HOUSE OF REPRESENTATIVES—*Wednesday, February 21, 1973*

The House met at 12 o'clock noon.

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

Be not conformed to this world, but be ye transformed by the renewing of your mind, that ye may prove what is that good, and acceptable, and perfect will of God.—Romans 12: 2.

Almighty God, our Heavenly Father, we lift our hearts unto Thee in prayer renewing our devotion to Thee and our dedication to the service of our beloved country. Especially do we pray that Thy spirit may move within our hearts as we face the duties of this day. Guide us with Thy wisdom, direct us by Thy power, strengthen us amid temptations, keep us humble in spirit, and lift us all to loftier levels of living—that we be "not slothful in business, fervent in spirit, serving the Lord."

We thank Thee for the return of our prisoners of war—for their courage in adversity, their strength in weakness, their patience in confinement, and their faith in Thee and in America which held them up and kept them steadfast. As we welcome them home may we also remember those who came not back, paying the last full measure of devotion. Grant that the sacrifices made by these men not be in vain. May peace rule in the hearts of all people and all nations for all time.

In the spirit of the Prince of Peace we offer this our morning prayer. Amen and 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.

RESIGNATION FROM COMMISSION ON HIGHWAY BEAUTIFICATION

The SPEAKER laid before the House the following resignation from the Commission on Highway Beautification:

FEBRUARY 9, 1973.

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

DEAR MR. SPEAKER: I hereby submit my resignation as a member of the Commission on Highway Beautification, effective immediately.

Your consideration of this request will be greatly appreciated.

Sincerely yours,

M. GENE SNYDER.

APPOINTMENT AS MEMBER OF COMMISSION ON HIGHWAY BEAUTIFICATION

The SPEAKER. Pursuant to the provisions of section 123(a), Public Law 91-605. The Chair appoints as a member of the Commission on Highway Beautification the gentleman from North Carolina (Mr. MIZELL) to fill the existing vacancy thereon.

A JOINT SESSION FOR OUR RETURNING POW'S IS NEEDED

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

Mr. HUBER. Mr. Speaker, I rise today with a suggestion that the distinguished Speaker of this body, the distinguished majority leader and the distinguished minority leader consult with the President of the United States to the end that a joint session of the Congress be held to pay tribute to a representative group of our incredibly brave POW's who are now returning home. While Members of both bodies have held many differing views on the war in Vietnam, nearly everyone has been united in the view that a precondition of any settlement require that our POW's be returned and our MIA's be accounted for. These men were held prisoner longer than any of our fighting men in recent history and they have borne this captivity with bravery, dignity, and in the best traditions of our military services.

In my view, and some may disagree, this would also serve to reestablish some of the unity this country needs. Therefore, I rise today to call on the leadership of this House to explore the possibility of a joint session at some future date, when all our POW's have returned, which would honor these men, after they have had sufficient time to rest and visit their loved ones.

ADDITIONAL LEGISLATIVE PROGRAM

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

Mr. GERALD R. FORD. Mr. Speaker, I take this time to ask the distinguished majority leader what the program is for today and the schedule for tomorrow.

Mr. O'NEILL. Will the gentleman yield?

Mr. GERALD R. FORD. I yield to the gentleman from Massachusetts.

Mr. O'NEILL. It is at the present time the intent to take up the continuing resolution to be offered by the gentleman from Texas (Mr. MAHON) immediately after our colloquy followed by the three committee investigative resolutions.

The one piece of legislation we talked about yesterday we thought we would probably bring up today was H.R. 1975, to amend the emergency loan program under the Consolidated Farm and Rural Development Act. That rule has been reported with 1 hour of debate to be held on it. That will be on the calendar for tomorrow. Other than that there will be no changes.

VERMONT RATIFIES EQUAL RIGHTS AMENDMENT

(Mrs. GRIFFITHS asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Mrs. GRIFFITHS. Mr. Speaker, I know you will be happy to learn that Vermont, the 28th State, has just ratified the equal rights amendment.

I expect we will be equal sooner than you think.

FURTHER CONTINUING APPROPRIATIONS, 1973

Mr. MAHON. Mr. Speaker, pursuant to the order of the House granted on yesterday, I call up the joint resolution (H.J. Res. 345) making further continuing appropriations for the fiscal year 1973, and for other purposes, and I ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The Clerk read the title of the joint resolution.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 345

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That clause (c) of section 102 and that section 108 of the joint resolution of July 1, 1972 (Public Law 92-334), as amended, are hereby amended by striking out "February 28, 1973" and inserting in lieu thereof "June 30, 1973" in both instances.

