the appellate process.

Mr. Speaker, this aspect of the legislation is so important that it warrants elaboration.

Article II, section 2 of the Constitution provides:

(The President) shall nominate, and by and with the advice and consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other Officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by Law; but the Congress may by Law vest the appointment of such inferior officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

It is necessary to also read in this context, article III of the Constitution, which defines the judicial power of the United States, to determine if this places any limitation on the broad authority which article II appears to give.

The Supreme Court has implied, in vague language, that there is such a limitation, but has never had occasion to define it precisely or to hold that Congress has overstepped it. The Supreme Court and some lower courts have squarely held that under article II, section 2, Congress may vest in the courts the appointment of officers who do not perform functions connected with the judicial branch. The major pronouncement of the Supreme Court on the subject is Ex Parte Siebold (100 U.S. 371 (1879)). That case involved a petition for a writ of habeas corpus by certain individuals who had been convicted of offenses against the laws of the United States arising from the performance of their duties as supervisors of congressional elections. One of their defenses was that the Federal statute governing their appointment, which had vested the appointment power in the circuit courts of the United States, was unconstitutional. The Supreme Court implicitly assumed, arguendo that this claim would establish a defense and dealt with the question on the merits. The Court's entire discussion of this point is quoted below (100 U.S., at 397–398):

Finally, it is objected that the act of Congress imposes upon the Circuit Court duties not judicial, in requiring them to appoint the supervisors of election, whose duties, it is alleged, are entirely executive in their character. It is contended that no power can be conferred upon the courts of the United States to appoint officers whose duties are not connected with the judicial department of the government.

The Constitution declares that "the Congress may, by law, vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments." It is no doubt usual and proper to vest the appointment of inferior officers in that department of the government, executive or judicial, or in that particular executive department to which the duties of such officers appertain. But there is no absolute requirement to this effect in the Constitution; and, if there were, it would be difficult in many cases to determine to which department an officer properly belonged. Take that of marshal, for instance. He is an executive officer, whose appointment, in ordinary cases, is left to the President and Senate. But if Congress should, as it might, vest the appointment elsewhere, it would be questionable whether it should be in the President alone, in the Department of Justice, or in the courts. The marshal is pre-eminently the officer of the courts; and, in case of a vacancy, Congress has in fact passed a law bestowing the temporary appointment of the marshal upon the justice of the circuit in which the district where the vacancy occurs is situated.

But as the Constitution stands, the selection of the appointing power, as between the functionaries named, is a matter resting in the discretion of Congress. And, looking at the subject in a practical light, it is perhaps better that it should rest there, than that the country should be harassed by the endless controversies to which a more specific direction on this subject might have given rise. The observation in the case of Hennen, to which reference is made (13 Pet. 258), that the appointing power in the clause referred to "was no doubt intended to be exercised by the department of the government to which the official to be appointed most appropriately belong," was not intended to define the constitutional power of Congress in this regard, but rather to express the law or rule by which it should be governed. The cases in which the courts have declined to exercise certain duties imposed by Congress, stand upon a different consideration from that which applies in the present case. The law of 1792, which required the circuit courts to examine claims to revolutionary pensions, and the law of 1849, authorizing the district judge of Florida to examine and adjudicate upon claims for injuries suffered by the inhabitants of Florida from the American army in 1812, were rightfully held to impose upon the courts powers not judicial, and were, therefore, void. But the duty to appoint inferior officers, when required thereto by law, is a constitutional duty of the courts; and in the present case there is no such incongruity in the duty required as to excuse the courts from its performance, or to render their acts void. It cannot be affirmed that the appointment of the officers in question could, with any greater propriety, and certainly not with equal regard to convenience, have been assigned to any other depositary of official power capable of exercising it. Neither the President, nor any head of department, could have been equally competent to the task.

In our judgment, Congress had the power to vest the appointment of the supervisors in question in the circuit courts.

It seems fair to conclude from the discussion in Siebold, that the Court did recognize the existence of a limitation on Congress article II, section 2 power to vest the appointment of an inferior officer in the courts, where it could be said that the duties to be exercised by that officer bore an "incongruity" with the judicial function. Furthermore, it could be argued from the final two sentences of the second from last paragraph in the quoted portion of the court's opinion above, that perhaps the courts, in determining the validity of any such statutes, are to consider the relative propriety and convenience of vesting the appointment in the President or the heads of departments, rather than in the courts of law.

The Constitution provides in article II, section 3 that the President is charged with the responsibility of insuring that the laws of the United States are faithfully executed. Thus it is argued that the function of conducting legal proceedings on behalf of the United States cannot be transferred to a prosecutor who is wholly independent of the executive branch.

In *Ponzi* v. *Fessenden* (258 U.S. 254, 262 (1922)) the Supreme Court ruled that the prosecution of offenses against the United States is an Executive function stemming from the power vested in the President by article II of the Constitution, the discharge of which is committed to the Attorney General:

"The Attorney General is the head of the Department of Justice . . . He is the hand of the President in taking care that the laws of the United States in protection of the interests of the United States in legal proceedings and in the prosecution of offences, be faithfully executed.

Similarly, in *Springer* v. *Philippine Islands* (277 U.S. 189, 202 (1928)), the Supreme Court declared that "the authority to enforce laws or to appoint the agents charged with the duty of enforcing them" are Executive functions. (See also 2 Op. A G. 482, 487–493 1831).)

In *United States* v. *Cox*, (342 F. 2d 167 (5th Cir.) *cert. denied*, 85 S. Ct. 1767 (1965)), the Court of Appeals held that a U.S. Attorney could not be required by a court to sign an indictment initiating the prosecution of offenses against the United States. In addressing the constitutional authority of the executive branch in the enforcement of criminal laws, the court reiterated the principle of *Ponzi, supra*, that "the Attorney General is the hand of the President in tak-

ing care that the laws of the United States in legal proceedings and in the prosecution of offenses, be faithfully executed." (342 F. 2d at 171.) It then considered the role of the U.S. Attorney in discharging this Executive power:

The U.S. Attorney is an Executive official of the Government, and it is as an officer of the Executive department that he exercises a discretion as to whether or not there shall be a prosecution in a particular case. It follows, as an incident of the constitutional separation of powers, that the courts are not to interfere with the free exercise of the discretionary powers of the attorneys of the United States in their control over criminal prosecutions.

Thus, the court ruled that to transfer the power which is committed to the Executive to determine whether to prosecute to another body—the grand jury—would be in derogation of article II which grants to the President all "executive power" and vests in him the responsibility to take care that the laws be faithfully executed.

Similarly in *Newman* v. *United States* (382 F. 2d 479 (D.C. Cir 1967)), the court held that the lower court had no authority to review decisions of the prosecutor and that "it is not the function of the judiciary to review the exercise of executive discretion" (382 F. 2d at 487). Rejecting the suggestion in a concurring opinion that "irrational" decisions might be reviewable, the court said:

The Constitution places on the Executive the duty to see that the "laws are faithfully executed" and the responsibility must reside with that power. *Id.* n. 9.

The same principle applies with equal force to prohibit transfer of the power to prosecute offenses to an independent prosecutor or commission outside the executive branch.

Finally, it should also be noted that the resolution authorizing the appointment of a special prosecutor during the Teapot Dome scandal provides no precedent for the present bill. Prior to the introduction of the resolution in that instance, President Coolidge had suggested the appointment of special counsel, B. Naggel (*Teapot Dome*, p. 92), and the language of the resolution itself recognized the authority of the President to make the appointment. (S.J. Res. 54, February 8, 1924.)

The appointment of a special prosecutor is clearly proper but the appointment of such an officer outside the executive branch appears to always have been held improper.

There is only one reported case that considers the question of whether, under article II, section 2, Congress may authorize the appointment of a prosecutor by a court. In *United States* v. *Solomon*, (216 F. Supp. 835 (1963)) the court held that article II, section 2 permitted the appointment of a temporary prosecuting officer to fill a vacancy pursuant to Title 28 U.S.C. § 506. In that case, however, the statute did not confer, and the court did not assume, any authority over the U.S. Attorney appointed by the court. As with all other U.S. Attorneys, he remained in the executive branch, subject to direction by the Attorney General and removal by the President. The court was at pains to point out the uniquely limited character of the appointment power:

The appointive power of the judiciary contemplated by Section 506 in no wise equates to the normal appointive power. First, the judiciary's power is only of a temporary nature. "[T]he appointment itself contemplates only a temporary mode of having the duties of the office performed until the President acts * * *." 16 Ops. Att'y Gen. 538, 540 (1880). Second, the exercise of the appointive power by the judiciary in no wise binds the executive. The statute clearly contemplates that the executive branch is free to choose another United States Attorney at any time, the judicial appointment notwithstanding. "It was not to enable the circuit justice to oust the power of the president to appoint, but to authorize him to fill the vacancy until the president should act, and no longer." In re Farrow, 3 F. 112 (C.C.N.D.Ga. 1880). "The authority given to fill the office of the circuit justice is an authority only to fill it until action is taken by the President" 16 Ops. Att'y Gen., supra at 540. (216 F. Supp at 842–843).

Other cases involving the application of article II, section 2 are somewhat unclear in their holdings and, in any event, not apposite here. *In the Matter of Hennen*, (38 U.S. (,3 Pet.) 230 (1834)) held that under article II, section 2, courts might be permitted to appoint their own clerks. The court held that the appointment of power "was, no doubt, intended to be exercised by the department of the government to which the officer appointed most appropriately belonged," (*Hennen* at page 258) and that the clerks clearly belonged most appropriately to the judicial branch.

Finally, in *Hobson* v. *Hansen* (265 F. Supp. 902 (D. D.C. 1967)) a three-judge court held, over the vigorous dissent of Judge Skelly Wright, that the district court could appoint members of the District of Columbia Board of Education. The court relied in large measure upon the unique dual character of the District of Columbia courts, under article I, that permits them to exercise legislative or administrative power. However, the court also stressed that the power to appoint involved no supervisory responsibilities and conceded that if the court were authorized to administer the schools it would be " 'such incongruity in the duty required as to excuse the courts from its performance or to render their acts void.' *Ex parte Siebold*," (265 F. Supp. at 913).

The *Siebold* and *Hobson* cases involved appointments to positions that might arguably be considered "executive" in nature. But neither represented an encroachment upon one of the central responsibilities of the executive branch—the enforcement of the law. (*United States* v. *Cox*, 342 F. 2d 167 (5th Cir., 1965); *Newman* v. *United States*, 382 F. 2d 479 (D.C. Cir. 1967.))

It should also be pointed out, however, that the Hobson and Siebold cases both relate to the District of Columbia, over which the Congress has extraordinary powers. Article I, section 8 of the Constitution gives Congress the responsibility "to exercise exclusive legislation in all cases whatsoever" over the District of Columbia.

The advocates of the court-appointed prosecutor rely in part on this constitutional authority, citing the fact that many of the acts occurred in the District of Columbia.

Article I, section 8 has been said to give Congress greater powers in placing nonjudicial duties upon the judges of the courts within the District than it could impose on other Federal judges under article II, section 2. In *Hobson* v. *Hansen* (265 F. Supp. 902 (D.D.C. 1967).

The majority's opinion contains a lengthy exposition of the special status of the District of Columbia courts. But while the general proposition of greater congressional control over the District of Columbia courts with respect to nonjudicial functions seems unimpeachable, neither Hobson for any other case construing article I, section 8 provides a clear basis for believing that the District of Columbia courts can be vested with the authority to appoint, and remove a special prosecutor.

Whatever may be the case with respect to election supervisors or Boards of Education it is clearly incongruous for a court to assume any responsibility for the conduct of the prosecution. Indeed, the assumption of such responsibility would even seem to constitute a denial of due process to defendants. Any procedure which creates a nexus between the court and prosecutor may be violative of due process guarantees. *Tuney* v. *Ohio* (273 U.S. 510 (1926)). The legislative proposals advanced by various Members of Congress mandating judicial appointment of a special prosecutor creates, in my view, such a nexus. By entrusting ultimate control of the prosecution to the district court an unprecedented situation is created in which the court is forced to venture outside the powers entrusted to it by article III and attempt to assume the delicate—if not impossible—task of judging the conduct of the prosecution.

Support for such a bizarre prospect can be found nowhere in our Constitution. As the Court observed in Tunney—

The requirement of due process of law in judicial procedure is not satisfied by the argument that men of the highest honor and the greatest self-sacrifice could carry it on without danger of injustice. Every procedure which would offer a possible temptation to the average man as a judge to forget the burden of proof required to convict the defendant, or which might lead him not to hold the balance once, clear and true between the State and the accused, denies the latter due process of law.

In *United States v. Solomon*, (F. Supp. 835 (1963)), previously discussed, the court was able to conclude that the temporary appointment of the U.S. Attorney did not violate due process because the power of removal rested with the President. But here the removal lies with the court and provides "a nexus between court and prosecution too close to comport with due process of law." (216 F. Supp. at 843).

No one doubts that there will be judicial scrutiny of such legislation and, even if the legislation incorporates a provision for expeditious judicial review, it will not come until after evidence has been presented to the grand jury, indictments have been returned, defendants have been arrested and arraigned, and defense motions have been filed. A judicial

determination that the bill is unconstitutional would have an immediate adverse impact on all prosecutions arising out of the new court-appointed special prosecutor's activities. Unnecessary delay would be incurred while evidence is re-presented to obtain new indictments. Convictions may be overturned and retrial prohibited because of the double jeopardy clause of the fifth amendment. If retrial is permitted, the Government's case may be weakened during the intervening time as evidence is lost, witnesses become unavailable and memories fade.

Because of these anticipated ramifications, it would seem to me that the wisest course for Congress to pursue would be the one which is fraught with the least danger of unconstitutionality, and yet a course which responds to the need to insure the independence of the special prosecutor and assures the public that all that should be done will be done to bring guilty parties to justice.

While rockets of controversy were exploding in the aftermath of the Cox firing, the President appointed a new Watergate Special Prosecutor, Leon Jaworski, a Democrat from Texas, a renowned attorney, and former president of the American Bar Association. Mr. Jaworski testified before our subcommittee that he was confident that he had all the power and independence he needed to pursue Watergate prosecutions vigorously.

Interestingly enough, he told the subcommittee that he had been previously offered the special prosecutor's job before Archibald Cox was appointed. He said he declined to take the special prosecutor appointment at that time because he did not have the assurance of independence and power which he thought were required to do the job. He said he now has the additional powers which were lacking in the initial offer. In other words, he told the committee his power is broader than Archibald Cox's power was.

He testified that he told Presidential Assistant Alexander M. Haig, Jr. that, unless he had assurance of his independence beyond those given to Cox—

I would not be available.

He added:

I think I have the right to go after things Cox may not have gone after.

He said he had the right to sue the President to get any Presidential tapes or documents he feels he needs.

It will be recalled that the President at the time of Mr. Jaworski's appointment said he would not fire Jaworski without the concurrence of congressional leaders—House and Senate majority and minority leaders and the chairman and ranking members of the House and Senate Judiciary Committee. Jaworski said that, if he encountered any efforts to dodge his requests or uncooperativeness, he would report the matter to congressional leaders. Mr. Jaworski told the subcommittee:

I was pleased to learn that, despite the events of the last few weeks, the Special Prosecution Force continued to function and moved forward on a number of important fronts. My directions to each task force were to continue with all pending investigations as vigorously and promptly as possible.

Because of my belief that the public is entitled to have all serious allegations explored and dealt with as promptly as is consistent with the sound administration of justice, I am uncertain whether it is necessary or desirable for Congress to proceed with legislation along the lines being considered by the Subcommittee. It seems to me that the various approaches raise some issues on which reasonable men could differ. There is, therefore, inevitably going to be a good deal of debate before either House settles on any version of legislation dealing with the appointment and tenure of a special prosecutor. Other necessary steps before the matter is finally resolved, taken in conjunction with possible judicial proceedings relating to constitutionality, could well stall the effective labors of the Special Prosecutor's office for an extended period of time. These considerations seem to me to be important because the uncertainties that they involve may have an impact on the ability of the Special Prosecution Force to proceed with the continuity that I believe has now been restored.

He also assured the subcommittee when he said:

I would not have accepted appointment as Special Prosecutor after the firing of Professor Cox had I not received what I consider the most solemn and substantial assurances of my absolute independence. In this regard, I wish to emphasize that the Acting Attorney General has issued regulations defining my authority and jurisdiction in precisely the same terms as were used in defining those of Professor Cox—with the notable addition of a firm and formal assurance that the President has agreed not to exercise his constitutional power to effect my discharge except accordance with the consensus of the bi-partisan leadership of the House and the Senate and of the Judiciary Committees of both Houses. In particular, prior to acceptance, I was given unqualified assurance that there would be absolutely no constraints on my freedom to seek any and all evidence, wherever it may be, including the Presidential files, and invoke the judicial process should I consider it necessary.

He added:

In my judgment, therefore, I have all of the freedom of action that could be expected of a special prosecutor appointed under any other procedure, and I am already actively involved in the continued conduct of the investigations initiated by the Special Prosecution Force.

This, plus the fact that many of the prosecutions might be invalidated if the special prosecutor legislation is found to be unconstitutional, led some members of the subcommittee to seek a more promising solution not encumbered by the constitutional impediments.

Everyone on the subcommittee agrees on the need for a special prosecutor to carry forward the Watergate investigations and prosecutions. Everyone further agrees that the special prosecutor must be able to operate independently and be insulated from unjustified firing to assure the American people that all should be done and all will be done to bring guilty parties to justice. Everyone further agrees that Mr. Jaworski is a man of uncommon ability and impeccable integrity. In fact Democrats on the subcommittee insisted on writing into their version of the legislation a provision which would clearly make Mr. Jaworski eligible to be appointed by the district court panel as the special prosecutor. Although there were witnesses who felt court-appointed prosecutor legislation would be constitutional and there were others who thought it would be unconstitutional, everyone agrees there is legitimate cause for doubt about its constitutionality.

After listening to all of the witnesses and studying all of the complex questions involved and reading all the relevant cases bearing on the issue, some members on the subcommittee have reached what we feel is the best solution. We feel that the ideal solution is to accept the reality of the situation facing us: We have a special prosecutor who is moving forward with the investigation and prosecution. So, we should enact legislation which would leave him in place, guarantee his independence and tenure of office without running the constitutional risks inherent in a court-appointed prosecutor.

The recent decision of Judge Gerhard A. Gessell in the case of *Ralph Nader, et al* v. *Robert H. Bork* (Civil Action No. 1954–73, November 14, 1973) also corroborates the contention of some of us on the committee as to the undesirability of enacting a court-appointed prosecutor bill.

Judge Gessell said:

The Court recognizes that the case emanates in part from Congressional concern as to how best to prevent future Executive interference with the Watergate investigation. Although these are times of stress, they call for caution as well as decisive action. The suggestion that the Judiciary be given responsibility for the appointment and supervision of a new Watergate Special Prosecutor, for example, is most unfortunate. Congress has it within its own power to enact appropriate and legally enforceable protections against any effort to thwart the Watergate inquiry. The Courts must remain neutral. Their duties are not prosecutorial. If Congress feels that laws should be enacted to prevent Executive interference with the Watergate Special Prosecutor, the solution lies in legislation enhancing and protecting that office as it is now established and not by following a course that places incompatible duties upon this particular court. As Judge Learned Hand warned in United States v. Marzano (149 F. 2d 923, 926 (1945)):

"Prosecution and judgment are two quite separate functions in the administration of justice; they must not merge."

The Washington Post for November 15, 1973 reported that similar sentiments were expressed by Chief Judge John J. Sirica. He was quoted as saying:

I think Judge Gessell is right. I do not know of any judge who thinks it is a good idea.

Mr. Speaker, I agree with both Judge Gessell and Judge Learned Hand. The substitute bill supported by a number of us on the committee does precisely what Judge Gessell suggests. It prevents Executive interference with the Office of Special Prosecutor as it now exists and insulates the special prosecutor from being fired by giving a fixed tenure of office of 3 years.

This substitute does not run the constitutional risks inherent in the bill reported by the Judiciary Committee. The substitute which failed to be approved in the Committee on the Judiciary, will be offered again on the floor when this bill

is before us. I urge our colleagues to support it.

WARMAKING POWERS

The SPEAKER. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, in an historic vote November 7, the Congress overrode President Nixon's veto and put on the books a law which returns the warmaking power to the Congress.

The Constitution says that the President is the Commander in Chief of the Armed Forces, but it also says that the Congress shall declare war.

We have been through both the Korean and Vietnam wars without a declaration of war. While we did not start these wars, we became involved by action of the various Presidents who were in office during those times.

I concluded a long time ago that this should never be the case again, and I introduced a bill limiting the President—any President—from involving this country in a war without the approval of Congress. Such a bill passed the House and the Senate and was vetoed by the President. I voted to override the veto.

My vote on the veto had nothing whatsoever to do with support or nonsupport for President Nixon. This vote did not concern any particular President. Rather, it concerned the future of our Nation. It is unfortunate that the vote occurred at a time when the President's problems are at their peak, but the issue of going to war is too important to ignore or postpone.

It is unfortunate that some elements of the news media made it appear that the vote on the veto should be construed as being either for or against the President. I repeat, President Nixon just was not the issue on this particular vote.

The new law will allow the President and Congress to properly share the responsibility of maintaining the peace and security of the Nation.

The law provides that, in situations where hostilities may be imminent, the President may immediately commit our troops and then promptly make a formal report to Congress.

Congress would then have 60 days to pass a war declaration or the action would have to end. The 60-day time period can be extended for an additional 30 days if the President certifies that the extra time is needed to safely withdraw our forces.

Congress could order a halt at any time by passing a concurrent resolution, not subject to presidential veto.

I think the total 90-day period gives ample time for the President to respond to any emergency and at the same time it gives the Congress ample time to assess the President's action.

No President should put this Nation into another war without explicit congressional approval and Congress, in turn, should not shirk its responsibility by passing the buck to the President.

There just cannot be any more Vietnams where there is no intention to win and where there is no declaration of war.

During the Vietnam war the only votes we really ever had on the issue concerned the providing of funds to support our troops. Of course, we tried to provide our boys with everything they needed, but we never really got down to a vote as to whether we should be in Vietnam. I think the Congress must face up to this responsibility in the future.

None of this action should be interpreted as a weakening of our defense posture. On the contrary, by returning to the constitutional mandate making Congress an active party, I believe we have strengthened our Nation.

THE COMMITTEE ON THE JUDICIARY MUST CONDUCT A FULL, FAIR, AND EXPEDITIOUS INVESTIGATION

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, I supported today final passage of the resolution to provide funds with which the Committee on the Judiciary is to conduct an investigation of allegations of impeachable offenses ascribed to the President. Prior to final passage, I supported the important and desirable positions sought by the minority members of the Committee on the Judiciary.

I want to make clear that my support was designed to help the President clear the air arising from the allegations being made.

I have repeatedly said that only a fair, full, and speedy investigation would restore the credibility of the President—a credibility essential to the effective conduct of both American foreign policy and domestic policy.

I believe that the President's effectiveness during the remainder of his elected term of office and the future viability of the Presidency as an institution demand a complete, expeditious, and final resolution of the impeachment issue.

I am convinced that anything less than such an investigation—to either refute or corroborate the charges being made—will leave the Presidency permanently scarred and impaired.

Additionally, as one who believes strongly in the principles embodied in the Constitution of the United States, I am bound by it to follow the process mandated by that document, and that process—hammered out in the wisdom of the Founding Fathers—is impeachment.

We did not, today, vote for impeachment, but we did support the investigatory steps which will decide if that process is to be exercised in the long-range best interests of the Republic.

It is not in the interest of the President to delay further that full, fair, and speedy resolution which I trust will come from the committee's investigation and subsequent deliberations. To delay would simply give otherwise unfounded assertions a color of "obstruction."