SEC. 2. This joint resolution shall be effective March 1, 1973.

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

Mr. Speaker, the House is familiar with the fact that last year the Congress passed and sent to the President two appropriation bills for the Department of Labor and the Department of Health, Education, and Welfare. These bills were both vetoed by the President. So, late in the session, last October, Congress passed a continuing resolution providing first for those activities financed in the Labor-HEW appropriation bill, and second for the foreign aid programs. As Members will recall a foreign aid authorization bill cleared both the House and the Senate, but did not become law. We had no authorization since we were not able to enact an appropriation bill for foreign aid. So the continuing resolution of last October covered both the Labor-HEW and the foreign aid programs.

Mr. Speaker, after full and very careful exploration of all the possibilities the Committee on Appropriations determined that the only practical and responsible thing to do about this at this time was to extend the continuing resolution for these purposes from the present expiration date of February 28 until the end of the current fiscal year, June 30, 1973. This nine-line House Joint Resolution 345 simply does that. It changes the date and the administration will proceed under the same legislative authority that it has been proceeding under since last July 1. It is a straight-

forward continuing resolution. Nothing is changed except the date.

We have provided continuing resolutions for an entire fiscal year on some previous occasions, but this has been very rare. It is regrettable that we have to do it this year, but there seems to be no other adequate way to handle the situation.

So, Mr. Speaker, I urge that the House approve the continuing resolution which is presented today.

Mr. PERKINS. Mr. Speaker, will the distinguished Chairman yield?

Mr. MAHON. I yield to the distinguished chairman of the Committee on Education and Labor.

Mr. PERKINS. First, Mr. Speaker, let me compliment the distinguished chairman, the gentleman from Texas (Mr. MAHON) for bringing this resolution to the floor, because it is something that needs to be taken care of at the earliest possible date, and it would seem that this is the most feasible way to finance the various school programs administered by the Office of Education for the remainder of this fiscal year.

As I understand, under the general rule one determines the amount appropriated by reference to the two versions of the first Labor-HEW Appropriations Bill for fiscal year 1973. One does not refer to either the fiscal year 1972 appropriation or the fiscal year 1973 budget estimate.

Am I correct that with respect to title I of the Elementary and Secondary Education Act—even though the fiscal year 1972 level was $1,597,500,000, and the budget request was $1,597,500,000, the continuing resolution being considered now appropriates $1,810,000,000 for title I?

Mr. MAHON. The gentleman's question relates to the availability of funds under this continuing resolution. The continuing resolution provides that the executive branch will proceed under the lowest version of the bill which passed the House and the Senate in June of last year. The figure given by the gentleman of $1,810,000,000 for fiscal year 1973 in the gentleman's question is correct.

Mr. PERKINS. All right. I have another question.

Following the same analysis, am I correct that the appropriation for title III of the Elementary and Secondary Education Act is $171,393,000 for fiscal year 1973 and the appropriation for Public Law 874 is $635,495,000 and for Public Law 815 $25,910,000?

Mr. MAHON. Those figures are correct. The answer to the gentleman's question is "Yes."

The SPEAKER. The time of the gentleman from Texas has expired.

(By unanimous consent Mr. MAHON was allowed to proceed for 5 additional minutes.)

Mr. MAHON. Mr. Speaker, I yield to the gentleman from Kentucky.

Mr. PERKINS. Mr. Speaker, I have another question.

With respect to vocational education, am I correct that $426,682,000 is being appropriated for the basic grant program to the States, and that the total amount appropriated for our vocational and adult education programs is $643,460,000?

Mr. MAHON. The gentleman is correct. The total appropriation would be $643,460,000.

Mr. PERKINS. I have one final question, Mr. Speaker.

Am I correct that subsection (d) of section 101 of Public Law 92-334 provides for title III of the National Defense Education Act, and that the action we will be taking here today will in fact appropriate $50 million for title III equipment grants to local school districts, and is it the intention of the Appropriations Committee that all of the funds appropriated in this resolution for all of the titles just read will be expended by the executive branch of the Government?

Mr. MAHON. The continuing resolution provides for the continued availability of $50 million for the title III program to which reference is made. The funds are available to the administration for expenditure. Of course, the Congress is now engaged in a controversy with the Executive as to the impoundment of funds, but the availability of the funds for expenditure for that purpose, in response to the gentleman's question, is $50 million, as stated by the gentleman.

Mr. PERKINS. The amount appropriated by the Appropriations Committee is the amount that the Chairman deems necessary to officially operate these programs, and it is the gentleman's intention that these amounts be expended?

Mr. MAHON. This is what the Congress intended, no doubt, because these are the amounts that the Congress is providing. It must be recognized, of course, that the executive branch has certain flexibility in the programing and expenditure of funds under the Antideficiencies Act.

Mr. LANDRUM. Mr. Speaker, will the distinguished gentleman yield?

Mr. MAHON. I yield to the gentleman from Georgia.

Mr. LANDRUM. Mr. Speaker, is this one continuing resolution appropriating for Labor, Health, Education, and Welfare, and for the foreign assistance program?

Mr. MAHON. That is right.

Mr. LANDRUM. Can the gentleman provide us with any explanation as to why it is necessary to bring in one continuing resolution? Why can't the two subject matters be separated, and the foreign assistance appropriation brought in on one continuing resolution, and Labor, Health, Education, and Welfare in another?

Mr. MAHON. The Congress in recent years has not been able to complete work on all appropriation bills by the beginning of the fiscal year, July 1.

Mr. LANDRUM. We understand that.

Mr. MAHON. Will the gentleman let me respond further to his question?

Therefore we pass a continuing resolution covering all branches of the Government where final action has not been taken on appropriation bills. We do not bring forward a separate continuing resolution for the Department of Defense or the Department of Interior or foreign aid or the Department of State or Justice. We have one continuing resolution for all departments and agencies requiring further financing authority. This is the same pattern that we are following here. This is a further continuing resolution for those appropriation bills which have not been enacted into law, and it seems to be the logical way to do it.

Mr. LANDRUM. I believe that is well understood by the Members, Mr. Speaker, but I wonder why at this particular time at this late hour we have two such subject matters as we have joined in this one resolution. Are there other continuing resolutions to come?

Mr. MAHON. No; this takes care of all that remains to be covered.

Mr. LANDRUM. If the Committee on Appropriations had so decreed, it could just as well have brought in a continuing resolution appropriating for Foreign Assistance separately from the Health, Education, and Welfare and Labor Departments; is that right?

Mr. MAHON. It would be breaking precedent, but we could bring in a continuing resolution for each and every agency. However, we did not choose to do it as it did not seem to be the logical way to proceed. We thought the policy followed in the past was the policy we should continue since there did not seem to be any good reason to change it.

Mr. LANDRUM. If the gentleman will yield further, what I am driving at and what I feel many Members of the House would be concerned about is that a vote on these two subjects has got to go up or down, yes or no, and when we vote for HEW we vote for foreign assistance, and when we vote for foreign assistance we vote for HEW. That is the only choice that is available in this instance; is that right?

Mr. MAHON. This is an extension of the continuing resolution we passed last October.

Mr. LANDRUM. But that is the only choice that is available now. If we do not wish to vote for foreign aid, we have to vote against the appropriation for education.

Mr. MAHON. That is the only choice that is available.

Mr. DON H. CLAUSEN. Mr. Speaker, I was extremely chagrined recently to learn that while the administration has refused to say that it is impounding funds earmarked for assistance under Public Law 874 for class B students, the truth of the matter is that school districts throughout the country are not receiving the assistance to which they are entitled.

While this problem would be serious at any time, it is now disastrous since this impoundment is being made more than halfway through the school year.

Budgets for the 1972-73 school year were prepared nearly a year ago and were based upon the reasonable expectation that the Public Law 874 assistance was to be forthcoming. Nothing to the contrary was ever heard either from the Congress or the executive branch.

This state of affairs held true throughout the congressional debate on the appropriations bill for the Departments of Labor and HEW which was not concluded until the continuing resolution was enacted on October 18 of last year. The

continuing resolution clearly spells out that the Congress expected the program to be funded at the 73 percent level.

Over a month into the school year, there was still no indication to any reasonable school administrator that the Federal Government might devastate completely his carefully developed budget.

Today, with just a little over 3 months to go in the school year that same administrator may be facing a fiscal crisis which defies solution and that raises problems which, if not resolved, will mean literal public bankruptcy for the district.

I am not going to claim that Public Law 874 assistance is not without serious problems and inequities of its own. Many of the richest areas in the country receive the highest level of funding under the program.

On the other hand, many areas which have a heavy Federal impact are dependent upon these funds for their ability to provide quality education. To ask them to give up a year's entitlement in only a little over three months with no warning whatsoever is to ask the impossible.

If the Congress is going to revamp Pubic Law 874 funding to make certain it gets to needy areas it must do so with some warning so that school budgeting officials can reasonably and responsibly plan for the future. In the meantime, we must see that the past commitments we have made are fulfilled.