It was unfortunate that such a spirit of fairness and due process did not pervade the assertions of some majority Members today, as this body saw unfold before it an effort to deny the minority its legislative prerogatives—an effort of the most partisan nature. Members of the minority were deprived of the chance to amend this resolution to provide the essential legislative powers with which to hire minority counsel and staff, and to have really a full voice in these investigations. Those Members who acted in such a partisan manner would have been better advised to have followed the words of Speaker ALBERT.

The House must perform its constitutional function in an orderly and responsible manner under the Rules of the House, completely free of personal or political considerations.

The committee now has an opportunity to prove whether the results match the Speakers very sincere rhetoric.

ODE TO JOHN ERLENBORN

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 10 minutes.

Mr. DENT. Mr. Speaker:

The minimum wage bill my colleague bemoans,
His sufferings replete with anquishing groans.

His cries of despair my ears do perceive
His grief, I surely do want to relieve.

To the RECORD I rush in a flurry of haste
To discern the villain who caused his distaste.

To inquire what manner of man it could be,
Who denied him the Law for which he now pleads.

Across the pages my fingers do fly,
Til I come to the answer and let out a cry!

"Alas, alack, and Holy Cow!"
It was my friend who did himself foul.

Oh, JOHHNY, my boy, are you so distraught
That your role in that battle you've so soon forgot?

'Twas you, my friend, who led the assault,
And placed the dagger that caused the result.

It appears that your limericks leave certain things out,
Reflecting your memory, about which I have doubt.

Permit my response then, in the same rhythmic tone.
Although I prefer to do business by phone;
"A friend of mine, JOHN ERLENBORN
Pleads loudly now for the 'poor forlorn'
His time is spent
Doing things he repents
Oh my, has John's memory went!"

CHICAGO "RIVER RATS" TO RECEIVE WELL-DESERVED NATIONAL HONOR

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I wish to bring to the attention of my colleagues that on December 6 Keep America Beautiful, Inc., will give its 1973 Organization Award to the River Rat Society, many of whose members reside in the 11th Congressional District of Illinois, which I am proud to represent, for their part in the clean-up of the North Branch of the Chicago River.

The "River Rats" include Boy Scouts working as part of their organization's national cleanup Project SOAR—Save

Our American Resources—Girl Scouts working in Chicago Scout Project SPAR—Services To Preserve American Resources—members of the 85th Support Battalion of the U.S. Army Reserves, and many Northwest Side Chicago residents, both young and old, who volunteered their services.

This community project involved 4,396 workers in the field from 220 Scout troops, packs and posts, for a total of 42,973.75 man-hours. Over a period of just 10 working days, they removed some 616 tons of debris from the river and its banks.

I have personally participated in these cleanup sessions and have witnessed first-hand the magnificent dedication and spirit of cooperation, as every individual joined together to make "our river" beautiful once again, and I am indeed proud of this significant accomplishment and of our community.

The award will be presented in New York on December 6 at the Biltmore Hotel at the 20th annual meeting of members of Keep America Beautiful at an awards banquet attended by over 1,000 representatives of government, industry, labor, citizens organizations, and other countries. In attendance to accept the society's award will be: Carol A. Miller and John Anderson, SOAR co-chairmen, accompanied by their spouses; Mrs. Jo Nierman, SPAR chairman for the Chicago Girl Scouts; and Warrant Officer Ray Prusinski, 85th Support Battalion, U.S. Army Reserves.

These dedicated citizens went as far as they were able to go, with limited equipment, to improve their community. I was proud to supplement their efforts by sponsoring the amendment authorizing the U.S. Army Corps of Engineers, with its technical expertise, to complete the job through annual maintenance of this vital waterway. This amendment has passed both Houses of Congress as part of the Water Resources Development Act of 1973.

We are well on our way toward restoring the scenic beauty that once existed along the North Branch of the Chicago River and I congratulate the members of the River Rat Society and their able leaders on this achievement. This outstanding program will serve as an example to all Americans of what cooperative effort can achieve in preserving the environment and improving the quality of life all over the world.

CPA AT EPA

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, we shall soon consider on the floor of this House proposals for the creation of a Consumer Protection Agency which will advocate the interests of consumers in Federal decisionmaking. When similar bills were considered in the last Congress there was much confusion concerning the powers and effects of the proposed CPA.

In order to avoid a recurrence of that confusion, I have asked those Federal agencies which would be subject to the CPA's advocacy rights to list, and to delineate by the several categories set forth in the bills, their 1972 proceedings and activities which would be subject to CPA action. And, in order to make their replies available to all the Members of the House, I have been inserting them in the RECORD as received.

A Government operations subcommittee, on which I serve, is now considering three CPA proposals. The bills are H.R. 14 introduced by Congressman ROSENTHAL, H.R. 21 introduced by Congressmen HOLIFIELD, HORTON, and others, and H.R. 564 introduced by Congressman BROWN of Ohio and myself.

The major difference among the bills is that H.R. 14 and H.R. 21 would both authorize the CPA to appeal the final decisions, including a decision to take no action, of other agencies to the courts. The Fuqua-Brown bill, H.R. 564, would not grant this extraordinary power to a nonregulatory agency.

Today, I wish to call attention to the reply from the Environmental Protection Agency. It has been suggested that a CPA would be so interested in opposing the activities of the Environmental Protection Agency that they should be located next to each other.

The material submitted by the EPA includes in addition to a listing of its activities throughout 1972, some activities engaged in, in 1973, and some from 1971. The list is so long, exceeding 100 pages and detailing hundreds of actions of the agency, that I shall not insert it in the RECORD, but shall submit it for retention in the subcommittee files where it will be available to any Member.

Many of the activities listed by the agency would be of substantial concern to a consumer advocate—for included are such matters as a proposed rule concerning motor vehicle certification procedures; notices of proposed exemptions from residue tolerance on agricultural products; and rules concerning permissible food additives. The list contains in excess of one thousand such activities.

In all of these proceedings, a CPA would be entitled under all three bills to participate in advocating the interests of consumers. Under all of the bills except the Fuqua-Brown bill, the CPA would be authorized to initiate court appeals of the decisions of the EPA.

In addition, I should like to call attention to an Associated Press news item carried in the Washington Post of October 28, 1973, showing that the EPA opposes broadening of citizens' rights to file environmental lawsuits. The agency opposes a proposal which would, in the view of EPA, "permit Federal courts to substitute their discretion for that of EPA under existing environmental control legislation." This same fear has been expressed by expert witnesses testifying on giving the Consumer Protection Agency appeal rights. Such witnesses have opposed placing the burden of the final administrative determination in Federal courts which are poorly equipped for such decisionmaking.

Mr. Speaker, I now include in the RECORD the letter response of the Environmental Protection Agency and the Associated Press item headlined "EPA Hits Citizens Suit Bill," and remind the Members that the voluminous appendix material referenced in EPA's letter will be on file in the Government Operations Subcommittee on Legislation and Military Operations.

U.S. ENVIRONMENTAL
PROTECTION AGENCY,
Washington, D.C., October 4, 1973.

Hon. DON FUQUA,
House of Representatives,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN FUQUA: Your letter of September 7, 1973, addressed to Mr. Robert Fri, the former Acting Administrator of the Environmental Protection Agency, arrived at our offices September 12th. In a telephone conversation with Mrs. Lane Gentry of my office on September 21, your Legislative Assistant, Mr. Steve deMontmollin, agreed that response by October 4 would be acceptable to you.

As you can no doubt appreciate, various resources had to be utilized in order to reply in a responsible manner to your thought-provoking and, indeed, perceptive questions. For purposes of clarity, I am restating those questions and following them with answers.

Question 1. What regulations, rules, rates or policy interpretations subject to 5 USC 553 (the Administrative Procedure Act (APA) notice and comment rulemaking provisions) were proposed by your agency during calendar year 1972?

Answer: I am enclosing a copy of our Federal Register Log (marked Attachment A) which lists—with specificity—the dates, register citations and the nature of Notices, Proposed Rules and Rules promulgated by our Agency from the present back through 1972. Because of the nature of the record keeping here, as well as for purposes of completeness, I have included 1973 figures. Citizen comment and/or participation was and is always invited when Proposed Rules are made. Mr. Lawrence Parker of our Agency may be contacted if you have further questions regarding this matter at 755–0830.

Question 2. What regulations, rules, rates, or policy interpretations subject to 5 USC 556 and 557 (that is, APA rulemaking on the record) were proposed or initiated by your agency during calendar year 1972?

Answer: Attachment A should provide you with the necessary information here. I am, however, including Attachment B which seeks to list EPA Regulations (and in some cases Rules) from 1971–1973. Here again, record keeping practices are such that I chose to provide you with this comprehensive listing instead of merely 1972 citations. In the event that you have additional questions on this point, please feel free to contact Mr. Joe Coutruvo at 755–0304 at EPA headquarters.

Question 3. Excluding proceedings in which your agency sought primarily to impose directly (without court action) a fine, penalty or forfeiture, what administrative adjudications (including licensing proceedings) subject to 5 USC 556 and 557 were proposed or initiated by your agency during calendar year 1972?

Answer: In consultation with our Administrative Judge here at the Agency, Herbert Perlman, I have learned that no such proceedings were conducted during calendar year 1972. The Judge did state that our Agency hearings under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) of 1947, most recently amended by the Federal Environmental Pesticide Control Act of 1972 (FEPCA), might possibly be considered as pertinent here. Since cancel-

lations are not, however, generally regarded as forfeitures, this would exclude them from pertinent application to this question. Under the Federal Water Pollution Control Act, as amended in 1972, one proceeding for permission to dump pollutants into streams was held. See 38 F.R. 13528 and 13537. Judge Perlman may be contacted at 755-6279 should you have further questions on this matter as well as my answers to Questions 4 and 7. I should note also that a compilation is presently being undertaken which, when completed, will detail our Regional Offices' response to the very question that you have raised. Ms. Pam Duncan of our Agency may be contacted regarding this survey at 557-7470.

Question 4. What adjudications under any provision of 5 USC Chapter 5 seeking primarily to impose directly (without court action) a fine, penalty or forfeiture were proposed or initiated by your Agency during calendar year 1972?

Answer: None.

Question 5. Excluding proceedings subject to 5 USC 554, 556 and 557, what proceedings on the record after an opportunity for hearing did your agency propose or initiate during calendar year 1972?

Answer: A response to this question can be made more properly by considering the major EPA areas of responsibility:

Air and Noise: Although the Clean Air Act allows for such hearings under Section 110(f), none have been conducted. Interestingly, the recent auto emission hearings were not required by statute to be on the record. Mr. Robert Baum may be contacted in the event that you should have additional questions here at 755-2530.

Water: One such proceeding was initiated for vessel sewage regulation. Mr. Taylor Miller at 755-0753 should be your EPA contact in this area.

Pesticides: One such proceeding was initiated. Cancellations under FIFRA technically trigger APA proceedings since after notice to cancel a registration, a thirty day period of time is allowed for a hearing. If no such hearing is requested on the proposed cancellation, no further action or proceeding is instigated. Mr. George Robertson should be your EPA contact. He may be reached at 755-0726.

Question 6. Will you please furnish me a list of representative public and nonpublic activities proposed or initiated by your agency during calendar year 1972?

Answer: Please see Attachments marked C. Mr. Ed Chase at 755-0855 will respond to any additional questions that you might have here.

Question 7. Excluding actions designed primarily to impose a fine, penalty or forfeiture, what final actions taken by your agency in calendar year 1972 could have been appealed to the courts for review by anyone under a statutory provision or judicial interpretation?

Answer: Assuming an aggrieved party could show proper standing as a consequence of having sustained an injury or by a showing that Agency action was unreasonable because of its arbitrary or capricious nature, then such a person could possibly succeed in attacking Agency action—assuming, again, of course, that he first exhausted his administrative remedies and the doctrine of primary jurisdiction was not held to be a significant obstacle.

I do hope that my responses to your questions will be of some value and assistance to you. If I may be of additional service, please feel free to contact me.

Thank you.

Sincerely yours,

ROBERT G. RYAN,
Acting Director, Office of Legislation.

EPA HITS CITIZENS' SUIT BILL

The Environmental Protection Agency contends that bills designed to broaden a citizen's right to file environmental suits against the government would weaken the agency's regulatory powers.

"Inconsistent citizen litigation would hover over all enforcement agencies, and EPA's ability to require compliance with pollution control statutes and regulations would be seriously eroded," said Alan G. Kirk, II, the agency's general counsel.

He appeared as a witness before the House environmental subcommittee which is holding hearings on 10 bills that would strengthen the hand of the public in filing suits against such agencies as EPA and the Council on Environmental Quality.

Kirk said EPA supports the concept of a citizen being able to file a suit against the government to halt something he considers environmentally dangerous. But the bills pending in the House, he said, go too far.

He cited a bill which would require federal courts to defer to EPA standards only when they are more rigorous than those being sought in an environmental suit.

That provision, said Kirk, would "permit federal courts to substitute their discretion for that of EPA under existing environmental control legislation."

John A. Busterod, acting chairman of the Council on Enivronmental Quality, also opposed the pending legislation. He said the measures would "force the federal courts to go into environmental regulation beyond the areas where Congress has acted."

A number of environmental groups testified in favor of the legislation.

Brock Evans, the Sierra Club's Washington representative, said that "it is claimed that the agencies have the expertise but we can demonstrate that where the expertise exists, it is silenced all too often."

Evans said the legislation is needed because "the present administrative or executive process is not adequate to protect environmental quality."

FOREIGN BANK CONTROL LEGISLATION

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. PATMAN) is recognized for 5 minutes.

Mr. PATMAN. Mr. Speaker, I have recently introduced the Foreign Bank Control Act, an updated version of efforts which I and others made in 1967 and 1969 to provide for Federal chartering and regulation of foreign banks in the United States. The bill is both complex and controversial and subsequently I will offer a more detailed analysis of its provisions. For the moment, I submit the following outline of the bill which provides a general summary of its provisions:

OUTLINE OF THE FOREIGN BANK CONTROL ACT

Generally speaking, the act provides for the following:

First, chartering of banking subsidiaries of foreign persons—by the Secretary of the Treasury and the Federal Reserve Board in the case of federally chartered subsidiaries conducting international banking and—by the Secretary and appropriate State banking authorities in the case of State chartered subsidiaries conducting banking—in the same manner as other national and State banks.

Second, requiring submission of certain materials and information by foreign persons seeking to establish banking subsidiaries in the United States to the Secretary and the Board or the Secretary and the appropriate State banking authority, as the case may be.

Third, directing the Secretary to publish guidelines concerning the optimal level of banking which should be conducted in the United States by banks owned or controlled by foreign persons and the degree of permissible concentration of such banks.

Fourth, establishing standards by law administered by the Secretary to insure that laws governing or restricting certain activities by American banks will apply to banks operating in the United States which are owned or controlled by foreign persons.

Fifth, specifying criteria for the Secretary and the Board in determining whether to grant or extend charters under the act.

Sixth, listing activities in which federally chartered subsidiaries may and may not engage—the activities in which State chartered subsidiaries may engage is primarily determined by appropriate State banking authorities.

Seventh, limiting the number and location of subsidiaries chartered under the act.

Eighth, requiring maintenance of reserves against liabilities by subsidiaries chartered under the act.

Ninth, prohibiting conversions, mergers, and consolidations of subsidiaries chartered under the act.

Tenth, a provision concerning revocation and suspension of charters.

Eleventh, nonownership by American companies of subsidiaries chartered under the act.

Twelfth, a general provision governing transferability of stock of subsidiaries chartered under the act.

Thirteenth, directing the Comptroller of the Currency to examine subsidiaries chartered under the act.

Fourteenth, limiting acquisitions of American banks and bank holding companies by foreign persons, including the requirement that acquisitions do not violate guidelines of the Secretary of the legislative standards of section 4.

Fifteenth, prohibiting the establishment of American bank holding companies by foreign persons whenever establishment would violate guidelines of the Secretary or legislative standards of section 4.

Sixteenth, deeming any American bank to be a subsidiary chartered under the act and subject to its provisions whenever any foreign person controls it.

Seventeenth, concerning present banking holdings in the United States of foreign persons, requiring compliance with the act within 2 years or 5 years—with petitions showing cause—including phasing out of branches and agencies of foreign persons engaged in banking.

Eighteenth, permitting representative offices of foreign banks in the United States.

Nineteenth, authorizing the President to negotiate international bank information agreements.

WHO IS IN CHARGE?

The SPEAKER. Under a previous order of the House, the gentleman from

Connecticut (Mr. COTTER) is recognized for 5 minutes.

Mr. COTTER. Mr. Speaker, it would take a considerable effort to escape the conclusion that our Nation is facing a serious energy crisis. Those who have studied this issue—I among them—believe there is a crisis, yet I am amazed to find in my own district a high level of cynicism about the energy "crisis." The best reflection of this attitude is "Well, if there is such a shortage, how come it clears up every time gas goes up 3 to 5 cents a gallon?" "What about the oil company profits, they do not seem to be suffering from the crisis."

In spite of these serious concerns, which by the way have not been answered to my satisfaction, I am convinced we will experience a severe shortage this winter and next year.

"Rationing," "allocation," "taxes" and "conservation" fall from the lips of the President, Governor Love, Secretary of the Interior Morton, Secretary of the Treasury Shultz, and other administration officials in speeches and statements; but each of these people cannot seem to answer this question: "Who is in charge?"

Last spring when the Congress passed the Economic Stabilization Act, it added a provision giving the President authority to allocate fuel and gas because of actual and potential shortages. As a member of the Conference Committee which adopted this provision—which is the only legal authority for the President's allocation efforts to date—I was well aware of the vigorous opposition by the White House to this amendment.

Lately, I have found out that the mandatory allocation program is languishing on the vine because of lack of funds. A call to the Boston office which handles the fuel allocation program for the entire New England region said they were awaiting "Congressional action for funds" before undertaking the full allocation effort. It is important to remember, again, that the President had this power for almost 7 months; and the energy crisis was not a recent discovery by either the President, the Congress, or the American people. The clear implication from the comments of the Boston office was that Congress was to blame for not providing the necessary money. Well, as it is becoming absurdly commonplace in this town, a little research showed that the request for funds for the oil allocation program was being held up by—you guessed it—OMB. While the Nation faces a cold winter, OMB was involved in quibbling over how much money should be approved for this national program.

Two weeks ago, OMB finally sent Congress its recommended budget for these offices, $10,270,000. Yet under questioning last week by the House Appropriations Subcommittee, Eli T. Reich, new head of the Office of Petroleum Allocation, admitted he needed at least twice that amount to effectively run the allocation and possible rationing programs.

I understand OMB has not officially increased its request but is reluctantly talking about $18 million, which is still shy of what Adm. Reich says he needs. This unnecessary delay is impeding putting the allocation program into effect, and it is now the middle of November.

The lack of swift and effective action on energy matters underlies the most serious question being asked in the Nation today: "Can President Nixon lead effectively?"

At this time of crisis, great amounts of Presidential time are being expended on lobbying Congressmen and Senators to make up for years of neglect and racing around the Nation in energy-consuming flights to "show the flag." While it is important to attempt to restore public confidence in his Presidency, the chaos in the administration's energy fight is becoming clearer every day—increasing the prospects for a long, cold winter.

In sum, the question "Who is in charge here?" is still unanswered.

A SERVICE DESERVING OUR HIGHEST PRAISE AND SUPPORT

The SPEAKER. Under a previous order of the House, the gentleman from South Carolina (Mr. DAVIS) is recognized for 20 minutes.

Mr. DAVIS of South Carolina. Mr. Speaker, I regrettably note that one of our colleagues—Representative HOSMER of California—has suggested an action concerning our defense posture that is so unsound, and so lacking in awareness, that it constitutes a serious potential danger to our national security. Since the Congressman purposely entered a speech which contains his suggestion into the CONGRESSIONAL RECORD on October 24, 1973, I must assume that his intentions are not frivolous—notwithstanding any appearances to that effect. Therefore, I am compelled to set the record straight on the matter.

Incredibly, what Representative HOSMER has done is suggest that the U.S. Air Force be "disestablished," and that its airpower functions be given to the Navy and the Army. Citing the costs of national defense—with which we are all very familiar—the Congressman bases his suggestion upon the totally inaccurate and illogical assertion that the "burden of defense necessities—fall heaviest on the Navy which must function worldwide, next on the Army, and last on the Air Force."

Now I will not attempt to set priorities of importance for the Army, Navy, and Air Force, as Representative HOSMER has done. This would be a wasteful exercise in the extreme, if for no other reason than that it is absolutely clear that all three services are of critical importance to our very existence. But I cannot let the statement that the burden of defense necessities falls "last on the Air Force" go unchallenged. This statement is wrong—dead wrong—and the Representative's suggestion should be discarded forthwith.

Let the record speak for itself.

Consider first the burden of strategic nuclear deterrence. Our primary national security objective in the nuclear era always has been the deterrence of strategic nuclear warfare. A capability to deter strategic attack is absolutely essential to the survival of the United States. This is our foremost defense burden—and it is eminently clear that the Air Force share of this burden is enormous.

Is not the Congressman from California aware that two of the three elements of our strategic retaliatory force—comprised of bombers, ICBM's, and submarine-launched missiles—are provided by the Air Force? Does he know that within that essential mix of weapon systems the Air Force provides 70 percent of the total delivery vehicles, more than 75 percent of the vehicles on day-to-day alert, and more than 90 percent of the total megatonnage? In the face of these facts, how in the world can the Congressman from California allege that the burden of defense falls "last on the Air Force?"

And there is much more to the strategic equation to be considered. For example, as has been repeatedly indicated by the President, we must have the means to respond in accordance with the nature and level of provocation, and without necessarily resorting to the mass destruction of tens of millions of people. This compelling need for an ability to respond flexibly is satisfied exceptionally well by the Air Force. It is the Air Force which provides the highly versatile bombers which are capable of delivering a wide range of weapons—large and small—under positive control, with precision accuracy, and with minimum collateral damage. And it is the Air Force which provides the ICBM's, which are at once both the most powerful and the most precise of the strategic missiles; which are missiles characterized by a very high degree of command and control responsiveness; and which are far and away the least expensive of the strategic missiles. Again I ask: In the face of these facts, how can the Congressman from California possibly deprecate the contribution of the Air Force to our national security posture?

Now let us consider the forces for deterrence of conflict below the level of strategic nuclear war. Deterrence at such a level is dependent on perceptions by potential aggressors of the capability of United States and allied forces to respond successfully to a wide spectrum of attacks while controlling the level of violence. The deterrence provided by our conventional forces is strengthened by the presence of theater nuclear forces and by the inevitable risk of strategic nuclear warfare. The strength of U.S. forces and the strength of the U.S. commitment to support its allies are fundamental to the credibility of deterrence. Does not the Representative from California realize that Air Force capabilities and deployments are an irreplaceable element of the force structure which underwrites deterrence throughout the world wherever our interests and commitments dictate?

Can the Congressman possibly doubt, for example, the imperatives of Air Force deployments in NATO Europe and elsewhere? Can he possibly deny the effectiveness of the Air Force in conflicts in far corners of the globe—such as in Korea, where heavy bombers were in action over North Korea shortly after conflict initiation?

Has the Congressman already forgot-

ten the achievements of the Air Force in the recent conflict in Vietnam? Air Force accomplishments were remarkable. Consider the extraordinary success of the Linebacker II bombing operations, which I am fully convinced served as a catalyst for the negotiations which resulted in the cease-fire and the return of our POW's. Consider that ground commanders routinely requested B–52's to bomb enemy concentrations. Air Force fighters dominated enemy aircraft in air-to-air actions. Tactical fighter bombers flew over a million sorties under every conceivable condition performing close air support and interdiction missions. Air interdiction reduced the flow of enemy supplies and restricted his freedom to build up and concentrate his forces.

There were numerous instances when Air Force airpower—employed in close support of allied troops—turned the tide of specific battles at crucial times. Tactical fighters literally saved the day on many occasions, providing the soldier on the battlefield the most effective close air support he has ever had, and earning his lasting gratitude. If the Congressman from California has any questions on these matters, he need only review the testimony of the Chief of Staff of the Army, General Abrams, before the House Armed Services Committee on April 17 this year. Referring to close air support as provided by the Air Force, he said:

> . . . it is not only the airplane; it is the whole system the Air Force has. . . I am going to be defending that. It is great. And I don't think anyone else in the world has it.

Further, Air Force airlift operations brought a new dimension to our capabilities in conventional war. Air Force tactical airlift gave commanders a degree of battlefield flexibility previously unknown, and strategic airlift introduced a new era in logistics and fore mobility.

Now, considering additional facts such as these, I again must ask: By what logic can it be alleged that the Air Force share of the defense burden is not truly major?

In his speech, the Representative from California described many perils posed by the military threat to this Nation—yet he suggests that the Air Force be "disestablished." Can anyone honestly believe that this would strengthen deterrence? Any perceptive observed would quickly understand that such an action would cut into the core of our real strength, would seriously debilitate our deterrent, and would increase the probability of aggression against us and our friends. It would also substantially increase the costs of defense, by throwing out of the window the extensive efficiencies and effectiveness resulting from centralized control of airpower resources—efficiencies and effectiveness which have been meticulously developed and finely tuned over the years by the Air Force.

I could go on at length about the illogical nature of the Congressman's proposal. However, I believe I have already given it more time than it deserves, so let me close now with a few observations.

I fail to understand how Representative Hosmer—who has not only been exposed in this forum to extensive discussions concerning our true defense requirements, but who also holds high rank as a reserve military officer—could seriously make a suggestion to abolish the Air Force. I believe that such a suggestion does a disservice to our national security deliberations. It does a disservice to the thousands of dedicated Air Force airmen who have given so much for our country and who are continuing to serve this Nation so well. And it would not surprise me in the least if the Congressman's suggestion—which was first made at a gathering in October intended to honor our Navy's 198th birthday—was a source of embarrassment to the senior naval officers in attendance at his presentation.

The record should be set straight. We need the Air Force. There is no way we can do without it.

PANAMA CANAL PILOTS ASSOCIATION URGES MAJOR MODERNIZATION AS THE SOLUTION FOR THE CANAL PROBLEMS

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 10 minutes.

Mr. FLOOD. Mr. Speaker, over a period of years, I have repeatedly endeavored in a series of addresses to this body to alert the Congress and the Nation at large to the major issues in the interoceanic canal problem. This effort has had two recent significant consequences.

The first was on July 19, 1973, when Senator HARRY F. BYRD, JR., of Virginia, led an illuminating colloquy in the U.S. Senate on "The Future of the Panama Canal." Other Members of that body participating in that colloquy were Senators STROM THURMOND, ERNEST F. HOLLINGS, JAMES L. BUCKLEY, CLIFFORD P. HANSEN, and JESSE A. HELMS.

This was followed by a second colloquy on September 26, in the House of Representatives on the timely subject: "Overthrow of Chilean Marxist Regime Dramatizes Necessity for Firm Stand by United States Against Any Surrender at Panama," which was led by myself. Other Members who took part were Representatives JOHN M. MURPHY, M. G. SNYDER, JOHN M. ASHBROOK, PHILIP M. CRANE, and JOHN R. RARICK.

The information developed in those colloquies emphasized two major points: First, the necessity for continued undiluted United States sovereign control over the Canal Zone and Panama Canal; and second, the urgency for action by the Congress on the long overdue major modernization of the existing Panama Canal, for which project legislation is now pending in both the Senate and House.

This vital subject has been before the Congress since the authorization in 1939 of a Third Locks project. Because of more urgent war needs, the project was suspended in May 1942, affording an opportunity for its study in the light of war experience. Those studies resulted in the development in the Panama Canal organization of what is known as the Terminal Lake-Third Locks plan for the future canal, which has won strong support among canal users as well as by highly respected canal experts and important navigation interests.

The Panama Canal is a vast industrial organization. The result of American genius in many fields, it has as its primary purpose the safe, convenient, and expeditious transit of vessels between the Atlantic and Pacific oceans. Maintained by engineers, it is operated by experienced navigators known as Panama Canal Pilots, who until October 1, 1973, had to be U.S. citizens with U.S. Coast Guard unlimited master's licenses. The members of this professional group, because of their vast command experience at sea and in charge of the navigation and movement of vessels in the canal, probably know more about its problems of marine operations than any other body in the world.

As shown by the sustained record of inaction on the part of the executive branch of our Government, important Panama Canal policy matters have been stalled for far too long through pusillanimous procrastination, unending negotiations on U.S. sovereignty over the Canal Zone that is not negotiable, and futile studies at large cost over the irrelevant and ancient idea of a canal of so-called sea level design. The time has clearly come for breaking the administrative inertia, as regards major canal policy.

A crisis as regards Panama Canal pilots, too involved for recital here, has at last forced higher authorities of our Government to look at the problem of the Panama Canal and to stimulate pilots to express their views concerning the major modernization of our strategic tropical waterway.

At a well attended general meeting on October 15, 1973, of the Panama Canal Pilots Association that body adopted a notable resolution. It summarizes the present situation, criticizes projected improvements as "nonbasic in character," condemns the sea level scheme, and urges prompt enactment of pending legislation for the major modernization of the Canal under the Terminal Lake-Third Locks solution. This plan, by the way, can be accomplished with every assurance of success for it has been tested for more than half a century at Gatun and found eminently satisfactory. Moreover, it does not require a new treaty with Panama.

In this connection, I would emphasize that the average size of vessels transiting the canal increased 16.1 percent from fiscal year 1966 to 1972 and that this trend toward larger vessels can be expected to continue. The program contemplated in the pending legislation will meet canal needs for many years to come. Not only that, it will revitalize the isthmus and enormously aid the people of Panama, who will be one of the prime beneficiaries of the modernization program.

Mr. Speaker, to make the indicated resolution of the Panama Canal Pilots Association available to the Congress, the executive agencies concerned, and the Nation at large, I quote it and the forwarding letter of Capt. Wilbur H. Vantine, president of the association, as

parts of my remarks and commend them for careful reading:

PANAMA CANAL PILOTS ASSOCIATION,
Washington, D.C., October 25, 1973.

Re Panama Canal—Third Locks-Terminal Lake Plan.

DEAR CONGRESSMAN: The Panama Canal Pilots Association strongly supports the Thurmond-Flood bills regarding major modernization of the Panama Canal.

We have given much thought and study to this matter. Furthermore, in our work of transiting vessels through the Canal we constantly observe the operations and are, of course, thoroughly familiar with the physical features of the Canal.

The original engineering and construction were magnificent. The engineers involved were very farseeing and the Canal has essentially met the needs of world shipping for over 60 years. However, time and progress are fast catching up with and will soon overwhelm the Panama Canal as now structured.

Attached hereto, is a copy of a Resolution which was passed unanimously at a very well attended General Meeting of our Association held on October 15, 1973.

We hope that you will be able to support the Thurmond-Flood bills.

Sincerely yours,
Capt. W. H. VANTINE,
President.

PANAMA CANAL MAJOR MODERNIZATION—OCTOBER 15, 1973

Whereas, since 1914 the pilots of the Panama Canal have accumulated a vast knowledge concerning its marine operations through thousands of transits on all types of vessels; and

Whereas, during World War II extensive studies in the Canal organization of marine operations conclusively established the location of the bottleneck at Pedro Miguel Locks in the south end of Gaillard Cut as the fundamental operational error in constructing the Canal; and

Whereas, as a result of those World War II studies, there was developed in the Canal organization and approved by a committee of our most distinguished senior pilots what is now known as the Terminal Lake-Third Locks Plan; and

Whereas, this plan has been consistently recognized by various responsible independent navigation interests as providing the best operational canal practicable of achievement; and

Whereas, more than $171,000,000, has been expended toward the major modernization of the Canal, $76,357,405 on the suspended Third Locks Project and some $95,000,000 on the enlargement of Gaillard Cut; and

Whereas, the several items in the 1969 Improvement Program for the Panama Canal, though important, are non-basic in character and no solution for the Canal's major marine operational problems; and

Whereas, the Thurmond-Flood bills for the major modernization of the Canal now before the Congress will provide increased lock capacity for larger vessels, greater transit capacity, and eliminate the Pedro Miguel bottleneck locks; and

Whereas, the plan provided for in these bills would preserve the existing fresh water barrier between the oceans and thus continue to protect them from the biological hazards feared by respected scientists in any sea level undertaking; and

Whereas, responsible organizations and informed experts oppose the construction of any sea level canal as needlessly expensive, diplomatically hazardous, ecologically dangerous and less satisfactory operationally than the existing canal; now therefore, be it

Resolved, by the Panama Canal Pilots Association that it supports the Terminal Lake-Third Locks solution as provided in the Thurmond-Flood bills; and

Resolved, that the Panama Canal Pilots Association urges the Governor of the Canal Zone to use the full force of his office to support prompt enactment of the pending legislation for major canal modernization; and

Resolved, that the Panama Canal Pilot Association opposes the construction of a new canal of so-called sea level design; and

Resolved, that the Panama Canal Pilot Association directs that copies of this resolution be sent to the following:

President of the United States.
Vice President of the United States.
Secretary of State.
Secretary of Defense.
Secretary of the Army.
Secretary of the Navy.
All Members of the Congress.
Leading Marine Organizations and Periodicals.
American Society of Civil Engineers.
Society of American Military Engineers.
American Legion.
Veterans of Foreign Wars.

Capt. W. H. VANTINE,
President, Panama Canal Pilots Association.

GUARANTEEING THE INDEPENDENCE OF THE SPECIAL WATERGATE PROSECUTOR

The SPEAKER. Under a previous order of the House, the gentleman from Iowa (Mr. CULVER) is recognized for 5 minutes.

Mr. CULVER. Mr. Speaker, I am sure all members share my interest in the U.S. district court's declaratory judgment on the legal validity of the firing of Special Prosecutor Cox. In the course of his opinion, Judge Gesell volunteered a warning that court appointment of a new special prosecutor might improperly merge the separate functions of prosecution and judgment. The judge of course had not had the opportunity to examine the bill I introduced on this subject, in the form in which it has now emerged from the Judiciary Committee. When that is done, I feel confident that any doubts on this score will be satisfactorily set to rest.

I am of course gratified that the Cox dismissal has been held illegal. But he is still out of office and is not going to be reinstated. Money damages would be the only available remedy for another illegal firing, and that will not answer to the national requirement of a prosecutor who is assured of staying on the job.

The practical reservations expressed by Judge Gesell in the advisory part of his opinion have already been taken care of by the Judiciary Committee. It is clear under the bill that the court will not itself exercise any prosecutorial functions. Any member of the panel who participates in the appointment of the special prosecutor will be expressly disqualified from sitting in judgment on his cases. In addition, the panel will be entirely free to appoint Mr. Jaworski, and I believe this would be a wise course.

Notably, Judge Gesell did not express any doubt about the constitutionality of my bill. Almost 100 years ago the U.S. Supreme Court, in the Siebold case, ruled unanimously that it is the constitutional duty of the courts to carry out appointment functions vested in them by the Congress. Therefore, I believe the Congress must press ahead for adoption of legislation guaranteeing the independence of the special prosecutor.

CHEMICAL WARFARE POLICIES NEED EXAMINATION

The SPEAKER. Under a previous order of the House, the gentleman from Utah (Mr. OWENS) is recognized for 5 minutes.

Mr. OWENS. Mr. Speaker, on November 1, I introduced House Resolution 679 in which I urged the support of the Congress in securing a thorough reevaluation of the Nation's policies on chemical warfare and urged that certain problems associated with ratification of treaties on chemical warfare be resolved so that action could be taken. Today, I am introducing another resolution with the same recommendations and with the support of a number of our fellow Members.

I have not been idle since I first introduced my resolution. I have been attempting to secure all additional information to which I can gain access in order that I can clarify my own thoughts on these problems and also be in a position to offer any assistance and information which I can to other Members who have the same interests in expediting these long overdue reevaluations and actions. I have had additional conferences with representatives of the Department of Defense and I have been in communication with individuals who have expert knowledge of this subject. I have learned, as have others before me, that information about chemical warfare programs is not readily obtained, and much of it is classified. I have been able to learn more about the planned implementation of the binary chemical weapons program and it appears that there is a high degree of certainty that the DOD is indeed planning on early incorporation of this system into our inventory, and consequent destruction of our existing stockpiles as this transformation of weapons systems occurs. This is particularly disturbing in light of Secretary of the Army Howard Calloway's statement in Salt Lake City last night that open air tests of nerve gas will be resumed. Although the Army today conceded that his statement was in error, that possibility, nonetheless, makes it all the more imperative that we in Congress reassess our national stance on chemical weapons.

I continue to be very troubled about the tenuous basis of our chemical warfare deterrence policies. I have interpreted the briefings I have received as indicating that our evaluation of the effectiveness of the deterrence value of chemical agents is predicated upon "guesstimates" of enemy interpretations of our intentions. There appears to be very little sound data indicating that a chemical response to enemy attack with chemicals would do little more than reduce the fighting effectiveness of both sides by forcing both sides to fight in chemical equipment. The advantages of such a stalemate, it seems to me, would accrue to the side which has the defensive equipment and training for fighting in a chemical environment. And the estimates seem to give a strong defensive capability to the other side. I am uncertain as to just how effective our own capability to fight in a chemical environment would be—and I consider a strong and effective defense capability to be

even more important than the imponderables associated with estimates of deterrence value. Further, I have not been convinced of the rationale which suggests that a chemical warfare deterrent capability will prevent the use of chemical agents by an enemy or eliminate the necessity for escalating to the capability of nuclear warfare. In 1969, we reached a decision that a biological warfare stockpile had litte deterrent capability. This decision was reached without knowing that an enemy might have reached the same conclusion. What is our deterrence to biological attack? And in any event, what do we really know about biological warfare capabilities of other nations? In what way is our logic about the deterrence and value of chemical weapons different from our logic about the deterrence of biological warfare? And why is it that NATO nations seem to have less concern about the need for a deterrent stockpile of chemical weapons when it is within these nations that any application would probably take place? These and other questions need a public examination.

Such an examination can occur if action is taken upon the resolution which I have already introduced and which I am introducing with cosponsors today. I urge your support of this resolution, the text of which follows:

H. RES. 713

Resolution expressing the sense of the House of Representatives concerning ratification of the Geneva Protocol of 1925, and a comprehensive review of this Nation's national security and international policies regarding chemical warfare

Resolved, That it is the sense of the House of Representatives that the Geneva Protocol of 1925, banning the first-use of gas and bacteriological warfare, be ratified immediately; and be it further

Resolved, That it is the sense of the House of Representatives that both the President and the Congress should resolve the Position of the United States on the future status of herbicides and tear gas so that the Senate may move forward toward immediate ratification of the Geneva Protocol of 1925; and be it further

Resolved, That it is the sense of the House of Representatives that reconsideration of the Protocol would provide an opportunity for a comprehensive review of United States' policies in the field of chemical warfare.

Further, I believe that you will be interested in an analysis which was presented in the prestigious international journal, Nature, on October 25, 1973. This analysis indicates the very great interest which the international political and scientific world has in the developments which are taking place within our country with regard to current and proposed chemical warfare systems. I include the article at this point in the RECORD.

NERVE GAS—THE ARMY'S LATEST WEAPON

Although President Nixon announced, in November, 1969, that the United States would never be the first to use chemical weapons in a war, the Department of Defense has carried on an extensive research and development programme on nerve gases and other chemical agents. The latest fruit of the Army's endeavors, so-called binary nerve gas weapons, will be rolling off the production lines in about four years if Congress approves and—perhaps more important—if the Army gets its way with the rest of the armed services and the Administration. In any case, the Army has already begun to mobilise its public relations forces.

As usual in such matters, a pall of secrecy surrounds the details of binary weapons. But their chief feature is that they are made from two relatively harmless chemicals which form a lethal nerve agent only when they are mixed together. The idea is that the two components would be stored separately and they would be loaded into a shell on the battlefield. As the shell is fired, a diaphragm separating the components ruptures and the nerve agent is produced while the projectile is on its way.

The Army is enthusiastic about the possible addition to its chemical arsenal because binary weapons open up the possibility of getting rid of the stockpiles of lethal nerve gases that are now stored in army depots throughout the United States. These generate public alarm and opposition to the entire chemical weapons programme.

But the enthusiasm is not shared by everybody, for there is concern in some circles about the effects of a large new United States chemical weapons programme on international attempts to ban chemical and biological warfare agents. In particular, there is some alarm about the possibility that the development of binary weapons in particular will increase the chances of proliferation of nerve agents not only to countries that do not already possess them but even to terrorist groups.

Congress has been aware of the Pentagon's binary weapons programme for at least four years through testimony given to armed services and appropriations committees. But the hearings have been held behind closed doors and the "sanitised" transcripts of the proceedings have contained virtually no discussion of the possible implications of the programme. Last month, however, a few members of Congress received a note from the Secretary of the Army which gave a few details of the planned production of binary weapons. This was the Army's first pitch to get its programme accepted.

Among other things, the note indicates that the Army is hoping for nothing less than the total replacement of existing stocks of nerve gas by binaries—a programme several orders of magnitude greater than many observers were expecting. To give some indication of the scope of the programme, a report published by the Stockholm International Peace Research Institute (*The Problem of Chemical and Biological Weapons*, II, 1973) estimates that there are between 15,000 and 20,000 tons of nerve gases now stockpiled in the United States.

Specifically, the Army's note says that the Pine Bluff Arsenal—a chemical weapons facility in Arkansas—has been selected to produce one component of a binary munition. The component will be "similar to chemicals used by the pesticide industry [whose] characteristics closely resemble those of an insecticide for home use", and it will be placed in a special binary shell, also to be manufactured at Pine Bluff. The second component, which will be made by industry, will be loaded into the shell on the battleground.

What the note does not say is when the munition will be produced, how much it will cost, what type of nerve gas will be generated, or whether open air testing will be carried out. In short, apart from the designation of Pine Bluff, the note says little that is not already known.

According to an Army spokesman, however, production of binary weapons is set for 1977 if Congress comes up with sufficient money. If past records are anything to go by, that should not be much of a problem, for Congress has so far given the Army everything it has asked for to support the programme. In the past three years, for example, research and development on binary weapons has cost $12.4 million, increasing from $2.9 million in 1971 to $5.4 million last year. The nerve agent produced in the binary will, again according to the spokesman, be nonpersistent, and another Pentagon official confirmed that it would be very similar to GB, a nerve gas developed in Germany during the Second World War (but never used) and now heavily stockpiled in the United States. GB is lethal when inhaled or absorbed through the skin.

As far as testing is concerned, it should be remembered that the Army suffered an embarrassing setback to its nerve gas testing programme when, in 1968, a faulty tank on an aircraft sent a cloud of nerve agent outside the testing area in Dugway, Utah, and killed several thousand sheep. That incident led Congress to pass a bill requiring the Secretary of Defense to give at least 30 days' notice of impending tests of lethal agents. Some observers of the binary programme have thus been waiting for such a notice as a signal that procurement of binary weapons is imminent, particularly since General William Gribble, Chief of the Army's Research and Development programmes, told the House Armed Services Committee in 1972 that "open-air testing with lethal agents will be requested to confirm weapon efficiency of the binary 155 mm projectile priod to procurement".

The Army is attempting, however, to bypass the testing stage. Mr. Tom Dashiell, a Pentagon official concerned with the binary programme, said last week that there are no plans to conduct open-air tests with lethal agents. Considerable testing has taken place with non-toxic binary stimulants, he said, and such testing has already proved the reliability of the binary concept. It is also believed that the Army conducted at least one test with lethal binary weapons before Congress passed the 1969 restrictions.

As for the military implications of the production of binary nerve gas, it is perhaps worth noting that in references to the weapons during Congressional testimony so far, its military effectiveness has been scarcely mentioned. Yet, binaries would be less effective than conventional nerve gas weapons because hydrogen chloride would be produced as a by-product in the binary reaction. Thus, not only would the nerve gas payload per weapon be reduced by about 30%, but the gas would also no longer be odourless. Moreover, since time would have to be given for the binary components to react, the weapons could not be used at short range or at low altitudes.

The Army is thus gearing up to sell Congress on the idea of binary weapons, and its public relations is likely to emphasise the safety features of the munitions, compared with conventional nerve gas weapons. An indication of the likely campaign comes in the note to Congress which said that "the binary munition offers a major advance in safety over current chemical munitions . . . their development is intended to obviate the hazards normally associated with the manufacture, transportation, storage, and disposal of the current family of lethal chemical munitions. An Army spokesman added last week that binaries "represent a quantum jump in safety".

The timing of the note to Congress is also worth noting. This week (on October 3 and 4), the House Armed Services Committee held two days of hearings on the storage and transportation of nerve gases. The reason for the hearings was essentially a public outcry that has arisen over the storage and possible relocation of nerve gas weapons at the Rocky Mountain Arsenal on the outskirts of Denver. The arsenal holds obsolete stocks of mustard gas, phosgene and GB in M-34 cluster bombs, which the Army has promised to destroy, together with a quantity of GB which forms part of the deterrent stockpile. Since the arsenal happens to be near to the North-South runway at Stapleton International Airport, Denver residents are under-

standably unhappy and want the stuff removed. Then, when word leaked out that the Army was considering shipping some of the nerve gas to Tooele Arsenal in Utah, an even louder outcry went up. The Army has the problem under study again, and its decision is likely to be announced at the hearings. It will not let a chance like that go by, however, for doing a little proselytising for its new, safe weapons.

So far, since there has been little public discussion of binary weapons, there has also been little public opposition to them. When it comes, however, it is likely to take two chief tacks. The first is whether or not the expense of making the stockpiles safer is justified. And the second is the effect of binary weapons on international agreements to limit the production and spread of chemical and biological weapons. The second argument is undoubtedly the more important.

As for the economic aspect, Dr. Matthew Meselson, Professor of Biochemistry at Harvard, estimated last week that the total cost of developing binary weapons and detoxifying existing stocks of nerve gas could be as much as $500 million. He pointed out that so far, in spite of widespread public alarm, the Army has a good safety record with its nerve gas stocks, and he suggested that the money could be better spent elsewhere. The Army is likely to argue, however, that the development of binaries will actually save money because there would no longer be large costs associated with the maintenance of stockpiles of highly corrosive nerve agents. It is estimated, for example, that weapons packed with conventional nerve gases have a shelf life of only about 10 or 15 years. But Meselson is skeptical of that argument, pointing out that the weapons that have given trouble—some M–55 rockets and M–34 cluster bombs—have been either destroyed or are about to be detoxified, and maintenance costs of the stockpiles will shrink in any case.

The international implications are more difficult to predict. Although the United States has never ratified the Geneva Protocol of 1925, outlawing the use in war of chemical and biological weapons (see following article "Hope for the Protocol"), President Nixon's 1969 announcement that the U.S. will relinquish first use of chemical weapons and abandon biological weapons entirely—including their production, storage and use—at least signifies that the United States is interested in international CBW control. The development of a new generation of nerve gas weapons could, however, damage that impression and make the UN Chemical Warfare disarmament talks, which have just completed their fifth fruitless session in Geneva, even more difficult.

Of great concern to some observers, is the effect that binary production could have on proliferation. Nerve gas weapons are costly to produce, chiefly because of the difficulty of building a plant to deal safely with the extremely toxic and corrosive chemicals. Production of the binary components for nerve agents does not, however, carry such a penalty—a country with an insecticide industry and some leaked American technology would probably be able to produce at least a binary G-agent, according to Julian Perry Robinson, chief author of the SIPRI study (see *New Scientist*, 58, 4; 1973). One step further, the development of binary weapons may even open up the frightening possibility that nerve agents would be within the reach of terrorist organizations.