It is my understanding that this continuing resolution will provide the congressional authority and funding level consistent with the fiscal year 1972 appropriations level. I hope my colleagues will join in conveying to those administering the Public Law 874 program the difficulties our school administrators face.

Mrs. GRASSO. Mr. Speaker, I will support House Joint Resolution 345, a resolution making continuing appropriations available for the Departments of Labor and Health, Education, and Welfare.

I will, however, support this resolution reluctantly and with a great deal of apprehension about the future.

We are now nearly 8 full months into fiscal 1973. Neither the Department of Labor nor the Department of Health, Education, and Welfare has a regular appropriations bill. On two separate occasions the Congress passed a Labor-HEW appropriations bill. Indeed, on October 13, 1972, the House approved the conference report on H.R. 16654, the second of these bills, by a vote of 289 to 41. Despite this action, both appropriations bills were vetoed.

The President's refusal to sign a bill which received such overwhelming support has crippled many important programs. Some of these are receiving painfully inadequate funding in fiscal 1973. For example, the budget submitted by the administration requested $1.25 billion for the Emergency Employment Act. This request, representing an increase of $250 million over the fiscal 1972 level, received the firm approval of both Houses. However, under the continuing resolution, EEA must operate with $1 billion, and thousands of unemployed individuals who might have received temporary public employment have been denied jobs they need.

Furthermore, certain newly authorized programs have not received any funds during fiscal 1973. In the last Congress, I gave my strong support to legislation establishing a nutrition program for the elderly. This program, established by Public Law 92-258, authorized $100 million in fiscal 1973 to help serve low-cost, nutritionally sound meals to the elderly. The authorization was approved by the President who then followed this action by vetoing the essential funding. In fact, thousands of elderly Americans have been unable to receive decent meals because two appropriations bills containing the $100 million for the nutritional program were vetoed.

Now, for the time being we must be content with funding both Departments on a continuing basis. At the same time, to obtain a true picture of Federal support in many areas, we must take account of the administration's recent blatant disregard for congressional authority by impounding funds and further reducing fiscal 1973 assistance.

Let me cite a few examples.

To keep mental health obligations down to $543.7 million in fiscal 1973, the administration is withholding $200 million from the continuing level. General mental health and alcoholism grants will suffer, and thousands of Americans—citizens who need the assistance of these highly successful programs that have proven their worth over and over again—are the losers.

To keep health manpower obligations down to $440.6 million, the administration is decreasing its original fiscal 1973 request by $93 million. This represents an actual decrease of $298 million from the continuing level. Somebody in the Office of Management and Budget apparently believes that, contrary to documented reports, this country does not need additional trained medical and nursing personnel which these funds would provide to meet the health problems of today.

Other programs—especially within the National Institutes of Health—face reduction. While the dollar figures may seem small, these decreases could detrimentally affect vital scientific research. The National Institute of Child Health and Human Development is one example. In fiscal 1972 the Institute received $116.5 million, and the administration requested $127.2 million in fiscal 1973. Among the Institute's responsibilities is research on sudden infant death syndrome, or "crib death." In its report on H.R. 15417, the Appropriations Committee stated that research on SIDS—the major cause of infant deaths between 1 month and 1 year of age—should be vigorously pursued. Yet, the administration, which is impounding $19.4 million this year, has lowered its budget request to only $106.7 million in fiscal 1974.

Mr. Speaker, throughout the appendix of the fiscal 1974 budget there are many more examples of impoundment—in the Office of Education, the National Institutes of Health, the Manpower Administration, and other programs.

To make matters worse, the budget itself shows the American people that health, education, employment, and other progams have been devalued significantly by this administration.

Mr. Speaker, House Joint Resolution 345 does provide funds for the continuation of all current programs under the Departments of Labor and Health, Education, and Welfare. Therefore, although I am less than pleased with recent actions and current proposals of the administration in these areas, this resolution must be approved. At the same time, for the good of the Nation, we must pledge that the Congress will now assume its rightful position as a coequal branch of Government. We must work to insure that the will of the Congress is obeyed.

Mr. FLOOD. Mr. Speaker, the Congress has twice tried, and failed, to enact a Labor-HEW appropriation bill for fiscal year 1973. The President was unwilling to sign either of the bills which Congress sent to him.

Two-thirds of the 1973 fiscal year has expired. Frankly, our committee believes that an attempt to enact a third bill would be wasted effort. It seems very unlikely that a bill which would be acceptable to a majority of the Congress would also be acceptable to the President.