HOPE FOR THE PROTOCOL

Although the United States Army is pushing ahead with plans to develop a new generation of lethal nerve gas weapons (see accompanying article), some observers of the United States chemical and biological warfare posture believe that the time may now be ripe for the government to ratify the 1925 Geneva Protocol on chemical and biological warfare. The protocol, which was negotiated after the extensive use of poison gas during the First World War, outlaws the use of chemical and biological weapons in war. But the United States has never ratified it.

When it was first submitted to the Senate for approval in 1926 (all such treaties entered into by the US must be approved by a two-thirds vote of the Senate), the protocol ran into opposition from the chemical industry and the American Chemical Society—which has since reversed its stand—and it was never acted upon. In 1969, however, President Nixon made his historic announcement that the United States would renounce the first use of chemical weapons in war and abandon biological weapons completely; the following year, he again sent the Geneva Protocol to the Senate for ratification. But it then fell foul of the Vietnam war.

Largely because the United States forces in Vietnam were using herbicides and CS, the Administration insisted that such agents are not covered by the protocol. (The British government has taken a similar position over CS.) But the Senate Foreign Relations Committee, under the chairmanship of Senator J. William Fulbright, maintained that such agents do fall within the scope of the protocol—a viewpoint which was affirmed by the UN General Assembly in 1969 by 80 votes to 3—and refused to act on it until the Administration altered its position. Until the Geneva Protocol is ratified, however, the United States will not ratify a treaty on biological weapons which was signed last year.

Three factors were suggested last week by sources on Capitol Hill and in the Arms Control and Disarmament Agency which may lead to a compromise between the Administration and the Senate on the matter of herbicides and tear gases, however. The first is the ending of the Vietnam war, which no longer puts the US in the embarrassing position of supporting CBW control at the same time as it is using chemical agents in war. The second is two internal reports prepared for the Department of Defense which indicate that the agents are of only marginal value in any case. And the third is the change of leadership in the State Department. As one Congressional source put it, with Kissinger and Fulbright lunching together every other day, anything can happen.

SEATTLE'S MAGIC CARPET BUS SERVICE

The SPEAKER. Under a previous order of the House, the gentleman from Washington (Mr. ADAMS) is recognized for 5 minutes.

Mr. ADAMS. Mr. Speaker, I am pleased to be able to bring to the attention of my colleagues an experiment in free mass transit service that is taking place with great success in Seattle, Wash.

The municipality of Metropolitan Seattle, with the support and funding of the city of Seattle, has established "Magic Carpet Service"—a zone of free bus ridership that includes most of downtown Seattle. Since the advent of the service in September the number of downtown bus riders has increased by 56 percent.

In this time of energy crisis, air pollution and traffic clogged city streets the importance of this creative program cannot be overemphasized. National attention has been focused on Seattle's Magic Carpet Service by very favorable media exposure and already other municipalities have begun looking into the Seattle system to determine the feasibility of a similar project in their own community.

The concept of a free mass transit system is timely and innovative. Best of all, in Seattle, Wash., it is working. I want to offer my congratulations to the city of Seattle and Metro and wish them continued success.

THE TERROR IN CHILE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, in today's Village Voice there appears an article describing what happened to Paul Heath Hoeffel, the writer, during the first days of terror initiated by the junta in Chile. At least one American, Charles Horman, was executed by the Chilean junta. Thousands of other Chileans and non-Chileans have been tortured and many executed. The terror continues. Our Government has failed to exercise any restraining influence on the junta so as to end its continuing program undertaken against the supporters of the Allende government.

The article authored by Paul Heath Hoeffel follows:

CHILE'S JAILS: STATE OF SHOCK

(By Paul Heath Hoeffel)

BUENOS AIRES.—Military raids on homes are commonplace in Chile. My story is benign compared with thousands of other people, innocent people, upon whom a lethal terror has been unleashed. All it takes is an anonymous phone call denouncing a foreigner or suspected leftist, to have a busload of soldiers or carabineros surround one's home and, often, methodically rip it apart and take what they wish, including prisoners.

I was asleep when someone entered my room. A jab in the back startled me and I turned to find the young face of a carabinero staring down from the other end of a machine gun. I slowly rose and dressed and watched as 10 of them searched the apartment. There were four of us and they kept us in separate rooms, the captain going over our documents carefully.

The house was clean. All leftist books, magazines, posters, records, and newspapers had been meticulously weeded out weeks before—another commonplace in Chile. I made a mental inventory and glanced over at the desk where three neat envelopes lay ready for mailing. I had just finished a 3000-word article on the Junta, three copies, and my stomach dropped to my knees. The searches are thorough. The captain picked up one of the envelopes and ripped it open.

"What's this?"

"A letter."

He opened the other two. "Why three copies?"

I didn't answer and he stared at the pages.

An hour later the article, along with a copy of the Economist, a movie poster in Hebrew (which the sergeant insisted was Russian), an Argentine newspaper, and some Yugoslav magazines, and three of us from the building (they raided the four apartments where there were foreigners) found ourselves in the bus. Curious neighbors, mostly middle-class opposition people, gawked and were dispersed by the unit of 30 carabineros.

There were no charges and we were confident we would be shortly released. A fat officer took down our names on a receipt pad which once belonged to the Monthly Review in Spanish. Another offered us Cuban cigarettes ("El Popular") and a third showed off a Russian Communist Party pin he had confiscated from someone and wore on his

uniform. The atmosphere in the comisaria was that of any dull crumbling police station. Only the Brazilian, a high-strung poet who had been arrested in Brazil, was pessimistic. The Chilean and I went over our stories carefully, expecting interrogation at any moment.

Two hours later we were joined by a young Chilean worker whose every step made him wince in pain. Both his eyes were black and swollen, his nose broken and pushed to one side. The carabineros had almost broken his thigh bone and his rib cage was a mass of bruises—they had been interrogating him off and on for three days, in which time he had eaten nothing. "Why?" we asked with fright. "Por ser izquierdista" ("For being a leftist") was his simple reply. Four hours later, with no explanation, we were all placed in a closed police van with two armed guards who told us we were headed for the Estadio Nacional.

Under the Estadio are a series of locker rooms which are used as cells. They are for soccer teams of 15 men to shower and dress. In the first days after the "golpe" up to 150 men were packed into the cells 24 hours a day, the first five days without any food whatsoever. These were the days of the terror, as the prisoners who had lived through it called them. And it had been worse in the Estadio de Chile, where prisoners were being shot in front of the others, where beatings and torture were continual all day and night. Now, we were told, it was a "tasa de leche" in comparison. The women were being held outside the stadium where two swimming pools formed a small complex.

There was an average of 60 men in our cell and they greeted us warmly when we arrived. Almost all were workers, though there were two high school students and three campesinos readily identified by their tanned tranquil faces. Two or three men over 70 years old were given special treatment, usually consisting of one more blanket and an extra piece of bread. Despite the solidarity expressed by everyone, no one talked politics. It was tacitly understood that everyone was of the left but only in private groups did people discuss their individual cases. Toward the end of the week new arrivals were almost always union leaders who had been arrested at their work, either factories or offices, whereas as before prisoners were a very random lot.

The routine was fairly well set: up at dawn, cup of hot milk and piece of bread at 8 a.m.; then we were assigned to a section in the bleachers; in front of us were three soldiers with a heavy machine gun pointed at us; at 4 p.m. the single meal would arrive in army cookers, usually a plate of beans or lentils and occasionally another piece of bread; at sundown back to the cells, distribution of blankets and some foam rubber mattresses, 10 heads to each mattress; before going to sleep at 9 another cup of sugared milk. A doctor told me men were getting between 900 and 1300 calories a day. Those who had been in the Estadio longest were gaunt and weak, especially if they had been beaten or tortured.

The first night, shortly after we had been locked in, the soldiers came by and dumped in a seemingly lifeless body—a dark well-dressed man whose face was white, like paper, his eyes half open, spittle coming from his mouth. Later we learned he had come from the Air Force center in San Bernardo, a few miles south of Santiago, where he had been tortured with electric shock so badly his tongue had been burned. The next day another victim arrived, also half dead, and the two of them lay for days under piles of blankets, staring off blankly into space. We were separated from those who had been interrogated normally.

When it is not raining everyone sits in the bleachers and watches the three gardeners manicure the soccer field. There is constant activity on the periphery of the field, with prisoners, men and women, being marched out to freedom, to interrogation, or new arrivals. A thousand or so prisoners were freed in this week and the military put on shows for select newsmen. They neglected to inform the public that for every prisoner who left a new one arrived and the stadium maintained its level of around 3000 persons. When prisoners left, the bleacher crowds would whistle "Auld Lang Syne" or someone would sing the popular song "Libre."

October 8 the UN's National Committee for the Aid of Refugees was permitted to see the foreigners for the first time. We were assembled under the scoreboard, around 200 men and 60 women, mostly Brazilians, Uruguayans, Bolivians, with a smattering of Europeans, a dozen blacks from the Dominican Republic and Haiti, Centro-americanos, an old Cuban who had come to Chile to cure his asthma, Argentines, a Japanese, and me.

The uncertainty of their situation, the brutal treatment many had received during this period of hysterical xenophobia, had brought many to the brink of desperation. Many, particularly the Bolivians, Brazilians, and Uruguayans, were political exiles in Chile and were being told they would be repatriated. I spoke with one 40-year-old woman who had fled from the Junta in Brazil to Bolivia and upon the overthrow of Torres in Bolivia had to flee once more to Chile. The Committee explained that no one in Latin America wanted them and they had to think about going to Europe.

Though there was a major present, several of the prisoners stood up and denounced what was going on in the stadium: over half had been beaten during arrest or interrogation, and many of the women had been sexually abused. An Uruguayan woman claimed a Bolivian student had committed suicide the week before. The major, who wasn't certain how to handle this spontaneous outburst to the Committee, snapped back: "That's a lie. No one has committed suicide here." A Bolivian stood up: "It's true. He was in my cell. He hung himself last Wednesday night." The Committee members were shocked but diligently taking notes.

For the vast majority of foreigners interrogated, the sentence was expulsion (the possibilities being conditional liberty, expulsion; re-interrogation, or court martial) but nothing had been done. Dozens of them had families, jobs, homes in Santiago, and now were faced with arbitrary expulsion. The Committee promised they would get the bureaucracy moving and the major was forced to promise that all the foreigners who had not yet been interrogated would be called in the afternoon. They both disappeared for several days.

Life in the Estadio revolves around one's interrogation—the endless waiting before and after this crucial encounter is a blur of apprehension. There is nothing to do but think and talk. I found thinking very depressing and spent most of my time talking with people.

Angel Parra, eldest son of the famous family of folksingers, was in the section next to me and we spoke at length. He had not been treated badly: "They know I am a leftist but not an 'ultra.' I think they let me go into exile." He described the death of Victor Jara, another Chilean folk singer and a Communist: "He was arrested in the Technical University. Allende was going to address a rally there the 11th and Victor was going to sing. In the Estadio de Chile he sang for the prisoners. The solders took him in for interrogation and broke all his fingers and told him to play and sing. He sang 'Venceremos' and they beat him and broke out all his teeth. Back in the cell he kept singing so they took him out and shot him. I was lucky they didn't arrest me in the first days of the terror."

I found a friend, one of Allende's GAP (personal body guards), whom I had given up for dead. He had been arrested on his way to work the morning of the 11th. They had beaten and tortured him and had fractured his right leg. He told me that Allende had been murdered and that they had executed 10 of the GAP in the Moneda, machine-gunning them against a wall. He figured he was headed to prison for several years.

I saw Manuel Cabesias Donoso, editor of Mir-oriented Punto Final, but could not speak to him.

The Swedish correspondent, Bobi Sourander, arrived in my fifth day. He told me he had been picked up for lending his Citronetta to a poblacion because their ambulance had broken down. "I am probably the most privileged person here in the Estadio," he told me. "I am a personal friend of the Swedish ambassador who has been the most diligent in getting people out. I'll be out by tomorrow." After I got out I heard he was going to be court-martialed on charges of misusing rationed gasoline, but the Junta backed down, realizing it was stupid to intimidate the press so bluntly, and finally expelled him after two weeks.

That afternoon the Brazilian, the Chilean, and I were called for interrogation over the p. a. system. Our cellmates wished us good luck and gave us some hoarded bread to settle our stomachs. There are apparently 10 teams of interrogators, four men in each, including a psychologist. Whether one had his hands tied behind his back, or had a hood put over his head, or was beaten seemed to be arbitrary though occasionally related to one's "record," which the interrogators received from Investigaciones. The most feared are the interrogators of the air force, then the carabineros, where there are a number of sadists. The best were the army interrogators.

I had spoken to countless perosns who had been beaten during interrogation, one who had lost his hearing from being clapped over the ears and bursting his eardrums. Others had been struck up to 30 times with a rubber blackjack with a copper core. At least five people had been tortured electrically. But the general opinion was that the interrogators were not well-trained in the art and used electric shock so clumsily they scrambled people's brains instead of getting the information they wanted. The same was true for the use of sodium pentothal. One Brazilian told me: "The police in Brazil or Uruguay can beat you nearly to death and not leave a mark on your body. The way these guys mutilate people means they don't know what they're doing, or don't care." In the stadium, especially when the sun was out and people took their shirts off, bruised bodies could be seen everywhere. Dozens of men had faces battered to hell.

I had thought a great deal about my interrogation. I figure it was a 50–50 chance that they would have someone translate my article and therefore the same chance I would get a beating for the "lies" therein. I had reconstructed the article in my mind; the word was they wanted the truth so I worked out truthful-sounding answers for probable questions. My Spanish would be worse than it usually is, giving me more time to answer difficult questions. Fear makes one forget our great advantage: they don't have the vaguest idea what we know.

Waiting in the hallway with 11 bureaucrats from the bank of Osorno, all terrified, I asked one young teller if he knows why they have arrested him. "I have no idea," he shrugs. "I was a union candidate for MIR in the election but that was six months ago." Everyone bursts into nervous laughter except for the clerk. Horrible reverberating shrieks from the floor below stun us all into silence. My name is called and I am escorted inside, but my interrogator, a colonel of the carabineros, tells the guards to take me back: "Wait a little longer. I am reading."

Ten minutes later I am called again. As we walk down the hall, a volley of gunshots

followed by machine gun fire explodes outside the stadium. I am getting shaky. The colonel is short, balding, middle-aged, his mouth rimmed with gold. He sits. I stand formally. He wastes no time: "Senor, you are one of the journalists responsible for the lies and distortions of what is going on in my country." I have nothing to offer. He goes through the newspapers and pulls the article from an envelope. "Who is this for?" "Friends." "Newspaper friends?" "Yes sir." He points to a paragraph and requests in slow, correct English: "I want you to translate some parts for me. Your writing gives me a headache." I read slowly but literally in Spanish: "In the first five days after the 'golpe' there were 11,000 deaths; 1,000 of them military personnel executed by the 'golpistas' themselves for being leftist . . . an average of 1,000 persons were killed or executed in each of the following three weeks. Now they are executing 500 people a week in all Chile. Fifteen thousand dead would be a conservative over-all estimate."

The colonel interrupts me with a bang of his fist on the desk: "Lies, you are lying." "I don't think so, sir." "We ought to have you shot right now. You know the official death toll is only 1000." "No sir. The official death toll is 284." He puzzles over this for a moment, arranging papers on the desk: "We haven't counted all the dead yet. So you can't publish those figures. But they're much more accurate than ours, I know that."

Just when I sensed the relief of communication, another volley of shots came from outside, suddenly erupting into a cacophony of gunfire, rifles, submachine guns, heavy belt-fed machine guns, everything. The colonel sunk his hands into his face and muttered: "When are they going to stop this bull———? It scares me. Close the goddamned blinds."

I was frozen in front of the window, able to see the soldiers crouching and firing yet knowing I should get down. A lackey came in and pulled the blinds and the shooting intensified still more.

The colonel came over to the window and we watched together. Crowds of families waiting for prisoners to be released were running for cover from the crossfire, women carrying three children at once, others tripping and falling in panic. "Poor ——— people," I muttered. The colonel looked at me: "Aren't you supposed to be a war correspondent?" and laughed good-naturedly. I laughed too.

The shooting, it turned out, was provoked by four teenagers who had fired on a military patrol nearby in celebration of the first month of fascist rule in Chile.

We returned to the interrogation. The colonel spoke English and I complimented him on its quality. He admitted proudly that he had studied at the Police Academy in Washington, D.C., in 1965. For this he was such a good interrogator. After 10 more minutes he announced that I was a civilized soul and typed out his report: "The subject is simply doing his job in Chile and should be allowed to remain; immediate liberty." I was astounded and actually happy when I shook his hand and left.

The three of us were then escorted to the area of those in conditional liberty and celebrated with a plate of beans (we had lost our appetities) only to discover there were prisoners who had received the same liberty two weeks before and were still waiting release. With luck it would be at least 48 hours.

Two days later I lay in the bleachers dozing like a lizard dreaming revenge when they announced over the p.a. system that a North American was being looked for. My stomach turned to jelly for the 10th time and men started shaking me and shouting at the podium that I was over here! Then a faltering, hoarse voice began addressing the stadium in English: "Charles Horman, I hope you are out there. This is your father speaking. If you hear me, please come forward. You have nothing to fear. Charles. . . ."

The stadium hushed at the alien words as the distant figure tried to communicate with what seemed to be a madman, or perhaps an amnesiac. I didn't know it and Edmund Horman was hoping against it but at that moment Charles Horman, 31-year-old journalist, film-maker, leftist, Harvard graduate, was dead, decomposing in a mass grave with a dozen executed Chileans. No crime, just a victim of the terror: such errors take place during a state of war, explain the Junta. Fifteen thousand errors, 15,000 families mourning their dead. "Of course Chile is in a state of shock," explains General Pinochet. "Chile is like a patient who has had both hands amputated."

I was in the stadium men's room rinsing out my sweater when I was called. A friend gave me his shirt and I gave him my sopping sweater and bade farewell. A nervous Chilean in civilian clothes approached me at the podium: "Your embassy has come to get you." While I signed the papers declaring I had not been mistreated physically or mentally, searched for messages (which were burned, and mug shotted for the record, the Chilean chattered his life history. Lived in California, three years in the U.S. Army, 11 months in Vietnam, 11 months in Hawaii, and hated niggers and thought JFK was a communist. "A word of advice: don't have anything more to do with communists or socialists. You come back here again and no embassy in the world will get you out."

One final note: they might evacuate the Estadio Nacional, because soccer is very popular in Chile. But this does not mean an end to the prisons and concentration camps in Santiago. There are at least four other major concentrations of prisoners in Santiago alone. The executions continue as well. It was not until my last day in Chile, in a bus headed for the Andes, that I witnessed my first corpse. Three bodies lay sprawled by the country road. The bus driver said there are usually more.

"BENIGN NEGLECT" AND THE CIVIL RIGHTS COMMISSION

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, in a column by James A. Wechsler of the New York Post dated November 14, the following Associated Press wire transmission was quoted:

INDIANAPOLIS.—The Rev. Theodore M. Hesburgh said yesterday that President Nixon is letting the U.S. Civil Rights Commission "die on the vine" by not appointing a new chairman. Father Hesburgh, president of the University of Notre Dame, resigned as chairman nearly one year ago. He told a press conference that Nixon's failure to name a new chairman reflects a lack of concern by the White House for civil rights.

It is now 1 year since Father Hesburgh was forced by President Nixon to resign—November 17, 1972, was the actual date—and no successor has yet been appointed.

It is not entirely clear why the President has not nominated a new Chairman of the Civil Rights Commission, but based upon this administration's past record, certain speculation may be permitted. Given the administration's attitude toward civil rights problems as epitomized by the immortal phrase of Daniel Patrick Moynihan as "benign neglect," it may be surmised that the President and his advisers would just as well let the Civil Rights Commission die of atrophy, rather than risk the inevitable battle that would come from a call for the abolition of the Commission. The lack of a permanent Chairman stymies any long-range planning, destroys initiative, and saps morale. Concurrently, the proponents of the President's vaunted "Southern strategy" are reassured of his apparent intention of gutting the aims of the civil rights bill of 1965 by following the advice of former Attorney General John Mitchell to "watch what we do, not what we say."

Many of the dreams and hopes of civil rights supporters have turned to ashes. Many blacks have abandoned the ideals of an integrated society, as many Northern whites have resisted court-ordered busing as fiercely as Southerners did school integration 10 years ago. And so, it is the easy, expedient road for the President to ignore or minimize the plight of blacks and other minorities discriminated against in this country.

The failure to appoint a replacement for the ousted Father Hesburgh as Chairman of the U.S. Civil Rights Commission is symbolic as well as substantive. It indicates to all concerned the President's fundamental lack of interest in solving the deep-seated racial difficulties that exist in our country.

I believe the President should either act with alacrity in appointing a new Chairman, or at least display the courage to send a message to the Congress requesting the abolition of the Civil Rights Commission. The deleterious effect of the President's "benign neglect" is unfortunately loud and clear.

THE MOMENT OF DECISION IN AIR TRANSPORTATION

(Mr. FLYNT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FLYNT. Mr. Speaker, last Wednesday our distinguished colleague, Hon. JOHN E. MOSS of California, delivered an address in Atlanta to the Airline Finance and Accounting Conference of the Air Transport Association of America in which he comprehensively stated his views concerning the future of air transportation in this country. Mr. Moss has done a great deal of careful research into the problems of the air transportation industry and is eminently qualified to comment on the problems and practices of the air transportation industry.

Mr. Moss' comments follow:

THE MOMENT OF DECISION IN AIR TRANSPORTATION

"The time has come," the Walrus said,
"To talk of many things:
Of shoes—and ships—and sealing wax—
Of cabbages—and kings. . . ."[1]

Because this is the first opportunity that either I or any of my colleagues constituting the group more generally known to you as the "Members of Congress" have had to get together with a group of airline executives since we initiated our actions at the Civil Aeronautics Board some four and a half years ago, I thought the time had come for me to try to cover our views quite comprehensively.

First, however, I should probably explain how I originally became involved in air transportation problem and practices.

When I came to Congress twenty-one years

Footnotes at end of article.

ago, I asked to be placed on the Interstate and Foreign Commerce Committee. At that time, there was no one on the Committee representing the far West, and I thought there should be.

My predecessor, Clarence Lea of Santa Rosa, was Chairman of the Committee and urged that I seek a seat on this Committee.

Two years later when an opening occurred, I was elected by the Democratic Committee on Committees to a spot on the committee.

During my next 14 years on the committee, I became increasingly convinced that the Civil Aeronautics Board was becoming unduly oriented towards the apparent interests of the industry it was designated to regulate and assist in promoting, rather than the public it was designated to protect—after all, the basic finding underlying all regulation is the "public convenience and necessity".

Since 1938, our national policy has been the encouragement and development of a competitive air transportation system properly adapted to the public need—regulated in such a manner and extent necessary as to assure and foster sound development and economic conditions in such transportation.[2]

To carry out this policy, the Congress created—at your request—the Civil Aeronautics Board.

With respect to price and service, your two principal marketing tools, the national objective has been the promotion of adequate, economical and efficient service at reasonable charges without unjust discrimination.[3]

Under the Acts of 1938 and 1958, you retained the sole and exclusive right under the provision of your certificate to change your schedules, equipment, accommodations, and facilities as the development of your business and the demands of the public require.[4]

With regards to fares, you also retained the primary right and statutory duty to make rates, with the Board being granted the authority to set them aside only if, after notice and hearing, it finds such fares to be unlawful.[5]

To make sure the national policy is carried out, Congress specifically enumerated several factors in the statute, which taken together make up the public interest. Among these are the practical question of:

1. The effect of the proposed fares upon the movement of traffic, and

2. The amount of revenue needed by each carrier to enable it to furnish the public with such needed transportation at the lowest cost.[6]

Stated in simpler terms, rightly or wrongly, our national policy is to promote a non-discriminatory, low price, high traffic volume, quality air transportation system.