As far as the Labor-HEW programs are concerned, this resolution is simply an extension of the continuing resolution—Public Law 92-334—which we enacted last July 1, and which has been extended three times since then. Most of the Labor-HEW programs are covered by section 101(a)(3) of that resolution, which means that they are authorized to operate at the rate provided in either the House or Senate bill, whichever is lower.

Mr. Speaker, I think there are a number of very good reasons for extending this resolution to the end of the fiscal year:

First, as I have already said, the prospects of writing a third Labor-HEW appropriation bill which would be acceptable both to a majority of the Congress and the President are very, very dim.

Second, the resolution is in line with congressional priorities, since it is based on the appropriation bill which passed both the House and the Senate last June.

Third, there is at present a great deal of uncertainty as to what Congress is going to do about the 1973 Labor-HEW appropriation bill. Extending the resolution for the full fiscal year will remove this uncertainty.

Fourth, any 1973 budget requests for which the continuing resolution does not make provision will be considered in connection with the 1973 second supplemental appropriation bill.

Fifth, it is time to get started with consideration of the 1974 budget. We should settle 1973 before we start talking about 1974.

Finally, Mr. Speaker, the point should be made that the continuing resolution has the full force and effect of an appropriation act. There is no reason to believe that the President's powers to withhold or impound funds appropriated

by this continuing resolution are any different than they would be if the funds were appropriated in a regular appropriation bill. Furthermore, it is very clear that while the continuing resolution does not authorize the President to start new programs, it also most certainly does not authorize him to eliminate or make drastic cutbacks in ongoing programs.

Mr. Speaker, I urge the adoption of the resolution.

Mr. SHRIVER. Mr. Speaker, the House is today faced with an unfortunate dilemma—to accept this continuing resolution for the remainder of the fiscal year for the programs of the Departments of Labor and Health, Education, and Welfare and for foreign assistance—or to postpone further the final decision on these funding levels in the hope that the regular appropriations bills will be passed.

I serve on both of the subcommittees concerned here today, and I can assure you that both of these alternatives were carefully and extensively considered. In the end, I would say that timing was the most important element in our recommendation to go with the continuing resolution for the rest of the fiscal year.

We are already 8 months into fiscal 1973. Spending and program decisions regarding these funds have largely been made, both at the Federal and local levels. Since it is unlikely that acceptable compromises on these two bills will be attained easily or shortly, further delay does no service to the participants of these programs.

The Labor-HEW and the Foreign Operations Subcommittees, on which I serve, began considerations of these two measures nearly 1 year ago. We have been through two vetoes of the Labor-HEW bill, which were sustained. We have been stymied by an impasse at the authorization level on the foreign aid bill. A year of unsuccessful attempts is long enough.

Any continuing resolution for appropriations has great limitations. It is for this reason that our committee works long and hard to avoid this alternative.

The resolution, by necessity, is simple—slightly more than six lines. It does not attempt, nor can it, to open questions about specific programs.

The Office of Management and Budget—and many of our constituents, I might add—have pointed out to the committee more than a dozen programs on which further action will be necessary for fiscal 1973. We are aware of these problems and will deal with them soon in a supplemental appropriations bill, a procedure which has been used many times in the past.

To open this continuing resolution to deal specifically with these items would be to open it to further delay and a possible veto. A supplemental bill is a better vehicle.

As the ranking Republican on the Foreign Operations Subcommittee, I can assure you along with the chairman that there are no funds in this resolution for economic assistance to North Vietnam. A small amount—$940,000—from the security supporting assistance will be used to provide support required by the Peace Agreement for the International Control Commission.

Dr. Hannah, AID Administrator, has assured our subcommittee in writing that neither existing "pipeline" authority nor authority provided by the extension of the continuing resolution will be used in North Vietnam.

As mentioned on page 5 of the committee report, it is the intent of the committee that existing AID funds can be used for emergency relief to the city of Managua, Nicaragua, because of earthquake damage. Funds can also be used for initial implementation of the desalting plant in Israel and for international narcotics control.

For comparison, this continuing resolution provides for spending approximately $1 billion more for the human resources programs than the fiscal 1973 budget requested, and it provides for a decrease of $1.5 billion in foreign assistance than the budget.

As I said at the outset, the committee does not like to go to the continuing resolution route, but we have little choice 8 months into the fiscal year. It is perhaps significant that the two most volatile areas of Federal spending—human resources and foreign operations—are the two on which agreement is most difficult to reach.