Functionally, however, as the court noted in a significant filing, the Board has dealt only with the carrier's revenue need and disregarded all the other statutory factors.[7] In recent years, the Board's policy has been to provide high fares and a low volume of service.

Indeed, in a recent order approving certain capacity agreements, the Board rejected a Department of Transportation proposal to require lower fares in certain markets because "A fare reduction would increase load factors in large part by attracting more traffic." [8]

II

By 1969, this situation was beginning to get completely out of hand. A combination of skyrocketing costs, falling traffic growth, excess capacity, and outmoded rate-making practices had begun to take their toll in revenue and earnings.

For this reason, a number of my colleagues and I came to the conclusion that immediate corrective action was necessary in the form of a general passenger fare investigation. Accordingly, on April 21, 1969, we formally petitioned the Board to hold such an investigation.[9]

Footnotes at end of article.

Since some of our constituents are airline customers, airline suppliers, airline employees, stockholders and creditors, we made three important policy decisions at the outset.

One, we would try to insure a policy to enforce the statute as passed by our predecessors regardless of our own particular economic or political views;

Two, we would attempt to be totally objective—that is, if as the facts in the case developed we found we were in error, we would immediately correct our position; and

Three, we would consider nothing inviolable, but we would recognize and consider the feelings of those who did.

In addition, as you know, we undertook to support the so-called revenue-hour concept, not because we could prove that it was the correct or ideal theory, but rather because no one else would provide it an objective test. By the way, this is not a new rate-making theory. It was first suggested in 1929 by the Vice President—Traffic of Western Air Express.[10]

III

Transportation pricing was originally formulated in the United States in the 1890's around the linear operating characteristics of the railroad monopoly. Unfortunately, the development of this linear tariff system was almost immediately stagnated by the stringent regulations of the Interstate Commerce Commission.

The more time passed, the more inviolable this tariff system became.

By the time the airplane came on the scene some forty years later, these transportation tariffs and their rules, regulations and format had literally become sacrosanct. Since none of the people who set up the airline fare system had played any part in the development of the railroad tariffs, they naturally felt enjoined from changing any of its basic practices when applying the system to the new industry.

As a result, instead of having a fare structure slowly developing around the technical advances of the new aircraft as they came into service, the new, more sophisticated planes had to be operated in a manner which conformed to the linear pattern of service initiated by the railroads in the 1890's. This has naturally resulted in a number of wasteful uneconomic and sufficient routings and schedules.

IV

An equally big problem, however, has been the rapidly changing market situation.

The introduction of the jet put into motion a fundamental change in the American transportation system. Overnight, it almost completely obsoleted the piston airplane, the train, and the bus for long distance travel.

I am told that demand for transportation is a function of perceived travel time as well as price, population, and community interest,[11] and that since the jet reduced long haul trips to a matter of a few hours, many people who previously would not have considered taking a trip anywhere—even if it was free and only a few miles—now began perceiving air travel as a part of their life style.

Today, there are many people in New York City who have been to Miami, the Caribbean, and Europe, who have never seen Pennsylvania, Vermont, or even Connecticut.

Generally speaking, the marketing and social problem is simply this: There is a large and growing group of our citizens who now perceive low cost, quality air travel as an integral part of their life style. This is not a captive market, but it is a potential large market, and it is now your primary source for future growth, as well as your majority opportunity.

V

Although there is only one big traffic pool, it is nevertheless composed of several different sub-pools.

The business and official travelers who make up one of these sub-pools are primarily interested in fast, frequent, comfortable scheduled service, and are usually willing and able to pay a premium price for such convenient scheduled service.

These people do not travel when and where they want to go, but rather where their business dictates. Not infrequently, their travel plans are made by someone who does not travel at all. As a result, it is not the actual traveler, but someone else who determines his travel budget, and it is this person who is the key man in determining the level of business and official travel.

Since business and official travelers are usually going somewhere they do not want to go on someone else's money they are naturally very time and service oriented. These travelers place a high priority on the traditional characteristics of recent scheduled service such as flexible, convenient, reliable schedules, the possibility of last minute bookings and cancellations, comfort and speed, but particularly frequency and peaking.

According to a recent article in the New York Times "convenient departures and arrivals" are usually more important to this market "than fancy meals, in-flight movies or stewardesses dressed like entertainers." [12]

This is one of the principal reasons excess capacity has become a hallmark of the scheduled airlines' fare practices. From an industry viewpoint, the business and official travel market is a captive market. It does not have to be sold the product . . . only the "brand", hence your emphasis on market share.

The other major market, the private personal and pleasure travel market, on the other hand, is made up of a number of subpools depending upon income, social status, personal tastes, etc.

Other than for emergencies, the people in these subpools travel only when and where they want to go, and they travel on their own after-tax money. In other words, the private market is not a captive market. It has to be sold both the product and the "brand".

Since these people are traveling on their own money, only when and where they want to go, they are not especially interested in extra services. They mainly want low-cost quality air travel.

The private travel market places a lower priority on the traditional characteristics of scheduled services. In particular, this market is generally not interested in paying for the excess capacity associated with convenient frequencies and peaking. The people who make up the private market will often put up with all sorts of inconveniences, and arbitrary and absurd administrative restrictions unrelated to transportation if the fare is low enough.

In my own state, for example, I have observed people standing in line for hours every night to catch a short, one-hour flight between Los Angeles and San Francisco because the fare is very low.

In addition, many people who are willing to pay for the convenience of frequent service and its accompanying excess capacity when they are business or official travelers moving on someone else's money, will not do so when they are private travelers using their own money.

VI

Until recently, the business and official travel market has been the major source of the scheduled airlines revenue. In a sense, all other scheduled service—private travel, mail, freight, etc.—have been by-products of this one sub-pool.

This situation is now changing for two reasons in addition to the one I have just mentioned.

First, the market for fast, frequent convenient scheduled service is relatively small, and is now almost completely saturated.

A recent market study conducted by the Gallup Poll for the Air Transport Associa-

tion indicated that in 1973, seventy-seven percent of all people interviewed with incomes over $15,000 per year, and seventy-five percent of all people with a professional or business occupation had flown by scheduled airlines.[13]

If you compare these figures with the reported 74 and 70 percent market penetration rates in 1971, and the 57 percent in 1962, you will quickly see that the future growth potential of these sub-pools is now very limited. In fact, for the $15,000 a year or over market, continued growth at the same rate as the last eleven years is mathematically impossible.

In other words, most of your future growth in the over $15,000 a year, and professional and business occupations markets will have to come from population increases, rather than greater penetration.

This means that you, the scheduled airlines, are now going to have to look to the non-profession, non-business, and under $15,000 a year markets for your future growth penetration-wise.

The first problem you face in developing these markets, as I noted previously, is to recognize and accept the fact that the people who make up the private travel market are not willing to pay the price for the excess capacity presently associated with convenient frequent service. It has little or no value of service to them.

The private travel market simply wants low cost, economical, courteous, comfortable, fast air transportation from point A to point B.

The other part of the problem is, of course, your current excess capacity.

Unfortunately, most airline marketing executives still do not believe that market demand studies can be applied to air travel, although I have noted some changes in this attitude. As a result, these marketing executives did not use these studies adequately in the past, and therefore were not in a position to anticipate the market saturation problem which I have just discussed. This is the reason why these executives did not adjust your equipment requirements accordingly.

Complicating the problem further is the fact that the higher income, professional and business markets tend to be highly "income" elastic, and hence will probably tend to become increasingly softer in the near future.[14]

VII

Thus we come to the heart of your current problem.

You have excess capacity which you want to sell. Your historic traffic markets are saturated. You have to find some new buyers if you want to grow.

In the short run, your immediate problem is primarily maintaining your current market penetration; your current traffic volume; your current revenue levels—in the face of a probable economic slowdown.

In the long run, if you want to become a growth industry again, you must increase your market penetration of the non-profession, non-business, and under $15,000 a year private travel markets.

This is where we believe our perseverance for market demand and revenue-hour data has paid off.

The market demand information tells us where the markets are. So far these studies have told us that there are at least two distinct groups of air travelers in certain markets with divergent price ranges. They have also told us what a reasonable fare is in these different buyer's opinion.

In addition, these studies tell us when to make fare changes, and how much to change them.

For example, I am told that you should not reduce fares now, when consumer confidence is low and falling because such reductions will not generate any new traffic. This is the reason why some of your promotional fares are proving unsatisfactory.[15]

People who do not have confidence simply do not purchase non-essential services, regardless of their price. That is what causes the slowdown in the first place, lack of consumer confidence.

Donald Lloyd-Jones, Executive Vice President—Operations, American Airlines, stated the princnple this way recently. "During periods when consumers feel doubt or insecurity about the future of the economy they tend to be more cautious in their spending habits and personal savings rates generally rise." [16]

Whether you realized it or not, since January 11 of this year, your primary marketing objective has been defensive—to maintain your present market penetration. Consumer confidence began taking a sharp decline on that date.

In this regard, I am informed that increasing prices on a declining demand is counter productive. Last week, The Wall Street Journal reported that, "There is strong evidence that the fare increases already imposed over the last year or so have caused some travelers to fly less." [17]

This is the reason why we keep repeatedly asking just one question: What will be the effect of a 5% fare increase upon the movement of your traffic and revenues?

I might add, the courts understand this problem. Accordingly, they held long ago that where your right to a fair return, and the public's right to a reasonable fare cannot stand together, then for pragmatic reasons, your rights must yield to the public's right. In other words, you cannot price yourselves out of business.

If for pragmatic marketing reasons you are not going to be able to raise your fares now, and then going to have to reduce some of them in the future to increase your market penetration—assuming you want to continue to grow—it is clear that you are going to somehow have to increase your productivity, given today's skyrocketing costs.

That, of course, brings us to the revenue-hour concept.

Until recently, it has been generally felt that your terminal costs were not a fixed expense, but rather a traffic related cost. In addition, it was believed that these costs were not affected by distance.

If true, there would be no way to reduce these unit costs by increasing productivity, since productivity would be the cost causative factor.

Our revenue-hour data, however, disclosed that these costs were affected by distance, as we had suspected. Further research explained the reason why: Terminal productivity declines with distance.

In the Domestic Passenger Fare Investigation, Trans World stated the economic principle this way: "(H)igher utilization of station facilities and personnel is obtained by virtue of more pattern oriented schedules in shorter haul markets than occur in longer haul markets. . . ." [18]

In this regard, our staff has recently discovered that in terms of passengers enplaned per quarter, North Central's terminal personnel are about twice as productive as Trans World's.

This, of course, makes sense once you stop to think about it. The longer a plane is in the air, the less time you can service them on the ground.

Thus, from these and other findings we have finally been able to conclude that your terminal handling costs are essentially fixed, and do not vary with the volume of traffic handled. This determination has been recently substantiated by The Ralph M. Parsons Company of Los Angeles and New York in their $203,000 Air Cargo Terminal Handling Costs study for you and the Civil Aeronautics Board.[19]

This finding has proven to be extremely important, because it has now led us to three important economic principles: The existence of "economies of density," "diseconomies of peaking," and "diseconomies of distance" in air transportation.

Stated in layman's terms, what we have discovered is what your station managers have known all along: The utilization and productivity of your terminal personnel and facilities fail to vary with traffic volume because you normally staff these stations for the peak periods.

These findings are important for two reasons:

First, if our discoveries are true of airlines, then they may also be true for surface transportations; rail, truck and ship. And if they are true for all transportation, then they may also be applicable to communications.

Second, since the terminal costs comprise about one-third of your total costs, these findings mean that you have an opportunity to reduce your overall unit cost per passenger by possibly as much as fifty percent more than anyone previously thought feasible—particularly in your long-haul markets where your greatest potential for future growth lies according to the market studies.

VIII

I hope that by now you can begin to see some of the reasons why my colleagues and I have some different views of the current situation than you do. Our studies have led us to conclusions or facts which differ from your opinions.

The conclusions and facts so far made available to us indicate that your high fares, high service, high cost markets are saturated, but that there is a relatively large potential demand for a lower priced service.

As I see it, the problem is how do you fulfill this demand while continuing to meet the needs of your historic markets. In my view there is no one right solution, but rather several different alternative approaches which should be employed simultaneously.

For example, there is peak responsibility pricing based upon peak responsibility costing.

Peak load pricing is probably your best alternative to counteracting your various variations in demand, and thereby achieving the highest possible degree of productivity. Moreover, it is completely non-discriminatory since it ties the price of air service to both the cost and the value of such service without any other restrictions.

Indeed, in view of the Parsons study's finding that your terminal costs do not vary with traffic because you "staff for peak periods," I would think you would want to embrace this costing methodology as soon as possible.

Another alternative is to liberalize the charter rules. As you know, I have introduced a bill in the House, along with several of my colleagues, to permit one-stop inclusive tour charters.[20] This bill, HR 8570, is a companion to Senator Cannon's bill, S. 1739.

I recognize that most, if not all of you, oppose this legislation because you are afraid you might lose some business to the supplemental carriers. I also realize that millions of dollars in future revenues are at stake. However, in the vigor of your opposition, I think you may have overlooked some of your competitive advantages.

For example, in addition to being able to provide competitive one-stop inclusive tour charters (ITC), you can also institute one-stop inclusive tour service (ITX) on your scheduled services.

The supplementals cannot sell that product.

Second, when you adopt peak responsibility costing and pricing, you will probably be able to offer equally competitive off-peak fares in many markets on certain scheduled

Footnotes at end of article.

flights several times a week—without the burdensome inclusive tour restrictions.

The supplementals cannot match this service either.

Third, since we now know that your terminal costs are fixed, and do not vary with the volume of traffic handled, we also know that you can provide one-stop inclusive tour charters between your on-line stations at little or no additional out-of-pocket cost, when you use these facilities and personnel during slack periods.

The supplementals cannot match this advantage either, since they must normally purchase their terminal services on an "as used" basis.

In addition, you usually have the "brand-name" advantage.

I could go on, but I think you have the picture. You have a very big competitive advantage in developing the low fare markets. In fact, you have such a great advantage that your efforts to husband all of the business may be costing you more in sales, and revenues, and jobs, and earnings than you could conceivably lose giving the supplementals a piece of the action.

Today, the scheduled carriers compete vigorously among themselves over only a small segment of the total potential market which travels regularly. Because this market is now becoming saturated, the competitive pressure is increasing and become more diversionary.

However, if the size of the current market could be expanded, and it could be enlarged by a greater amount than the added competition from the supplementals, then this competitive pressure would be reduced. Not the vigor of the competition, but the degree of competition.

This is what I believe our one-stop inclusive tour charter bill and peak load pricing proposal will do—increase the size of your market and decrease your competitive pressure without having to sacrifice any of the vigor of our competitive free enterprise system.

IX

There is of course another way to reduce competitive pressure: Capacity agreements.

This approach, however, is patently repugnant to the established anti-trust business principles of this country. Consequently, for this reason alone, this approach should not be used unless there is a clear showing that such repugnant action is required by a most serious transportation need, or to secure a most important public benefit.

Capacity agreements decrease competitive pressure by the simple process of decreasing the vigor of the competitive free enterprise system by a greater degree than it decreases the size of the market.

We have had capacity agreements in four transcontinental markets for several years now, as well as in Europe for many years. Have these capacity agreement markets had the same growth rate as the non-agreement markets?

No!

Have these markets produced as much business as similar markets?

No!

Have they had the same earnings, and earnings growth rate, as the non-agreement markets?

Again, the answer is no!

In other words, from an investor's viewpoint, these agreements have not been as successful as their alternative—lower fares.

The foregoing does not mean that I am unalterably opposed to capacity agreements *per se*. After all, the idea for such agreements may well have originated in my office.[21]

Rather, I recognize that the value of these agreements is extremely limited, and that they can be used by the Board and its staff to gain their objectives, not yours.

At best, these agreements are merely superficial band-aids, not cures. As a result, unless you accept that economic cure—however painful it may seem—you are going to become hooked on these agreements just like a drug addict. The repeated extension of the capacity agreements in the four transcontinental markets have demonstrated that point conclusively.

That is the reason why I introduced HR 9896 to prohibit the approval of such agreements except where there is a clear and present emergency. When enacted, this legislation will provide you with the needed 180 days that may be required to implement the real cure, whatever that may be; *e.g.*, lower fares, decertification, etc.

Equally important, this bill will provide you with additional protection from arbitrary Board action.

I have just reviewed C.A.B. Order 73–10–110, and I see that the Board is now attempting to restrict your statutory right to change schedules by conditioning its approval of such agreements on your surrendering that right to them.

The Board does not have this power under the Act, at your request, Congress specifically withheld this power from the Board. Nevertheless, if this illegal action is not stopped immediately—just like the Board's attempt to restrict your rights to file tariffs by rejecting them—you may lose another one of your precious statutory rights.

X

When we first initiated our actions more than four and a half years ago, the Civil Aeronautics Board was in the final process of completely taking over *your* decision-making authority with respect to passenger fares.

We won that fight and restored your statutory rights to you.

Next the Board was after *your* sole and exclusive decision-making authority with respect to the seating arrangements in your aircraft, and then *your* right to decide when and what to file in your tariffs.

Together, we won these two fights too.

When you have asked for our help, we have heard every reasonable request and will do so in the future.

Indeed, I can recall no time I, or any member of my staff, have been unwilling to explore our differences of opinion with you, or to examine constructive alternatives.

You may not yet agree with all of our economic concepts—even though you and the Board are adopting more and more of these proposals each year—but you should not fault our motives, nor our tactics which have always been aboveboard and forthright.

Our objective has been clearly known from the outset. Our goal has been to identify the cost and demand structure of the industry so that you could develop a profitable, economical and efficient fare structure and pattern of service unimpeded by the restrictions of the 1890 tariff system.

We have been successful in achieving our initial goals. We now know that most of your costs are fixed, and that market demand studies are feasible.

Now we only need to change the fare structure, the pattern of service, and the tariffs to conform to these findings. This way take time since some traffic people still consider these to be inviolable, but it can be done—indeed, it must be done if you are to go forward.

In this regard, we may get a little push from the current fuel crisis. The fuel shortage has put a premium on each revenue-hour flown. As a consequence, the revenue-hour approach may become a necessity.

XI

Under Article 1, Sec. 8 of the Constitution, Congress was vested with the responsibility to regulate interstate commerce in this country. While we can and do delegate the authority to regulate such commerce to the agencies, we cannot delegate that responsibility.

In 1938 and again in 1958, Congress decided that our national air transportation policy is the encouragement and development of a non-discriimnatory, low price, high traffic volume, quality air transportation system. That policy may be outmoded—I do not think so. In any case, the proper response to an outdated statutory policy is not Board action, but Congressional action.

My colleagues and I have always had the policy of placing the highest priority on the public interest as defined by the Act. We have always recognized that your industry is part of the public, with an interest in fair and equitable treatment. However, always bear in mind that the ultimate responsibility for the public interest in interstate and foreign commerce rests with the Congress, and we cannot delegate that responsibility to anyone.

FOOTNOTES

[1] Lewis Carroll, Through the Looking Glass; The Walrus and the Carpenter.

[2] Section 102(a)(d)(e) and (f).

[3] Sections 102(c), 404(a) and (b), and 1002(e)(2) and (5), (f), and(j)(5) (A) and (E).

[4] Section 401(e). Certification requirement section.

[5] Sections 404 and 1002(d).

[6] Section 1002(e) and (j)(5); see also Hearings before U.S. Congress, House, The Committee on Interstate and Foreign Commerce, 72nd Congress, First Session, Railroad Legislation (1931) p. 324; quoted CONGRESSIONAL RECORD, vol. II, pt. 1206, p. 1586, footnote 20.

[7] *Moss* v. *C.A.B.*, 430 F.2d 891 (D.C. Cir. 1970).

[8] C.A.B Order 73–7–147, Docket 22908 (July 27, 1973) p. 13.

[9] Current members of the group are: Hon. John E. Moss, Glenn M. Anderson, Thomas L. Ashley, George E. Brown, Jr., Phillip Burton, James C. Corman, John D. Dingell, Don Edwards, Richard T. Hanna, Augustus F. Hawkins, Chet Holifield, Harold T. Johnson, Robert L. Leggett, John McFall, Spark M. Matsunaga, Joseph G. Minish, Patsy T. Mink, Jerry L. Pettis, Thomas M. Rees, Peter W. Rodino, Jr., Edward R. Roybal, Bernie Sisk, Charles M. Teague, Lionel Van Deerlin, and Jerome R. Waldie, Members of Congress.

[10] James G. Wooley, Vice-President in Charge of Traffic, Western Air Express, and Earl W. Hill, Lecturer in Trade and Transportation, University of Southern California, Airplane Transportation, Harwell Publishing Corp., Hollywood, Calif. (1929) p. 317–318. (A copy of this book is available in the C.A.B. Library; the call number is TL521.W9.

[11] Aircraft Requirements for Low/Medium Density Markets, Flight Transportation Laboratory, Department of Aeronautics and Astronautics, Massachusetts Institute of Technology, Cambridge, Mass. (July 1973) Draft copy, p. 99.

[12] Travel Section, *New York Times* (October 28, 1973) p. 22.

[13] "Poll Shows 25% of Adult U.S. Population has Flown in Past Year," *Aviation Daily* (September 27, 1973) p. 141.

[14] "Airlines Attempt to See Silver Lining in Cloudy U.S. Economy," *Aviation Week & Space Technology* (October 29, 1973) p. 26.

[15] "Talks Expand Capacity Cutbacks," *Aviation Week & Space Technology* (October 29, 1973) p. 23.

[16] D. J. Lloyd-Jones, Executive Vice President—Operations, American Airlines, Inc., "What's Wrong With Airline Earnings?" 1973 Engineering & Maintenance Conference, Air Transport Association of America, Miami, Florida (October 10–12, 1973) p. 2.

[17] Todd E. Fandell, "Airlines Are Cutting Hundreds of Flights: Fuel-Saving Step May

Be Good For Profits, *The Wall Street Journal*, (Wednesday, October 31, 1973) p. 36.

[18] Exhibit TW 9024, C.A.B. Docket 21866-9, p. 2.

[19] Study Report, Air Cargo Terminal Handling Costs, The Ralph M. Parsons Company, Los Angeles, New York, Washington, Job No. 5042-1 (June 7, 1973) p. 4-17—4-18.

[20] Hon. John E. Moss, Ronald V. Dellums, Bob Eckhardt, Robert L. Leggett, Gillis W. Long, Lucien N. Nedzi, Claude Pepper, Benjamin S. Rosenthal, Fortney H. (Pete) Stark, Charles H. Wilson of California, Lionel Van Deerlin, and Jim Wright, Members of Congress.

[21] Letter addressed to Hon. Robert D. Timm, Chairman, Civil Aeronautics Board, from the Hon. John E. Moss, Member of Congress (July 2, 1973).

A BILL TO EXTEND PUBLIC HEALTH PROVISIONS

(Mr. ROGERS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ROGERS. Mr. Speaker, on June 30, 1973, 12 significant legislative authorities in the health field expired. They were extended for 1 more fiscal year through a bipartisan effort of members of the Subcommittee on Public Health and Environment. They were extended upon the assurance that the subcommittee would move as expeditiously as possible to afford each of the expiring authorities a thorough review and scrutiny.