We will, no doubt, continue to have controversy concerning the spending levels for these programs, but it is time to dispose of the fiscal 1973 bill. I urge adoption of the continuing resolution.

Mr. ROGERS. Mr. Speaker, I have just had a conversation with Chairman MAHON with respect to the effect of the pending resolution on certain actions of the Department of Health, Education, and Welfare. I believe it is extremely important to report that conversation to my colleagues.

Mr. Speaker, I asked the distinguished chairman two critical questions. Those questions, and Chairman MAHON'S response are included in the RECORD at this point:

1. Mr. Chairman, my reading of the Committee report is such that it is clear that this resolution has the full force and effect of an appropriations bill. Is that the intention of the Committee?

Chairman MAHON. Yes.

2. Mr. Chairman, it is no secret that the Administration, without the consent of Congress, seeks to dismantle many of the health programs carefully developed by the Congress over the years. I insert in the RECORD at this point a copy of a telegram recently sent to all Directors of Regional Medical Programs by the Director, Regional Medical Programs Service, DHEW:

"ROCKVILLE, MD.

"The President has submitted his budget proposals to the Congress. While the amount for fiscal year 1973 for RMPs grants and contracts is shown as $125,100,000, the actual amount available to the program for grants and contracts during the present fiscal year is $55,358,000. The actual reduction in the amount available is detailed on page 384 of the appendix to the official submission.

"You are aware that we have been operating under a continuing resolution. Early in the fiscal year, 17 RMPs were funded for another year with start dates of September 1, 1972. This was followed by awards at the end of December to 18 RMPs with start dates of January 1, 1973.

"There remain 21 RMPs with May 1, 1973, start dates.

"By telegram on December 29, 1972, I advised the 18 RMPs with January 1 start dates that because of the limited funds available, their awards were authorized only through June 30, 1973, funded at only half the amount established for one year. Similarly with the limited funds available we have determined that the 21 remaining awards with May 1 start dates can be extended only through June 30, 1973.

"No grant funds are included in the President's budget request for RMP in fiscal year 1974. Therefore, with no additional funds proposed to be made available in fiscal year 1974, and with the limited funds available this year, the above funding decisions were made to avoid the possibility of overobligating fiscal year 1973 funds. Further, in order to treat all 56 RMPs as equitably as possible and attempt to provide funds for the most critical situations, all of fiscal year 1973 grant awards will terminate on June 30, 1973. It follows, then, that the 17 grants awarded as of September 1, 1972, will receive amended awards, reducing the budget period by two months with appropriate prorated funds. As stated above, all RMP grants will be terminated on June 30, 1973.

"It is our intention to permit grant extensions beyond June 30 but to no later than February 15, 1974. Additional funds will not be awarded except as determined necessary to adhere to the principle of equitable treatment. This would be to accommodate only those activities and program staff identified by the RMPs as requiring support beyond June 30, 1973 that cannot be terminated by that date due to need to finalize necessary reports, publish findings, etc. Upon receipt of your plans by March 15, 1973, for terminating grant support, we will announce on April 15, decisions regarding redistribution of any grant funds available through adjustment of awards which can be used to phaseout RMPs support. It may well be that we will not be able to support much of what is considered essential by you because of the limited funds available. Your plan, then, for beginning an immediate phaseout of RMPs support to be completed no later than February 15, 1974, should be devloped and submitted to us no later than March 15, 1973. The plan should reflect the following requirements:

"1. Do not enter into any new contracts or agreements for activities or personnel which commit RMPS funds.

"2. Request continued support for only those activities requiring RMPS funds that will produce a predictable result justifying the Federal investment, or

"3. Request continued support for those essential activities where a mechanism has been established to continue without interruption support of the activity from other resources.

"It is requested that your plan be submitted in writing, accompanied by pages 1, 6, 15 and 16 of the application form 34-1, for phasing out all RMPS support by June 30, 1973, and a separate plan and set of forms for activities proposed for continuation beyond June 30, 1973, but in no event beyond February 15, 1974.

"May I also remind you that your plan for phasing out operations must involve the grantee official and the rag in accordance with their responsibilities delineated in RMPS-NID dated August 30, 1972. Staff in the division of operations and development are available to consult with you in the preparation of your plan.

"It is expected that all expenditure reports under the procedure will be received in RMPS by no later than June 15, 1974.

"I am sure each of you recognize that in the light of the President's recommendations we need to proceed with the development of

phaseout preparations in an orderly and prompt manner.

"HAROLD MARGULIES, M.D.,
"Director, Regional Medical Programs Service."