On April 19, 1973, the subcommittee introduced the first in what will be a series of four bills to revise these programs. The first bill, H.R. 7274, entitled the Public Health Act of 1973, would revise and extend authorities for health services research and development, medical libraries, and restructure the Public Health Service Act. The provisions of H.R. 7274 have been approved by the subcommittee for full committee action. On July 17, 1973, we introduced the second bill in the series, H.R. 9341, the Allied and Public Health Training Act. Hearings have been concluded on these authorities and the bill will be considered early in the next session in conjunction with subcommittee consideration of the Comprehensive Health Manpower Act.

H.R. 11511, the bill I am introducing today—the third bill in the series—revises and extends the following authorities; block grants to the States in the health field, Community Mental Health Centers, Family Planning, Developmental Disabilities, Migrant Health, and Neighborhood Health Centers. I think it is important to introduce this bill today so that the public will have time to fully assess its provisions prior to hearings, which I expect will be conducted soon after the Thanksgiving recess. I will reintroduce this bill after the recess with the cosponsorship of the other members of the Subcommittee on Public Health and Environment.

Briefly, Mr. Speaker, the bill will do the following: First, provide a simple extension of section 314(d) of the Public Health Service Act; second, completely rewrite the Community Mental Health Centers Act to authorize 5 years of Federal assistance for initial operating costs of new centers—or 8 years in the case of centers in poverty areas—place strict requirements on the new centers, and authorize financial distress grants in cases where an old center would be forced to severely cut back services absent Federal staffing support; third, provide minor revisions in the Family Planning Act; fourth, substantially revise the Migrant Health Act, including a requirement that migrant centers provide environmental health services—including alleviation of unhealthful sanitation conditions associated with water supply, housing, and other factors—and an authorization for contracts between HEW and States to assist in the implementation and enforcement of acceptable environmental health standards; fifth, make the revisions requested by the administration in the Developmental Disabilities Act and add a significant new provision that mandates that every State plan include a plan to eliminate inappropriate placement of persons with developmental disabilities in institutions, and improve the quality of care and state of surroundings of persons for whom institutional care is appropriate, committing not less than 10 percent of the State allotment to this plan in fiscal year 1975 and not less than 30 per cent thereafter; and sixth, provide, for the first time, a definition of Neighborhood Health Centers instead of the broad language in section 314(e) of the Public Health Service Act.

Mr. Speaker, this legislation will affect the health of millions of Americans. I hope it will receive careful consideration by Members of the Congress, the Department of Health, Education, and Welfare, and the general public. I look forward to its consideration by the subcommittee within the next few weeks and by the House early in the next session of the Congress.

EMMETT DEDMON

(Mr. ANNUNZIO asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. ANNUNZIO. Mr. Speaker, I would like to call to the attention of my colleagues the publication of China Journal by Emmett Dedmon. Mr. Dedmon is the distinguished vice president and editorial director of the Chicago Sun-Times and the Chicago Daily News.

He has an enviable reputation as an outstanding journalist, editor, and author, and China Journal reflects his expertise. I congratulate him on authoring a most valuable and instructive volume.

Emmett Dedmon was 1 of 20 directors of the American Society of Newspaper Editors especially invited to tour China. In order to prepare for the trip, he took an intensive course in the Chinese language, and in many areas he visited, his knowledge of the language permitted him to converse freely with individuals in all strata of Chinese society—from children and peasants, to professors and doctors, and even to Premier Chou En-lai himself in Peking.

Mr. Dedmon's China Journal is an account of his 4,000-mile travels last year in the Peoples Republic of China. It provides information on a nation still largely unknown to Americans. It also contains constructive observations on the changes which have taken place in this ancient land as well as insights as to the future potential of China in the world community.

Additionally, it contains an appendix with tips for tourists covering the special problems that Western travelers are likely to encounter during a visit to China.

This valuable book provided me with several hours of fascinating reading, and I know that my colleagues will be equally interested in Mr. Dedmon's perceptive and cogent analysis of changes, lifestyles, and trends in modern China.

Recently Pulitzer Prize-winning columnist Jack Anderson reviewed China Journal and I ask unanimous consent to include his review at this point in the CONGRESSIONAL RECORD. The review which appeared in the October 20-21 edition of the Chicago Daily News follows:

THE GIANT AWAKENS: INSIDE THE NEW CHINA—A LAND FREE OF WANT, BUT LIVING IN ORWELLIAN LOCKSTEP

(By Jack Anderson)

"Let China sleep," Napoleon said, "for when she wakes, the whole world will tremble," Emmett Dedmon, editorial director of The Daily News and Sun-Times, has written an absorbing account of China Awakened, of its awesome rise from past degradation, and its vast but also horrifying potential for the future.

It is a travel book that moves the reader swiftly from farm communes and factory brigades to an evening with Chou En-lai in Peking's Summer Palace. But it is more—a social commentary that records staggering gains in the lives of 800 million Chinese, while speculating on the Orwellian price paid.

Dedmon confirms that Mao's China in 25 years has solved problems that seemed eternal to those of us who knew revolutionary China before the Communist take-over. Gone are the hallmarks of the old order—the ubiquitous beggars, homeless multitudes, periodic mass starvation, rampant disease, near-universal illiteracy, the subhuman status of women, the daily humiliation of the Chinese in his own country by foreigners. Gone, too, are former blights that today flourish in America: addiction, prostitution, venereal disease, street crime.

The gains are the more impressive against the scarcity of resources and machinery, which Dedmon records in fascinating detail. Crops are wrung out of hard soil by hand labor, corn fodder is burned for household fuel, cremation is in forced vogue because land is too scarce to be squandered on the dead. Yet the new China provides, for one-fourth of the human race, ample food, adequate clothing and heat, spare but tolerable shelter, universal literacy, free medical care, complete safety from crime, and full employment.

Apparently unimpeded conversations with many Chinese families enable Dedmon to describe in meticulous detail the average Chinese existence. The work week is 48 hours, with an additional 4½ hours of "instruction," some of it technical, most of it political. There are no vacations—only five days off a year on the national holidays.

The average couple has three children and is being exhorted to hold it to two. The city family lives in one room, sharing kitchen and bathroom with other families; a farm family's home is a bit roomier and includes a vegetable plot.

Infants are kept in free nursery schools six days a week so parents can work undisturbed. Years of hard work permit the pains-

taking accumulation of a few modest luxuries (bicycles, radios, wristwatches). Men retire at 60, women at 50, 70 per cent of their highest pay. There is no income tax; the state takes its cut right out of production.

In China work is work. "The Red Flag Canal . . . was almost literally torn from the mountains by hand with sledgehammers, iron spikes and dynamite . . . and with a labor force that on some days totaled 30,000 people, the peasants cut across 1,250 rocky peaks, drilled 134 tunnels and built 150 aqueducts of varying sizes until they had created a canal . . . 937 miles long. . . . All this was accomplished without the use of a single piece of machinery."

Thus on the material side, says Dedmon, theirs is a life "primitive by American standards, but it far exceeds the expectations of the world into which they were born."

What of things of the spirit? Morality in China is concerned mainly with "substituting group values for those of personal ambition and self-interest." The Chinese Communists seem to have made striking progress toward a goal that has eluded collectivists throughout history—"getting people to work without the thought of personal gain."

But lest our counterculture enthusiasts applaud too soon, other aspects of Chinese morality are more sobering. So far as can be seen, no one loafs in China. Music and art serve pragmatic purposes only, and no one is allowed to drop out.

Couples are successfully pressured against marriage before their mid-20s; yet premarital sex is a no-no and homosexuality is so unheard of that Chinese translators cannot be made to understand the term.

The idea of equality has been pushed further in today's China than anywhere else, and probably about as far as it can ever go. Women appear to have gained full equality. Doctors empty bedpans. Administrators must labor on the production lines 45 days a year. Professors are regularly sent to the countryside to handle manure and "learn from the masses."

Army officers bear no insignia of rank and there is no saluting. Skilled workers are often paid better than white-collar supervisors, and factory managers do not live differently from laborers. Promotions at work are made, not from above, but by vote of the workers.

Bureaucrats have no limousines and at the slightest sign of smugness are dispatched to a labor battalion. The elements that have established themselves as new privileged classes in Russia—executioners, scientists, party functionaries, factory managers—have not done so in China.

Will it last? Dedmon has doubts. The real test will come when the old revolutionaries die off and the first signs of affluence appear. "Historically," he says tartly, "total egalitarianism based on self-sacrifice has only been possible where there is nothing to distribute."

Impressed though he is with the progress and esprit of the new China, Dedmon finds the price "chilling." The price is the most total thought control and conformity ever achieved on a large scale.

"Has George Orwell's controlled society of 1984 actually arrived in China a decade earlier?" asks Dedmon, and he cites many signs that it has. Crowds automatically observe police lines, without the need of policemen. Loudspeakers in the home and at work continuously drum out the party line. Everyone does calisthenics every day at the appointed time. Entertainment provides no escape; at the movies, ballet, or on television, the content is remorselessly political. One works or studies at what is needed to serve the state.

Opponents of the government are branded criminals, not dissenters. But one need not actually protest to merit punishment. A mere lack of enthusiasm for Mao's ceaseless exhortations leads to corrective rap sessions, organized ridicule by peers, personal vilification on billboards and, if enthusiasm does not reappear, a term at a retraining school, combined of instruction and labor, to "learn from the masses."

"China Journal" is a valuable volume, fast-paced but reflective, instructional but entertaining. In an evening's reading, one gets not only a primer of the new China but a look through a mirror at our own strengths and weaknesses.

HOUSE RULES COMMITTEE WINS VICTORY ON SOCIAL SECURITY INCREASE

(Mr. MADDEN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MADDEN. Mr. Speaker, 2 weeks ago, the Ways and Means Committee appeared before the House Rules Committee and asked for a rule on the bill to raise the national debt by $13 billion.

Congressman VANIK of Ohio, a member of the Ways and Means Committee, tesified before the Rules Committee and made a request that a modified closed rule be granted with permission for him to offer an amendment to the debt extension legislation which amendment would increase social security payments by 11 percent annually. The Rules Committee, by a majority vote, granted the modified closed rule.

Over the 24 years which I have been a member of the House Rules Committee, the record does not reveal where the committee has ever granted an open rule, or even a modified open rule, on permission to offer an amendment to the debt limit legislation.

By reason of the terrific increase of cost of living and inflation during the last few years, the 60 million recipients of social security have been completely overlooked in aiding them to meet the rapid rise in the cost of living.

The debt limit bill was scheduled to be on the floor of the House on the following day after the modified open rule was granted by the Rules Committee. The majority of the Ways and Means Committee refused to present the debt limit legislation to the House floor under the modified closed rule because an amendment to increase social security payments was permitted as an appendage to the debt limit bill.

I want to commend the Ways and Means Committee for immediately calling its members together, for several days of hearings, and reporting out a separate bill to increase social security payments the following week.

This week, on Tuesday, November 13, the Ways and Means Committee presented the legislation before our committee and a rule was granted. The House of Representatives yesterday and today had debate and consideration of the increased social security bill, which passed by a landslide vote of 391 yeas to 20 nays.

This was indeed a great victory, initiated by the Rules Committee along with the cooperation of the Ways and Means Committee, benefitting multimillions of our social security recipient citizens who are handicapped in fighting the inflationary high cost of living from which we are suffering throughout the country.

"THE PROSECUTOR," AN ARTICLE BY THE HONORABLE BIRCH BAYH, OF INDIANA

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I believe that all Members of the House will read with great interest an article from the November 14, 1973, issue of the New York Times by the distinguished junior Senator from Indiana, the Honorable BIRCH BAYH, urging the passage by Congress of legislation providing for the appointment of a special prosecutor in connection with the Watergate and other cases.

In this connection I want to commend our distinguished colleague, the gentleman from Missouri (Mr. HUNGATE) for his outstanding work as chairman of the subcommittee of the House Judiciary Committee which on November 13 reported the bill, H.R. 11401, which provides for the appointment of a special prosecutor to replace Archibald Cox.

I believe that the essay by Senator BAYH, who is chairman of the Senate Subcommittee on Constitutional Amendments and is sponsor of the 25th amendment to the Constitution, explains in a most lucid and compelling way the reasons Congress should approve this legislation.

Senator BAYH's article follows:

THE PROSECUTOR

(By BIRCH BAYH)

WASHINGTON.—The appointment of Mr. Jaworski as the new special prosecutor is not responsive to the valid, sustained public demand for an independent prosecution of Watergate and other cases that had been under investigation by Archibald Cox. The appointment of Mr. Jaworski within the executive branch to investigate the executive branch—a person who could be dismissed by the President as abruptly as was Mr. Cox—will, with good cause, fuel public concern that justice is not being pursued thoroughly and without constraint.

Also, the informal agreement that the new special prosecutor can be dismissed only with the agreement of Congressional leaders does not have the force of law. There is nothing that can be done legally to prevent the President from changing his mind, as he did in the case of Mr. Cox, and unilaterally dismissing Mr. Jaworski.

After an exhaustive study I am convinced that a statute giving the United States District Court authority to appoint an independent prosecutor would be upheld.

The first issue with which we must deal is whether the Congress has the power to delegate such an appointment. That power is specifically derived from Article II, Section 2 of the Constitution which states:

"The Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments." These clear words, and the judicial interpretation of them, leave no doubt that Congress is empowered to authorize judicial appointment of an independent prosecutor.

Moreover, there is a law on the books, the constitutionality of which has been sustained, that specifically gives U.S. District Courts authority to appoint U.S. Attorneys to fill vacancies.

The second issue is whether the creation of an officer, subject to dismissal only by the court, violates the separation of powers doctrine. On the contrary, court appointment

of an independent prosecutor may be the only means of affirming the separation of powers, and is corollary doctrine of checks and balances.

The separation of powers is not a formal, rigid doctrine dividing our Government into watertight compartments. Rather, it is a functional doctrine to assure that checks and balances prevent one branch of Government from assuming unreasonable powers. In the situation now confronting us, it would do violence to this concept of checks and balances to leave within the executive branch the authority for an investigation of the executive branch.

The power to prosecute alleged wrongdoing in the executive branch clearly is among those powers vested by the Constitution in the Government. As Chief Justice Marshall wrote in his classic description of constitutional power: "Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the Constitution, are consitutional." (McCulloch v. Maryland).

In this context of Congressional power it is both "appropriate" and "plainly adapted" to the end of prosecuting wrongdoing in the executive branch for Congress to create an office of independent prosecutor.

Also, the "necessary and proper" clause has been held to give Congress certain responsibilities lodged in other branches of Government. While prosecutorial powers traditionally reside in the executive branch, the unusual circumstances created by the President's action necessitates that the Congress share in those responsibilities.

Mr. Jaworski's appointment as special prosecutor is totally inadequate, as any Presidential appointment would be. In light of recent events, the word "special" is meaningless. Independent authority, not special authority, is what the American people demand of a new prosecutor. Congress must respond if we are to restore the public faith and confidence from which a democratic government derives its strength and authority. There is no means left to us for the restoration of that faith and confidence other than the creation of a legal and constitutionally proper independent prosecutor to see that justice is administered fairly, fully and promptly.

WATERGATE, IMPEACHMENT, AND CONGRESSMAN FORD: A COMMENT FROM THE NEW YORKER MAGAZINE

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I insert in the RECORD a most interesting essay from the current issue of the New Yorker magazine concerning Watergate, impeachment proceedings, and the nomination of the Honorable GERALD FORD of Michigan for Vice President of the United States.

The essay follows:

THE TALK OF THE TOWN

Sixteen months ago, five men (in case anyone hasn't heard) were caught in the headquarters of the Democratic National Committee carrying wiretapping equipment. Whom could they have been working for? The country awaited evidence. In one man's pocket were consecutively numbered hundred-dollar bills that were soon traced to the Committee to Re-elect the President. In another man's pocket was a notebook that contained the entry "W. House." One of the men turned out to be the chief of security for the Committee. It became known that a Committee counsel had planned their action. Could it have been the Committee to Re-elect the President that the men were working for? The President said he thought not. The F.B.I. thought not. The Criminal Division of the Justice Department thought not. And the public thought not. Six months passed. The men were indicted and convicted. As far as the public knew, they had committed their crime for no reason and had been paid by nobody. Then, four months later, in what has turned out to be one of the great understatements of world history, the President announced "major developments" in the case. Soon it became apparent that the men *had* been working for the Committee. And that the entire top echelon of the President's staff for domestic affairs as well as most of the top people in the Committee to Re-elect the President had been busy for most of a year trying to conceal this fact. But had the President known of the coverup? The public awaited further evidence. And soon it came. The President's former legal counsel reported that the President had known. The former acting director of the F.B.I. told of warning the President about the possible implication of White House aides.

The deputy director of the C.I.A. reported that he had been ordered in the President's name to call the F.B.I. off the evidentiary trail. The Preident's campaign director said that the President had never asked him what was going on. At the same time, a mountain of other dismaying information was piling up. The public learned of the sabotage of Presidential election campaigns, of the secret, Presidentially approved Tom Charles Huston plan for an illegal domestic espionage agency controlled by the White House, of the secret use of the United States Air Force in Cambodia, of public money poured into the Persident's private property, of extortion and influence-peddling on a grand scale, of politically inspired prosecutions and politically inspired reprieves. And while all this evidence about what the White House had done in the past was coming out, the White House went to pieces before the public's eyes. The White House staff was scattered to the four winds. The Cabinet was thrown into disarray as its members rushed from post to post. The Vice-President fell. And now the special prosecutor on whom the nation's last hopes for justice rested has been fired; the Justice Department has lost its Attorney General and its Deputy Attorney General; and millions of people at home and abroad believe that when the President called a nuclear alert he was toying with the survival of mankind in order to protect his own survival in office. Again, the public awaits more evidence. We find ourselves in an atmosphere that has no precedent. In broad outline and in fine detail, the portrait of misrule is complete. Yet, many of us still decline to "prejudge" the situation. The very fact that for sixteen months we have failed to judge the situation and to take corrective measures has come to seem like evidence that nothing is seriously wrong—that of the tapes—installs itself at the heart of our national affairs. It is as if, unwilling to take measures ourselves, we had turned our fate over to a tape recorder. Our tragedies repeat themselves to the point of absurdity. (The man now on his way to Capitol Hill for confirmation as Attorney General would be—if we count Acting Attorneys General—our sixth in two years.) But, even with talk of resignation in the air, many of us avert our eyes from this and go on searching for evidence—evidence that can only prove for the thousandth time what we already know. Hypnotized by investigations, we have not, as a people, found the will to press for a resolution. Even in our extremity, we wait, it seems, for evidence that is more than evidence, as if some final memo or tape from the White House could free us of our obligations, and make for us the solemn decision we must now make for ourselves.

Congress almost never does the right thing, and when it does the right thing it almost always does it at the wrong time or for the wrong reason. Although eight Vice-Presidents have succeeded to the Presidency, Congress continues to view the second-highest office in the nation as merely a ceremonial post—recently adding the requirement that its occupant not be indictable. And although it seems to be widely believed in Congress that Gerald R. Ford, the Minority Leader in the House of Representatives, is not qualified to serve as President, his nomination to be Vice-President under a severely, and perhaps mortally, weakened President was widely praised by members of both legislative bodies; indeed, despite advance reports that President Nixon had no intention of listening to the advice of Congress—any more than he had in the past—when he solicited suggestions from its Republican members about whom he should nominate to succeed Agnew, he may actually have listened this time, for Ford was the overwhelming choice in the House, where he is best known. At the same time, however, Congress determined to have a long, hard look at the nominee before confirming him, to make certain that he was "clean," and would not subject the nation to the humiliation of a scandal like the one that led Vice-President Agnew to resign. But then, after the "firestorm" of public demands for President Nixon's impeachment swept across Capitol Hill a few days after he submitted Ford's nomination there, Congress was suddenly overcome by an urgent desire to confirm at once as Vice-President the man who it felt was unqualified to be President, so that he could succeed to the Presidency.

In political terms, as opposed to the best interests of the nation—which are rarely the same—Mr. Nixon's choice of Ford was probably inevitable: Ford would be readily confirmed, without the kind of political warfare that would follow the nomination of John Connally or, for that matter, Nelson Rockefeller or Ronald Reagan; members of the President's party in the House, who resented his failure to support them either financially or politically in the 1972 campaign, when he had an endless supply of both political money and political clout, would be mollified by his turning to them for a recommendation and won over to his side if he took it; Ford would, as one member put it, "serve the White House like Agnew without the spleen;" Ford would be adequate to the Vice-Presidency but would not inspire Congress to consider putting him in Mr. Nixon's chair; if any impeachment move should arise, Ford would be sufficiently aware of his limitations and of his debt to the President to ward off such an attempt by appealing to the scores of members of the House who were beholden to Ford; and, finally, Ford would not be a threat to any of the multitude of Republican governors and senators who see a President whenever they look in a mirror.

All these advantages, of course, applied to Ford as nominee for Vice-President, not as successor to the President. But now that he has been nominated for the second-highest post and acclaimed by his colleagues, they are unwilling to admit by refusing to confirm him how little they think either of that post or of Ford as holder of the highest post, even though every day brings Mr. Nixon closer to resignation or impeachment. And, naturally, Mr. Nixon is not going to withdraw the nomination and present Congress with a nominee who would be highly qualified, and thus likely, to replace him. In short, we may be facing the gravest crisis in the history of the United States, but still everyone in Washington seems to be thinking more about politics as usual than about the good of the nation, and unless another

firestorm—this one opposing Ford's nomination—arises, which is so remote a possibility that it is virtually nonexistent, Mr. Ford will probably be President of the United States within a matter of weeks or months.

If Ford becomes President, he will have a consituency not of two hundred million people but of five hundred and thirty-five people—the members of Congress who put him in office. And the failure of Congress to provide any guidance to the nation during the five years that President Nixon usurped *all* the power that he could usurp and corrupted *all* the public institutions that he could corrupt, or to try to stop hm as he obviously set out to destroy this nation's precious system of checks and balances, does not inspire much confidence in Congress as a safeguard against attempts by some ruthless future President to undermine the Republic. "My colleagues in the House are not representatives of the people, they are mail-weighers," a man who has served in Congress for fifteen years said the other day. "It has been clear for months now that Nixon shoud be impeached, or at least seriously threatened with impeachment, to stop him from pursuing his mad dictatorial course. But there was hardly any support here for impeachment until the *voters* forced us to consider the public interest." No one in Congress expects the public to similarly demand that it reject Ford's nomination and insist on a nominee who would have the confidence both of the members of Congress and of the voters. And no one in Congress or out expects Congress to act in the public interest without such a public demand. In other words, a new President is consciously being chosen by Congress, without any role in that choice being given to the people and without any attempt by Congress to devise a means of letting the people share in the decision about who is to be their leader. Instead, Congress will more or less automatically approve the choice that the most discredited President in the nation's history made after he was discredited.

And, finally, the standards by which that choice will be judged are the standards by which Congress assesses its own members—namely, Is he honest? Is he clean?—rather than the standards of character, strength, and philosophy that the voters test candidates by when they choose a President.

CONGRESSMAN FORD

Last week, we went down to Washington on the first day of the confirmation hearings on the nomination of Congressman Ford to be Vice-President, and talked with a number of people who have worked with him or have watched him at work over the years. Our first stop was at the Rayburn House Office Building, on Capitol Hill, where we had arranged to see Richard Bolling, who has served as a Democratic representative from Missouri since 1949, the year Ford arrived in the House as a Republican from Michigan. "Jerry Ford got into politics, and he became a congressman and has never wanted to be anything else," Bolling said. "His goal was the goal of most old-line Republican congressmen from the Midwest and Democrats from the South—simply to stay in the House. The liberals here have never had that simple a goal. They're always reaching out for something besides what they're supposed to be doing, and, as a result, they have never been as effective. In that context, I'm one of Ford's great admirers, and, despite our many differences in outlook, which are especially deep on all domestic matters. I have had a close professional relationship with him over the years. Jerry is not the standard political hack that some people here claim. He takes some risks, he has an adequate mind and he is able to grasp the nation's problems. Also, I think he's clean, which right now is the most important thing. While he hasn't the brilliance or the depth of a man like our Speaker, Carl Albert, he is steady, capable, able to see the other fellow's view, and willing to compromise. Maybe he is a plodder, as some people here say, but right now the advantages of having a plodder in the Presidency are enormous. God knows, we don't need another devious, devisive manipulator. Anyone who has studied Ford's job and seen his success at it could not conclude that he's a mediocrity. From where I sit, I'd say that Ford is a hell of a good public servant. I think that as President he would plow ahead and come up with reasonable compromises on our problems after wide consultation and careful thought."

Leaving the Rayburn Building, we made our way to the nearby office of a labor lobbyist who has worked on the Hill for many years. After he had elicited a promise from us that his identity would be concealed, so that he could continue to work at his trade, we mentioned Bolling's enthusiastic endorsement of Ford. The man smiled, and said, "Of course, Bolling is very, very close to Carl Albert, and wants to do his bidding. Albert is scared silly that the Presidency might land on him, so he wants to see Ford's nomination confirmed as soon as possible."

We asked the lobbyist what he thought about Ford, and he replied, "Jerry is quiet-spoken—he's rather a sweet person, actually—but he's a bumbler. He has very poor judgment, no grasp of the nation's problems, and not the faintest idea of where we are going. Also, his record is appalling. According to the A.F.L.-C.I.O.'s tabulation, he voted wrong—that is, against the workingman's interests—ninety-four per cent of the time through last year. Only two other members of the House had a more anti-labor record. He follows Nixon blindly, and mouths the same clichés. For instance, Ford will rant on about quality education, like Nixon, and then will quietly try to gut education bills on Nixon's orders."

We asked if it wasn't Ford's duty as Minority Leader to carry out his President's policies, and the lobbyist frowned and said, "Only up to a point. Everyone is fond of saying that Ford is a man of integrity. Well, a man of integrity can't be a mere water carrier for the team. Take Congressman John Anderson, of Illinois, who is the leader of the House Republican Conference, and who probably stands more squarely for true Republicanism than any other man in the House. Well, he stood up to the President on Cambodia, and was called a traitor to the Party. On the other hand, he led the fight for the Administration's proposal that the highway trust fund be opened up to let some of those billions be used for mass transit—which was one of the few decent positions this Administration has taken on domestic matters. He got no credit for that. And Ford, who opposed the Administration, for the first time, on the trust-fund issue—because he's from the automobile state—and led the fight against it, wasn't blamed at all. Apparently, it's all right to break with the Administration where your constituents are concerned, but if you break with it because your conscience is concerned, you're a traitor."

A couple of minutes later, we got on the subject of what might be expected of Ford if he succeeded to the Presidency, and the lobbyist said, "He will probably reverse Nixon's foreign policy and break off the move toward a détente. When Ford says, as he does, that he's a 'dyed-in-the-wool internationalist,' he means that he's a dedicated Cold Warrior. Last week, during the House Republican caucus, members were discussing the need for an independent special prosecutor and the need to make the tapes available not just to the court and the grand jury but to the public as well. Suddenly, Ford jumped up and charged in, talking about how vital it was to sustain President Nixon's veto of the war-powers-limitation bill.

That was pure stupid water-carrying because the Party is split one for one on that issue, so he antagonized half the members. It also hurt him with the Judiciary Committee, which will hold his confirmation hearings in the House, because it has become increasingly worried and sensitive about the rights and independence of Congress. All in all, he couldn't have shown worse judgment politically." Returning to what Ford might do as President, the man said, "On the domestic front, Ford would probably continue Nixon's policies, so in terms of economic's social programs, unemployment, and so on, we'd continue to flounder in the mess we have now."

In the course of the day, we visited a number of Republican congressmen, and they stated, for the record, that Ford was "decent," "never vindictive," "accessible," "a sort of gentle person," "honest," "calm," "not one to polarize people," "fair," "effective," "hard-working," and "a very nice, sometimes even warm, fellow." But some of the same people described him, off the record, as "unimaginative," "a doctrinaire conservative," "an unwavering partisan," and "essentially such a negative person that he is simply more comfortable voting no rather than yea." One of them, speaking off the record, said, "Jerry is basically a decent man. He tries to be a good, moderate human being—he exercises every day, he's nice to his wife and kids, he doesn't do anything extreme. But he is not an adventurous man. Within limits, a President should be intellectually adventurous. If he's not open to new ideas, new concepts, he may be unable to grasp the influences that are moving and shaping the country, and get left behind." Another member of Congress, also speaking off the record, observed, "I see no evidence that Ford really understands the damage that Nixon has done to the country. Nixon was determined to make the executive No. 1, and to suppress the two other branches, in a way that has never been attempted before in this country. I'm sure that Ford wouldn't consciously carry on that attempt, but I see no sign that he would try to make amends for what Nixon has done, or try to repair the damage. For instance, the best thing he could do as President would be to appoint a moderate Democrat—say, someone like Mike Mansfield—as Vice President, in order to create a coalition and bring the nation back together after the terrible time we've had. But Ford is too much a partisan and too shortsighted for that. He would probably listen to leaders of the Party, who would convince him that he had to build up a new candidate for 1976 through the Vice Presidency. In sum, I'm afraid that Ford simply is not a very thoughtful man."

One senior and leading member of the Republican Party in the House who spoke to us about whether Ford would be a suitable Vice-President said, "I think he would be very good at it—at attending rubber-chicken dinners, spouting clichés for the Party faithful, cutting ribbons at opening ceremonies, shaking hands in reception lines." We asked how he felt about Ford's being President, and he answered, "He does not have the stature." We pressed him for his reasons for this judgment, and, after a few moments' thought, he said, "Ford never became at all effective as a leader until he had someone to follow—that is, until Nixon became President. Before that, when Ford was Minority Leader and, as such, one of the Party's foremost spokesmen, he had nothing to offer except blind opposition, without focus or pattern. That is the best indicating of what he would be like as the nation's leader."

We arrived at the hearing room being used by the Senate Committee on Rules and Administration for Representative Ford's confirmation hearings just as he said, "President Eisenhower had a very simple rule—I have never heard of a better one for people in public office who have to make decisions:

Get all the facts and all the good counsel you can, and then do what's best for America." A middle-aged woman sitting behind us said to a companion, "But doesn't everyone think they're doing what's best for the country?" We listened to the rest of Ford's statement and to some of the senators' questions and his answers, and then went off to keep an appointment that we had with a Republican senator—Charles McC. Mathias, Jr., of Maryland—who had served in the House with Ford, to get his opinion of his colleague.

"One must appreciate the terribly limited arena provided by the Republican Party in the House," Senator Mathias told us. "Take the Party breakdown on a variety of votes, and you'll see how terribly conservative the Republican Party there is. There will be twenty-five liberals and moderates on one side, a handful of extreme right-wingers on the other side, and a hundred and fifty or sixty conservatives in the middle. To hold any position as leader you have to be within the parameters of the bulk of the membership. These parameters have limited Ford's ability to operate as freely as people often do when they come on the national scene and face the kinds of problems that exist beyond their narrow primary experience. Another limiting factor, Jerry once told me, was that in his home town he was viewed as too liberal. So he was restricted both by the members of the House and by his constituency. The question he faced was:

Do you live in the world or do you try to change it?"

A little later, we got onto the question of what Ford would be like as President, and Senator Mathias thought for a minute and then said, "The greatest thing to Jerry's advantage in that office would be that he has always been willing to work with associates and colleagues. This is a tremendous safety valve—as long as the people he gathered around him were sound. The greatest trouble we have now is that President Nixon is so isolated from reality, and I can't see Ford being like that. But the basic question, in my view, is whether Ford understands what has happened under Nixon. I don't know the answer to that. If he does, and if he is a good man, as I think he is, and if he is strong enough to make the troublemakers go lie down, he would do as President."

Joseph Rauh, the driving force behind Americans for Democratic Action and one of the heads of the Leadership Conference on Civil Rights, told us over lunch, "The worst thing about Gerald Ford is his record on civil rights. He is the perfect modern example of a 'doughface'—the word used before the Civil War to describe a Northerner with Southern sympathies. Here he is, a man who didn't have to fight blacks but fought them. What is a white man from Grand Rapids, Michigan, doing when he tries to stop a black man in Mississippi from voting?"

In the House, Rauh's question was answered by a senior Republican member, who explained to us, "Ford's life-long dream, as he has said, was to be Speaker of the House. He figured that if he could persuade enough Democrats from the South to come over to the Republican Party, he would create a majority and might become Speaker." Ford became Minority Leader in January, 1965, and since that time he has voted, in one way or another, to gut almost every civil-rights bill that has come before the House. According to another prominent Republican there, his anti-civil-rights voting record can also be attributed to a deal he made with the conservative coalition in the House in order to get the necessary votes to become Minority Leader.

Toward the end of the day, we stopped in to see Congressman Donald W. Riegle, Jr., a young man from Flint, Michigan, who was elected and three time reelected as a Republican, and who switched to the Democratic Party this year in part because of his feelings about President Nixon's policies on the war in Vietnam. "A couple of times, Jerry went out of his way as Party leader to defend me against charges that I was disloyal and a threat to the Party," he told us. "He said that what I was doing was within Republican bounds. I supported Pete McCloskey in his primary fight in New Hampshire against the President, and three weeks before the election there Jerry came to Flint and endorsed me and said a lot of nice things about me publicly. It was a very awkward position for him, and he could have got out of it, but he didn't. He was very decent. My opinion of him is probably higher than most people's, because I've had a close political relationship with him, and I've had a chance to see a part of Jerry Ford that others haven't had a chance to see. Underneath it all, he's really a human being. He has the kind of sensitivity that gives him a potential for growth. He can grow in terms of national leadership because he's a human being. That's very important at this particular time. Of course, to take him out of the narrow, conservative group of Republicans that he has been used to dealing with and drop him to a broad national constituency of various persuasions would be such a stunning change that none of us would know what to expect. The whole question of whether Jerry Ford can change from being a partisan battering ram to being a national conciliator can be answered only by his taking on the job. For myself, I know that if I could trade Nixon for Ford, I would do it in an instant."

SURFACE MINING CONTROL AND RECLAMATION ACT OF 1973

(Mr. UDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. UDALL. Mr. Speaker, today it gives me great pleasure to introduce on behalf of myself and Mrs. MINK and other Members, The Surface Mining Control and Reclamation Act of 1973, H.R. 11500.

This bill is the result of 6 months work of the Subcommittees on Mines and Mining, which is chaired by Mrs. MINK, and the Environment Subcommittee, which I chair. These subcommittees, in joint effort, conducted extensive hearings and toured mining areas of Appalachia and the West. After more than a dozen intensive joint markup sessions, the legislation being introduced today as a clean bill will be reported to the Full Committee on Interior and Insular Affairs.

The bill strikes a balance among:

First. The Nation's increased need of and dependency on coal-based energy and the protection of our land and water resources and the environment.

Two. Those who would abolish strip mining and those who desire to maintain the status quo and the continued uninhibited development of coal resources.

Three. An approach leaving virtually all the responsibility for enforcement and administration with the States and one which rests all mining control and enforcing authority with the Federal Government.

The underlying premise of the legislation is that coal strip mining is a controllable and regulatable activity and that all of the environmental and social abuses common to past and present strip mining can be in the future, avoided, fully regulated, corrected, and fully compensated for.

Key features of the bill include:

First, stringent environmental protection standards, some of which become immediately effective 90 days after the passage of the act;

Second, control of both coal strip mines as well as the surface effects of underground coal mines;

Third, an integral and basic role for citizen participation in the development and approval of State programs, individual mining permit approvals, bond releases, and enforcement of this act;

Fourth, a capability of designating areas unsuitable for surface coal mining;

Fifth, a backup Federal enforcement system supporting the State regulatory authority which can be quickly implemented either on a mine-by-mine or other basis by State or citizen action;

Sixth, the prevention of mining where reclamation is not feasible or are in national forests, national wilderness areas, national wildlife refuges, and similar places;

Seventh, creation of a program to rehabilitate past mining damages and putting those lands into productive use in the communities in which they are located;

Eighth, the imposition of a reclamation fee on all coal produced, and providing that such fee can be reduced, up to 90 percent, by costs incurred by the operator in meeting all of the provisions of this Act as well as the Coal Mine Health and Safety Act of 1969;

Ninth, the funding of mining research institutes in a number of States in order to develop the research and manpower capabilities necessary to meet current and future problems facing the Nation in mining and materials availability;

Tenth, the provision of authority to States and the Federal Government for designating areas unsuitable for mining for all minerals under limited circumstances.

We believe this legislation meets the needs of the nation now and in the foreseeable future in the critical areas of regulating surface coal mining. It provides the means for the regulation of coal surface mining operations as well as the opportunities for citizens, public officials, and industry to work out in advance, as well as during the mining process, their differences at the local, regional and State level so that the continued development of coal will not trigger additional environmental problems which brought this matter to national attention.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HOLIFIELD, for today, November 15, on account of family illness.

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. TOWELL of Nevada) to revise and extend their remarks and include extraneous material:)

Mr. YOUNG of Alaska, for 5 minutes, today.

Mr. ROBISON of New York, for 30 minutes, today.

Mr. HOGAN, for 60 minutes, today.

Mr. EDWARDS of Alabama, for 5 minutes, today.

Mr. KEMP, for 10 minutes, today.

(The following Members (at the request of Mr. JONES of Oklahoma) to revise and extend their remarks and include extraneous material:)

Mr. DENT, for 10 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. FUQUA, for 5 minutes, today.

Mr. PATMAN, for 5 minutes, today.

Mr. COTTER, for 5 minutes, today.

Mr. DAVIS of South Carolina, for 20 minutes, today.

Ms. HOLTZMAN, for 5 minutes, today.

Mr. FLOOD, for 10 minutes, today.

Mr. CULVER, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. ADAMS, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. BIAGGI, before the vote on the Griffiths amendment on H.R. 11333, social security benefits increase.

(The following Members (at the request of Mr. TOWELL of Nevada) and to include extraneous material:)

Mr. HANRAHAN in two instances.

Mr. LANDGREBE in 10 instances.

Mr. ERLENBORN in two instances.

Mr. ESCH in two instances.

Mr. CLEVELAND in two instances.

Mr. VEYSEY in four instances.

Mr. HORTON in two instances.

Mr. SYMMS in two instances.

Mr. KEMP in two instances.

Mr. BRAY in three instances.

Mr. HOGAN.

Mr. NELSEN.

Mr. STEELE.

Mr. STEIGER of Wisconsin in two instances.

Mr. MILLER in six instances.

Mr. TOWELL of Nevada.

Mr. WYMAN in four instances.

Mr. FROEHLICH.

Mr. CONTE.

Mr. BOB WILSON.

Mr. HEINZ in four instances.

Mr. BAKER in two instances.

Mr. HINSHAW.

Mr. WHALEN.

Mr. FORSYTHE.

Mr. BROYHILL of Virginia.

Mr. VANDER JAGT.

Mr. MARAZITI.

Mr. HUBER.

Mr. BEARD.

Mr. SARASIN in two instances.

Mr. MIZELL in eight instances.

(The following Members (at the request of Mr. JONES of Oklahoma) and to include extraneous material:)

Mr. FLOOD in seven instances.

Mr. BRINKLEY.

Mr. GONZALEZ in three instances.

Mr. REID.

Mr. GUNTER in three instances.

Mr. RARICK in three instances.

Mr. BIAGGI in five instances.

Mr. HARRINGTON in four instances.

Mrs. CHISHOLM.

Mr. ASHLEY in three instances.

Mr. TEAGUE of Texas in six instances.

Mr. DUNCAN.

Mrs. SULLIVAN.

Miss HOLTZMAN.

Mr. STEPHENS.

Mr. LONG of Louisiana in two instances.

Mr. MURPHY of Illinois.

Mr. NICHOLS.

Mr. PATTEN in two instances.

Mr. PEPPER.

Mr. WALDIE in two instances.

Mr. LITTON.

Mr. ROE in three instances.

Mr. O'NEILL.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 9295. An act to provide for the conveyance of certain lands of the United States to the State of Louisiana for the use of Louisiana State University.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on this day present to the President, for his approval, bills of the House of the following title:

H.R. 3801. An act to extend Civil Service Federal employees group life insurance and Federal employees health benefits coverage to U.S. nationals employed by the Federal Government;

H.R. 5692. An act to amend title 5, United States Code, to revise the reporting requirement contained in subsection (b) of section 1308;

H.R. 8219. An act to amend the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity; and

H.R. 8916. An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1974, and for other purposes.

ADJOURNMENT

Mr. JONES of Oklahoma. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. Pursuant to the provisions of House Concurrent Resolution 378, 93d Congress, the Chair declares the House adjourned until 12 o'clock noon on Monday, November 26, 1973.

Thereupon (at 4 o'clock and 25 minutes p.m.), pursuant to House Concurrent Resolution 378, the House adjourned until Monday, November 26, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV executive communications were taken from the Speaker's table and referred as follows:

1556. A letter from the Acting Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract for the continued provision of marine facilities, merchandising, food and beverage services, and related facilities and services for the public at the Las Vegas Wash Site of Lake Mead National Recreation Area, Nev., for a term ending October 31, 1987, pursuant to 67 Stat. 271 and 70 Stat. 543 to the Committee on Interior and Insular Affairs.

1557. A letter from the President, National Railroad Passenger Corporation, transmitting the Corporation's operating and capital plans for fiscal years 1974 and 1975 and projections for fiscal years 1976 and 1977, pursuant to section 601(b) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

1558. A letter from the Vice President for Public and Government Affairs, National Railroad Passenger Corporation, transmitting a copy of the testimony of the Corporation before the Subcommittee on Buildings and Grounds of the Senate Committee on Public Works on November 13, 1973, pursuant to section 601(b) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Commerce.

1559. A letter from the Secretary of Commerce, transmitting the annual reports of the National Marine Fisheries Service for calendar years 1970 and 1971, pursuant to 16 U.S.C. 742h; to the Committee on Merchant Marine and Fisheries.

1560. A letter from the Acting Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated October 10, 1972, submitting a report on Licking River Basin, Ky., authorized by the Flood Control Act approved June 22, 1936; to the Committee on Public Works.

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. FRASER: Committee of Conference. Conference report on H.R. 6768. (Rept. No. 93-642). Ordered to be printed.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 11324. A bill to provide for daylight saving time on a year-round basis for a 2-year trial period; with amendment. (Rept. No. 93-643). Referred to the Committee of the Whole House on the State of the Union.

Mr. BRADEMAS: Committee on House Administration. House Resolution 680. Resolution authorizing the printing of proceedings unveiling the portrait of the late Honorable Philip J. Philbin; with amendment (Rept. No. 93-644). Ordered to be printed.

Mr. BRADEMAS: Commitee on House Administration. House Concurrent Resolution 88. Concurrent resolution authorizing certain printing for the Committee on Veterans' Affairs; with amendment (Rept. No. 93-645). Ordered to be printed.

Mr. BRADEMAS: Committee on House Ad-

ministration. House Concurrent Resolution 369. Concurrent resolution to print as a House document House Committee print on Impeachment, Selected Materials (Rept. No. 93–646). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. House Concurrent Resolution 375. Concurrent resolution providing for the printing as a House document the booklet entitled "The Supreme Court of the United States" (Rept. No. 93–647). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. Senate Concurrent Resolution 47. Concurrent resolution authorizing the printing of additional copies of a report of the Senate Special Committee on the Termination of the National Emergency (Rept. No. 93–648). Ordered to be printed.

Mr. BRADEMAS: Committee on House Administration. Senate Concurrent Resolution 49. Concurrent resolution authorizing the printing of the prayers of the Chaplain of the Senate during the 92d Congress as a Senate document (Rept. No. 93–649). Ordered to be printed.

Mr. HUNGATE: Committee on the Judiciary. H.R. 5463. A bill to establish rules of evidence for certain courts and proceedings, with amendment (Rept. No. 93–650). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 9437. A bill to amend the International Travel Act of 1961 to authorize appropriations for fiscal years 1974, 1975, and 1976; with amendment (Rept. No. 93–651). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ARCHER:

H.R. 11493. A bill to repeal the Occupational Safety and Health Act of 1970; to the Committee on Education and Labor.

By Mr. ASHLEY:

H.R. 11494. A bill to amend the Internal Revenue Code of 1954 to provide that section 265 of such code shall not apply with respect to certain interest paid by certain dealers in connection with the purchase of tax-exempt obligations; to the Committee on Ways and Means.

By Mr. ASHLEY (by request):

H.R. 11495. A bill to amend the Export Administration Act of 1969, to prevent the excessive drain of iron and steel scrap from the United States; to the Committee on Banking and Currency.

By Mr. ASPIN (for himself, Mr. BINGHAM, Mr. CARNEY of Ohio, Mrs. COLLINS of Illinois, Mr. DANIELSON, Mr. DAVIS of South Carolina, Mr. DELLUMS, Mr. DULSKI, Mr. WILLIAM D. FORD, Mr. FROEHLICH, Mr. GREEN of Pennsylvania, Mr. GUDE, Mr. HELSTOSKI, Ms. HOLTZMAN, Mr. LEHMAN, Mr. MEEDS, Mr. MICHEL, Mr. MINISH, Mr. MOAKLEY, Mr. NICHOLS, Mr. PEPPER, Mr. PREYER, Mr. ROONEY of Pennsylvania, and Mr. ROSENTHAL):

H.R. 11496. A bill to direct the President to halt all exports of gasoline, distillate fuel oil, and propane gas until he determines that no shortage of such fuels exists in the United States; to the Committee on Banking and Currency.

By Mr. ASPIN (for himself, Mr. ROUSH, Mr. ROYBAL, Mr. SARBANES, Mr. SNYDER, Mr. STARK, Mr. STUDDS, Mr. VANIK, Mr. WOLFF, Mr. YATRON, Mr. YOUNG of Florida, Mr. BREAUX, Mr. CHARLES WILSON of Texas, and Mr. DENT):

H.R. 11497. A bill to direct the President to halt all exports of gasoline, distillate fuel oil, and propane gas until he determines that no shortage of such fuels exists in the United States; to the Committee on Banking and Currency.

By Mr. BELL (for himself, Mr. ANDERSON of California, Mr. BURTON, Mr. HAWKINS, Mr. HOSMER, Mr. MCCLOSKEY, Mr. MOSS, Mr. REES, Mr. ROYBAL, Mr. STARK, Mr. CHARLES H. WILSON of California, Mr. MOORHEAD of California, Mr. GOLDWATER, Mr. CORMAN, and Mrs. BURKE of California):

H.R. 11498. A bill to authorize the Secretary of the Interior to designate the Mulholland National Scenic Parkway in the State of California, and for other purposes, to the Committee on Interior and Insular Affairs.

By Mr. BROOKS (for himself, Mr. DONOHUE, Mr. JAMES V. STANTON, Mrs. COLLINS of Illinois, and Mr. CULVER):

H.R. 11499. A bill to establish procedures and regulations for certain protective services provided by the U.S. Secret Service; to the Committee on the Judiciary.

By Mr. UDALL (for himself, Mrs. MINK, Mr. RUPPE, Mr. BINGHAM, Mrs. BURKE of California, Mr. BURTON, Mr. DE LUGO, Mr. KASTENMEIER, Mr. MARTIN of North Carolina, Mr. MEEDS, Mr. OWENS, Mr. PEYSER, Mr. RONCALIO of Wyoming, Mr. SEIBERLING, Mr. VIGORITO, and Mr. MCDADE):

H.R. 11500. A bill to provide for the regulation of surface coal mining operations in the United States, to authorize the Secretary of Interior to make grants to States to encourage the State regulation of surface mining and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BROTZMAN:

H.R. 11501. A bill to further the conduct of research, development, and commercial demonstrations in geothermal energy technologies, to direct the National Science Foundation to fund basic and applied research relating to geothermal energy, and to direct the National Aeronautics and Space Administration to carry out a program of demonstrations in technologies for commercial utilization of geothermal resources including hot dry rock and geopressured fields; to the Committee on Science and Astronautics.