The entire tenor of this telegram, Mr. Chairman, is that regional medical programs are to be stopped. The telegram states, Mr. Chairman, that RMP directors are to submit plans calling for "an *immediate* phaseout of RMPs support". The telegram goes on to say that "we need to proceed with the development of phaseout preparations in an orderly and prompt manner".

Now, Mr. Chairman, on the bottom of page 2 of the Committee report, it is stated that "(t)he Continuing Resolution appropriates funds for the continuation of ongoing programs. It does not authorize the Executive Branch either to start new programs or to stop ongoing ones." Thus this resolution does not sanction or make it legal for HEW officials to proceed with such a plan. Am I correct?

Chairman MAHON. Correct.

Mr. MICHEL. Mr. Speaker, first may I say that here we are, two-thirds of the way through the fiscal year, and have not yet finalized appropriations bills for the Departments of Labor, Health, Education, and Welfare and in the field of foreign aid. Aside from the fact that our Labor-HEW bill has been vetoed twice we have had a tendency in the past several years to fall further and further behind resorting to continuing resolutions to tide us over, so to speak, and this has become a very common practice.

It is really not a good way to do business, but today we are in a box and after considering the alternatives, have no other recourse but to pass this continuing resolution to provide for funds during the balance of this fiscal year, for the Departments of Labor, HEW, and our foreign operations.

The language of this resolution is very simple, and makes reference to previous continuing resolutions having to do with this fiscal year, with only a change of date to extend this authority until June 30, 1973.

We have said before in the longer-winded resolutions that the emphasis here is "on the continuation of existing projects and activities, at the lowest of one of three rates, namely the current fiscal year 1972 rate; the budget request for 1973, where no action has been taken by either House; or the more restricted amount adopted by either of the two Houses."

I mention this because the interim plan that has been followed by HEW in recent months is to spend at the lowest level called for in either fiscal year 1972 or the revised budget for 1973. While there may be a relaxing of this restraint on spending, I cannot conceive that at this late date in the fiscal year we want to all of a sudden open up the floodgates and spend at the higher rates called for in the two vetoed bills. That, my friends, was what this argument was all about in the first place and you will recall that there was not a sufficient number of votes in this House to override a Presidential veto.

I listened to the exchange between our chairman, Mr. MAHON, and the chairman of the Education and Labor Committee, Mr. Perkins, and should say that I personally do not feel this resolution binds the President or the administration to the specific spending levels they were talking about, because as a very practical matter, we are currently in a new Congress. Passage of the old House and Senate bills were vetoed and in my opinion, subsequently died with the adjournment of the 92d Congress.

What I am concerned about here is that we do not endorse in any way a level of spending that could lead to an additional $2 billion of spending over the President's budget and $600 million over a bill he vetoed last fall. Certainly the House does not intend to increase appropriations above the level that resulted in a Presidential veto, or we will have to face the prospects of this continuing resolution being vetoed.

Let me very briefly give you several specific figures as to what we are talking about here.

The spending level established by the President's original budget submitted in January of 1973 is $26.8 billion.

The spending level proposed in the 1973 column of the 1974 budget, which includes budget amendments proposed by the President, comes to $26.1 billion.

If we were to interpret the spending level in this resolution to mean the lower of either the House or Senate bills as they stood on July 1, 1972, the spending level would be $28 billion.

The excess spending over the President's revised budget would therefore be $1.9 billion.

Traditionally, Mr. Speaker, continuing resolutions have been interpreted as "holding on-going activities in place—maintaining the lower of either the prior year, the President's budget, or congressional action, until such time as a permanent bill becomes law." The term "continuing resolution" by its own words connotes a continuation and not an enlargement. I would hope we would hold fast to this principle.

And finally, Mr. Speaker, I should say that we are going to have an urgent supplemental appropriations bill before us very soon for a number of items. As a matter of fact, I think the requests to date by the administration aggregate better than $800 million, so if there are some serious problems that do crop up along the way, we are free to exercise our option to deal with those problems in one of those supplemental appropriations bills.

We are running up against a time barrier, Mr. Speaker, in view of the February 28 deadline for the current resolution under which we are operating, so I hope the House will give speedy approval of this resolution here today.

Mr. VEYSEY. Mr. Speaker, today we find ourselves in a dilemma for which we—as the Congress—are partially to blame. There is no legitimate excuse and there is no right solution.

As of 1 week from today, Federal funding for education, as well as for numerous HEW programs, will end unless we take immediate action. This situation exists because the 92d Congress, and the executive branch, bent on election year political gamesmanship, refused to consider the public interest ahead of political interests during the last half of 1972.