By Mr. BROWN of California (for himself, Mr. ANDERSON of California, Mr. BELL, Mr. CLEVELAND, Mr. COTTER, Mr. DAVIS of Georgia, Mr. EILBERG, Mr. FROEHLICH, Mr. GILMAN, Mrs. GRASSO, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. LEGGETT, Mr. MAZZOLI, Mr. MCDADE, Mr. MITCHELL of Maryland, Mr. NIX, Mr. OBEY, Mr. PODELL, Mr. REES, Mr. RHODES, Mr. ROE, Mr. ROONEY of Pennsylvania, and Mr. SISK):

H.R. 11502. A bill to amend the National Aeronautics and Space Act of 1958 to authorize and direct the National Aeronautics and Space Administration to conduct research and to develop ground propulsion systems which would serve to reduce the current level of energy consumption; to the Committee on Science and Astronautics.

By Mr. BROWN of California (for himself, Mr. STARK, Mr. UDALL, Mr. WARE, Mr. CHARLES H. WILSON of California, Mr. CHARLES WILSON of Texas, Mr. WINN, Mr. WYATT, and Mr. YATRON):

H.R. 11503. A bill to amend the National Aeronautics and Space Act of 1958 to authorize and direct the National Aeronautics and Space Administration to conduct research and to develop ground propulsion systems which would serve to reduce the current level of energy consumption; to the Committee on Science and Astronautics.

By Mr. BROYHILL of Virginia:

H.R. 11504. A bill to amend the Internal Revenue Code of 1954 with respect to the inclusion in gross income of, and the deduction allowed for, certain moving expenses of members of the Armed Forces; to the Committee on Ways and Means.

By Mr. CAREY of New York:

H.R. 11505. A bill to authorize and direct the President and State and local governments to develop contingency plans for reducing petroleum consumption, and assuring the continuation of vital public services in the event of emergency fuel shortages or severe dislocations in the Nation's fuel distribution system, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CARNEY of Ohio:

H.R. 11506. A bill to provide for the tempore suspension of duty on polychloroprene (neoprene) rubber; to the Committee on Ways and Means.

By Mr. CLEVELAND:

H.R. 11507. A bill to amend the Fair Labor Standards Act of 1938 to increase the minimum wage rates under that act, to expand the coverage of that act, and for other purposes; to the Committee on Education and Labor.

H.R. 11508. A bill to prohibit the use of currency in amounts in excess of $25 with respect to the making of certain political contributions or expenditures; to the Committee on House Administration.

By Mr. BINGHAM:

H.R. 11509. A bill to declare by congressional action a nationwide energy emergency; to authorize the President to immediately undertake specific actions to conserve scarce fuels and increase supply; to invite the development of local, State, national, and international contingency plans; to assure the continuation of vital public services; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HOLIFIELD (for himself, Mr. HORTON, Mr. PRICE of Illinois, and Mr. HOSMER):

H.R. 11510. A bill to reorganize and consolidate certain functions of the Federal Government in the new Energy Research and Development Administration and in a Nuclear Energy Commission in order to promote more efficient management of such functions; to the Committee on Government Operations.

By Mr. ROGERS:

H.R. 11511. A bill to amend the Public Health Service Act and related laws to revise and extend programs of health revenue sharing and health delivery, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FASCELL:

H.R. 11512. A bill to establish a national program for research, development, and demonstration in fuels and energy and for the coordination and financial supplementation of Federal energy research and development; to establish development corporations to demonstrate technologies for shale oil development, coal gasification development, advanced power cycle development, geothermal steam development, and coal liquefaction development; to authorize and direct the Secretary of the Interior to make mineral resources of the public lands available for said development corporations; and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 11513. A bill to provide for a national fuels and energy conservation policy, to establish an Office of Energy Conservation in the Department of the Interior, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. FINDLEY:

H.R. 11514. A bill to require that buses and trucks operated in commerce be equipped with instruments to provide a record of certain operating data, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GONZALEZ:

H.R. 11515. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes; to the Committee on the District of Columbia.

By Mr. GROVER:

H.R. 11516. A bill to establish the Department of Health; to the Committee on Government Operations.

By Mr. HANRAHAN:

H.R. 11517. A bill to provide for daylight saving time on a year-round basis for a 2-year trial period, and to require the Federal Communications Commission to permit certain daytime broadcast stations to operate before local sunrise; to the Committee on Interstate and Foreign Commerce.

By Mr. HEINZ (for himself and Mr. ROGERS):

H.R. 11518. A bill to amend the Community Mental Health Centers Act to revise the various programs of assistance authorized by that act and to extend it to the fiscal year 1976; to the Committee on Interstate and Foreign Commerce.

By Mr. HEINZ (for himself, Mr. ASHLEY, Ms. BURKE of California, Ms. GRASSO, Mr. BADILLO, Ms. CHISHOLM, Mr. CONYERS, Mr. DE LUGO, Mr. EILBERG, Mr. ESCH, Mr. FRASER, Mrs. HECKLER of Massachusetts, Mr. HELSTOSKI, Ms. HOLTZMAN, Mr. LEHMAN, Mr. LONG of Maryland, Mr. MAZZOLI, Mr. McDADE, Mr. MURPHY of New York, Mr. NIX, Mr. PEPPER, and Mr. PEYSER):

H.R. 11519. A bill to establish a National Center for the Prevention and Control of Rape and provide financial assistance for a research and demonstration program into the causes, consequences, prevention, treatment, and control of rape; to the Committee on Interstate and Foreign Commerce.

By Mr. HEINZ (for himself, Mr. RANGEL, Mr. REES, Mr. RIEGLE, Mr. RODINO, Mr. RONCALLO of New York, Mr. RYAN, Mr. SARBANES, Ms. SCHROEDER, Mr. SEIBERLING, Mr. STARK, Mr. WARE, Mr. CHARLES H. WILSON of California, Mr. WINN, Mr. WOLFF, Mr. FRENZEL, and Mr. MOSS):

H.R. 11520. A bill to establish a National Center for the Prevention and Control of Rape and provide financial assistance for a research and demonstration program into the causes, consequences, prevention, treatment, and control of rape; to the Committee on Interstate and Foreign Commerce.

By Mr. HINSHAW:

H.R. 11521. A bill to amend the act of April 9, 1966, to provide for the acquisition of an existing structure to be used as the official residence of the Vice President of the United States; to the Committee on Public Works.

By Mrs. HOLT:

H.R. 11522. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to increase salaries, and for other purposes; to the Committee on the District of Columbia.

By Mr. HUNT:

H.R. 11523. A bill to provide for the establishment of an American Folk Life Center in the Library of Congress, and for other purposes; to the Committee on House Administration.

By Mrs. MINK (for herself, Mr. Moss, Mr. NIX, Mr. PODELL, and Mr. ULLMAN):

H.R. 11524. A bill to amend section 19 of title 3, United States Code, to provide for an election for the Office of President and the Office of Vice President in the case of vacancies in both the Office of President and the Office of Vice President; to the Committee on the Judiciary.

By Mr. MOAKLEY:

H.R. 11525. A bill to confer pensionable status on veterans involved in the Brownsville, Tex., incident of August 13, 1906, and to require the Administrator of Veterans' Affairs to make certain compensatory payments to such veterans and their heirs; to the Committee on Armed Services.

H.R. 11526. A bill to direct the President to halt all exports of gasoline No. 2 fuel oil, and propane gas until he determines that no shortage of such fuels exists in the United States; to the Committee on Banking and Currency.

H.R. 11527. A bill to regulate commerce by assuring adequate supplies of energy resource products will be available at the lowest possible cost to the consumer, and for other purposes; to the Committee on the Judiciary.

H.R. 11528. A bill to amend the Internal Revenue Code of 1954 to provide that certain bond interest received by individuals 65 or over shall be excluded from gross income; to the Committee on Ways and Means.

By Mr. MOORHEAD of California:

H.R. 11529. A bill to strengthen interstate reporting and interstate services for parents of runaway children, to provide for the development of a comprehensive program for the transient youth population for the establishment, maintenance, and operation of temporary housing and psychiatric, medical, and other counseling services for transient youth, and for other purposes; to the Committee on Education and Labor.

By Mr. PEPPER (for himself, Mr. McKINNEY, and Mr. YOUNG of Illinois):

H.R. 11530. A bill to amend title VII of the Older Americans Act relating to the nutrition program for the elderly to provide authorization of appropriations, and for other purposes; to the Committee on Education and Labor.

By Mr. POAGE:

H.R. 11531. A bill to provide for the establishment of a national cemetery at or near Fort Hood, Tex.; to the Committee on Veterans' Affairs.

By Mr. RARICK (for himself and Mr. ROBERT W. DANIEL, JR.):

H.R. 11532. A bill to amend title XI of the Social Security Act to repeal the recently added provision for the establishment of Professional Standards Review Organizations to review services covered under the medicare and medicaid programs; to the Committee on Ways and Means.

By Mr. REID:

H.R. 11533. A bill to prohibit any increase in fares charged by mass transit systems for a 1-year period and to provide for grants to any mass transit system which may be adversely affected by such prohibition of fare increase; to the Committee on Banking and Currency.

By Mr. RIEGLE (for himself and Mr. ROY):

H.R. 11534. A bill to amend the Occupational Safety and Health Act of 1970 to improve the administration of that act with respect to small businesses; to the Committee on Education and Labor.

By Mr. ROGERS (for himself, Mr. JONES of Oklahoma, Mr. ROY, Mr. SYMINGTON, Mr. HANSEN of Idaho, Mr. PREYER, Mrs. GREEN of Oregon, and Mr. BROWN of Michigan):

H.R. 11535. A bill to extend for 3 years the District of Columbia Medical and Dental Manpower Act of 1970; to the Committee on the District of Columbia.

By Mr. SEBELIUS:

H.R. 11536. A bill to amend the Uniform Time Act of 1966 to provide that daylight saving time shall begin on Memorial Day and end on Labor Day of each year; to the Committee on Interstate and Foreign Commerce.

By Mr. SIKES (for himself, Mr. DINGELL, Mr. BIAGGI, Mr. FORSYTHE, Mr. BREAUX, Mr. COHEN, Mr. STUDDS, and Mr. BOWEN):

H.R. 11537. A bill to extend and expand the authority for carrying out conservation and rehabilitation programs on military reservations, and to authorize the implementation of such programs on certain public lands; to the Committee on Merchant Marine and Fisheries.

By Mr. SMITH of Iowa (for himself, Mr. CARNEY of Ohio, Mr. COUGHLIN, Mr. GAYDOS, Mr. GONZALEZ, Mr. HARRINGTON, Mr. MAZZOLI, Mr. MOSS, and Mr. VEYSEY):

H.R. 11538. A bill to amend the Commodity Exchange Act to strengthen the regulation of futures trading to require public disclosure of certain information relating to sales of commodities, to bring all agricultural and other commodities traded on exchanges under regulation, and for other purposes; to the Committee on Agriculture.

By Mr. STAGGERS (for himself and Mr. DEVINE):

H.R. 11539. A bill to improve the Public Health and National Health Service Corps Scholarship training program; to the Committee on Interstate and Foreign Commerce.

By Mr. STIEGER of Wisconsin:

H.R. 11540. A bill to consolidate certain vocational education programs; to the Committee on Education and Labor.

By Mrs. SULLIVAN (for herself, Mr. DINGELL, Mr. McCLOSKEY, Mr. KARTH, Mr. BIAGGI, Mr. CONTE, Mr. FORSYTHE, Mr. WILLIAM D. FORD, Mr. KYROS, Mr. BREAUX, Mr. STUDDS, Mr. NEDZI, Mr. MOSS, and Mr. BOWEN):

H.R. 11541. A bill to amend the National Wildlife Refuge System Administration Act of 1966 in order to strengthen the standards under which the Secretary of the Interior may permit certain uses to be made of areas within the system and to require payment of the fair market value of rights-of-way or other interests granted in such areas in connection with such uses; to the Committee on Merchant Marine and Fisheries.

By Mr. VANIK:

H.R. 11542. A bill to amend the Public Buildings Act of 1953, to encourage the use of solar energy in the heating and cooling systems of certain public buildings and to require the Administration of General Services to submit to the Congress an energy use statement with respect to certain public buildings; to the Committee on Public Works.

H.R. 11543. A bill to amend the Internal Revenue Code of 1954 to allow an income tax credit for certain repairs or improvements of the residence of a taxpayer which improve the thermal design of such residence; to the Committee on Ways and Means.

By Mr. WALDIE:

H.R. 11544. A bill providing for direct access to social workers' services under the Federal Employees' Health Benefits program; to the Committee on Post Office and Civil Service.

By Mr. WALSH (for himself, Mr. HELSTOSKI, Ms. HECKLER of Massachusetts, Mr. GILMAN, Mr. EDWARDS of California, Mr. MARAZITI, and Mr. CHARLES WILSON of Texas):

H.R. 11545. A bill to amend chapter 34 of title 38, United States Code, to authorize additional payments to eligible veterans to partially defray the cost of tuition; to the Committee on Veterans' Affairs.

By Mr. CHARLES WILSON of Texas (for himself, Mr. TAYLOR of North Carolina, Mr. KAZEN, Mr. STEELMAN, Mr. ECKHARDT, Mr. SKUBITZ, Mr. JOHNSON of California, Mr. DON H. CLAUSEN, Mr. MAHON, Mr. BROOKS, Mr. PATMAN, Mr. POAGE, Mr. ARCHER, Mr. BURLESON of Texas, Mr. MILFORD, Mr. ROBERTS, Mr. GONZALEZ, Mr. PICKLE, Mr. WRIGHT, Mr. CASEY of Texas, Mr. FISHER, Mr. WHITE, Mr. COLLINS of Texas, Ms. JORDAN, and Mr. YOUNG of Texas):

H.R. 11546. A bill to authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. CHARLES WILSON of Texas (for himself, Mr. UDALL, Mr. RUPPE, Mr. BURTON, Mr. DELLENBACK, Mr. KASTENMEIER, Mr. SEBELIUS, Mr. MEEDS, Mr. REGULA, Mr. MELCHER, Mr. TOWELL of Nevada, Mr. BINGHAM, Mr. CRONIN, Mr. WON PAT and Mr. DE LUGO):

H.R. 11547. A bill to authorize the establishment of the Big Thicket National Preserve in the State of Texas, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. YOUNG of South Carolina:

H.R. 11548. A bill to repeal the Economic Stabilization Act of 1970; to the Committee on Banking and Currency.

By Mr. YOUNG of South Carolina (for himself, Mr. ANDREWS of North Dakota, Mr. COHEN, Mrs. COLLINS of Illinois, Mr. DERWINSKI, Mr. FISH, Mr. GETTYS, Mr. GUYER, Mr. LOTT, Mr. MADIGAN, Mr. MARTIN of North Carolina, Mr. RANGEL, Mr. RIEGLE, Mr. ROSE, Mr. SEBELIUS, Mr. SISK, Mr. SPENCE, Mr. STEIGER of Wisconsin, Mr. TOWELL of Nevada, Mr. CHARLES WILSON of Texas, Mr. WON PAT, and Mr. YATRON):

H.R. 11549. A bill to provide tax incentives to encourage physicians, dentists, and optometrists to practice in physician shortage areas; to the Committee on Ways and Means.

By Mr. ROSTENKOWSKI:

H.R. 11550. A bill to promote tourism in the United States by establishing a National Tourism Administration in the Department of Commerce; to the Committee on Ways and Means.

By Mr. SISK:

H.R. 11551. A bill to amend section 1(12) of the Interstate Commerce Act to provide that railroads shall not discriminate against the movement or interchange of railroad refrigerator cars not owned by a railroad, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GONZALEZ (for himself, Mr. KAZEN, Mr. GUNTER, Mr. DERWINSKI, and Mr. FOUNTAIN):

H.J. Res. 828. Joint resolution to designate February 10 to 16, 1974, as "National Vocational Education and National Vocational Industrial Clubs of America (VICA) Week"; to the Committee on the Judiciary.

By Mrs. MINK (for herself, Mr. Moss, Mr. NIX, Mr. PODELL, and Mr. ULLMAN):

H.J. Res. 829. Joint resolution proposing an amendment to the Constitution of the United States to provide for an election for the Office of President and the Office of Vice President in the case of a vacancy both in the Office of President and the Office of Vice President; to the Committee on the Judiciary.

By Mr. PICKLE (for himself, Mr. MCCOLLISTER, Mr. MONTGOMERY, Mr. KEMP, Mr. SPENCE, Mr. BURGENER, Mr. COCHRAN, Mr. DON H. CLAUSEN, Mr. RANGEL, Mr. HUBER, Mr. SCHERLE, Mr. QUIE, Mr. KETCHUM, Mr. ADDABBO, Mr. MCEWEN, Mr. BOB WILSON, Mr. ROBINSON of Virginia, Mr. WON PAT, Mr. EILBERG, Mr. ROE, Mr. TREEN, Mr. ROUSSELOT, and Mr. HUDNUT):

H.J. Res. 830. Joint resolution expressing the concern of the United States about American servicemen missing in action in Vietnam; to the Committee on Foreign Affairs.

By Mr. BAKER (for himself, Mr. ABDNOR, Mr. ARCHER, Mr. BAFALIS, Mr. BEARD, Mr. BROWN of Ohio, Mr. BUCHANAN, Mr. BURKE of Florida, Mr. CAMP, Mr. CARTER, Mr. CLANCY, Mr. DEL CLAWSON, Mr. COCHRAN, Mr. COHEN, Mr. COLLIER, Mr. CONABLE, Mr. DAVIS of Georgia, Mr. DERWINSKI, Mr. DEVINE, Mr. DICKINSON, Mr. DOWNING, Mr. EVINS of Tennessee, Mr. FISH, Mr. FISHER, and Mr. FULTON):

H. Res. 706. Resolution commending the President of the United States for his actions in Middle East; to the Committee on Foreign Affairs.

By Mr. BAKER (for himself, Mr. GILMAN, Mr. GOODLING, Mr. HICKS, Mr. HINSHAW, Mr. HOSMER, Mr. HOWARD, Mr. HUBER, Mr. JONES of Tennessee, Mr. KEMP, Mr. KUYKENDALL, Mr. LATTA, Mr. MATHIS of Georgia, Mr. MCCLORY, Mr. MCCLOSKEY, Mr. MCCOLLISTER, Mr. MICHEL, Mr. MONTGOMERY, Mr. MOORHEAD of California, Mr. PASSMAN, Mr. PEPPER, Mr. PICKLE, Mr. PRITCHARD, Mr. QUIE, and Mr. QUILLEN):

H. Res. 707. Resolution commending the President of the United States for his actions in the Middle East; to the Committee on Foreign Affairs.

By Mr. BAKER (for himself, Mr. REGULA, Mr. RHODES, Mr. ROBINSON of Virginia, Mr. SCHERLE, Mr. SHOUP, Mr. SKUBITZ, Mr. STEELMAN, Mr. STEPHENS, Mr. TAYLOR of Missouri, Mr. THOMSON of Wisconsin, Mr. THONE, Mr. VEYSEY, Mr. WAGGONNER, Mr. WALSH, Mr. WAMPLER, Mr. WINN, Mr. WYDLER, Mr. WYLIE, Mr. WYMAN, Mr. YOUNG of Alaska, Mr. YOUNG of South Carolina, Mr. YOUNG of Illinois, and Mr. YOUNG of Florida):

H. Res. 708. Resolution commending the President of the United States for his actions in the Middle East; to the Committee on Foreign Affairs.

By Mr. BAKER (for himself, Mr. CLEVELAND, Mr. ESHLEMAN, Mr. DUNCAN, Mr. LOTT, Mr. BELL, Mr. PETTIS, Mr. HAMMERSCHMIDT, Mr. SPENCE, Mr. FREY, Mr. POWELL of Ohio, and Mr. BOB WILSON):

H. Res. 709. Resolution commending the President of the United States for his actions in the Middle East; to the Committee on Foreign Affairs.

By Mr. DELLENBACK:

H. Res. 710. Resolution expressing the sense of the House of Representatives concerning ratification of the Geneva Protocol of 1925, and a comprehensive review of this Nation's policies regarding chemical warfare; to the Committee on Foreign Affairs.

By Mr. LANDGREBE:

H. Res. 711. Resolution expressing the sense of the House of Representatives concerning President Nixon's handling of the Middle East crisis; to the Committee on Foreign Affairs.

By Mr. OWENS (for himself, Mr. REUSS, Ms. ABZUG, Mr. ASHLEY, Mr. BINGHAM, Mr. BROWN of California, Ms. CHISHOLM, Mr. CONYERS, Mr. DELLUMS, Mr. DE LUGO, Mr. EDWARDS of California, Mr. GREEN of Pennsylvania, Mr. HARRINGTON, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Ms. HOLTZMAN, Mr. LEGGETT, Mr. MCCLOSKEY, Mr. MCDADE, Mr. MCKAY, Mr. MEZVINSKY, Mr. MOAKLEY, Mr. MOSHER, Mr. MOSS, and Mr. OBEY):

H. Res. 712. Resolution expressing the sense of the House of Representatives concerning ratification of the Geneva Protocol of 1925, and a comprehensive review of this Nation's national security and international policies regarding chemical warfare; to the Committee on Foreign Affairs.

By Mr. OWENS (for himself, Mr. REUSS, Mr. ASPIN, Mr. PODELL, Mr. REES, Mr. RIEGLE, Mr. ROSENTHAL, Mr. ROYBAL, Mr. SEIBERLING, Mr. STARK, Mr. STUDDS, Mr. THOMPSON of New Jersey, Mr. TIERNAN, Mr. UDALL, and Mr. ULLMAN):

H. Res. 713. Resolution expressing the sense of the House of Representatives concerning ratification of the Geneva Protocol of 1925, and a comprehensive review of the Nation's national security and international policies regarding chemical warfare; to the Committee on Foreign Affairs.

By Mr. SHUSTER (for himself, Mr. HUNT, Mr. HUBER, Mr. HINSHAW, Mr. KETCHUM, and Mrs. HOLT):

H. Res. 714. Resolution to investigate Archibald Cox and his staff; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. WHITE:

H.R. 11552. A bill for the relief of Leocadia H. Villafuerte; to the Committee on the Judiciary.

By Mr. CHARLES WILSON of Texas:

H.R. 11553. A bill for relief of Franklin R. Holt; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

354. The SPEAKER presented a petition of Col. Scott Albright, Washington, D.C., and others, relative to the 1,300 men who are prisoners of war or missing in action in Southeast Asia; to the Committee on Foreign Affairs.

355. Also, petition of Rev. and Mrs. A. G. Holtz, Duiwelskloof, N. Tvl., Republic of South Africa, opposing impeachment of the President; to the Committee on the Judiciary.

SENATE—*Thursday, November 15, 1973*

The Senate met at 9 a.m. and was called to order by Hon. WILLIAM D. HATHAWAY, a Senator from the State of Maine.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

God of our fathers and cur God, who in every age has called prophets, patriots, and statesmen to summon the people to high and holy endeavor, we beseech Thee now to raise up mighty men of wisdom and courage around whom the people may rally in our age. As we pray for forgiveness of our failures may we forgive others their failures. Hold us steadfast to the ancient, durable landmarks of faith and hope, of service and sacrifice. Keep us firmly to the proven strategies until better ones are devised. In the hard decisions of this day guide us by Thy word and spirit, assured that underneath all our striving are the everlasting arms.

We pray in the name of the Author and Finisher of our faith. Amen.