Twice we sat down to develop a new appropriations bill for education and the other needs contained within this legislation. Twice we had access to the thinking of the administration, the concepts of educational leaders, the legitimate needs of our educational institutions and the political realities of the situation. And twice we put together legislative proposals which we had been forewarned, would be vetoed by the President. It seemed that we were more concerned with looking good and making our political rivals look bad, than we were concerned about educating our children, and funding vital functions of the Government.

This continuing resolution would give us a reasonable basis for operation during the balance of this fiscal year. It is the only practical course for us to take at this time. Although this action will allow no new programs, may ignore needed remedial measures, and though it limits funding to 1972 levels, it at least gives our schools a basis to work from—funding upon which they can rely.

I urge that we pass this resolution today. However, I am inherently opposed to continuing resolutions. They invariably result in poor efficiency and in bad fiscal control.

I hope that this body will now set upon a course to expedite a timely, constructive legislative solution to these appropriations measures and avoid the need for this bandaid, patchwork approach to funding in the future.

Mr. GROSS. Mr. Speaker, here we are today, within 4 months of the end of the fiscal year, being called upon to approve or reject two major appropriation bills that ought to have been disposed of at the beginning of the fiscal year last July 1, or shortly thereafter.

Moreover, and as the gentleman from Georgia (Mr. LANDRUM) has well pointed out, these two appropriation measures should never have been combined in one package, thus forcing House Members to approve both or neither of them.

This borders on legislative travesty and it is a sad, sad commentary on the leadership of both the House and the other body. I cannot and will not vote for a continuation of the foreign giveaway program under any guise and, therefore, I am compelled to vote against both measures.

Mr. ROBINSON of Virginia. Mr. Speaker, we find it necessary, today, to set about applying another patch to the leaky, wheezing appropriation process.

It serves little, at this point, to review the circumstances which have brought us to the present circumstances, but it certainly should be alarmingly evident that the patchwork approach of recent years not only has become a glaring embarrassment to the Congress, but has brought us onto the quicksands of fiscal irresponsibility and misfeasance.

I shall support the continuing resolu-

tion—not because I approve of it, but because I recognize that, at this point in the fiscal year, it represents the only realistic course open to us.

There are Federal programs which must be funded in some manner over the balance of the fiscal year. The budget for the next fiscal year, which begins July 1, 1973, is before us, demanding early analysis and evaluation. Whatever the differences between the views some here hold and those held by the Executive as to the appropriate levels of funding for the programs covered by the continuing resolution, we must come now to an accommodation giving a reasonable prospect of clearing the slate of the regular appropriation measures of fiscal year 1973.

As a member of the Committee on Appropriations, I venture the hope that all Members of this House may be impelled to think seriously about the urgent need for constructive reform of the appropriations process—and participate actively in the reform effort. We are all in this mess together, and I sense an increasing impatience among the people over our evident inability, or disinclination, to exert the effort necessary to extricate ourselves.

On the first day of the session, I offered legislation—H.R. 975—intended to establish an orderly approach to the annual Federal budget. The bill now has 30 cosponsors. Its chief elements are these:

First. Establishment of a permanent Joint Congressional Committee on the Budget, with membership drawn from the Committee on Appropriations and Ways and Means and the Appropriations and Finance Committees of the other body. The committee would establish, not later than May 31 of each calendar year, an overall spending limit, and limits for major program categories, for the ensuing fiscal year.

Second. Budget data submitted by the President would be required to include projections for a 5-year period.

Third. Congressional spending authorizations would be limited to a 3-year period, and appropriation of funds would be subject to annual determinations by the Congress.

Fourth. Major new Federal programs would be required to be initiated on a limited "pilot" basis.

Additionally, I have joined in sponsorship of a bill to make the fiscal year coincide with the calendar year, in order that our appropriating have a reasonable chance of completion before the start of the fiscal year to which it is directed.

I am not wedded to the approaches I have mentioned, and I certainly am prepared to consider openmindedly modifications of these proposals, or, for that matter, entirely different approaches.

My chief point, Mr. Speaker, is that it behooves us to heed the warning implicit in the situation in which we find ourselves today—appropriating by continuing resolution in the eighth month of the fiscal year.

If, in January or February 1974, we find ourselves similarly situated, we will deserve the indictment of mishandling the public purse.

Mr. RARICK. Mr. Speaker, the measure before us, while entitled "Further Continuing Appropriations, 1973," contains more. The report lists $35 million to the Nicaraguan earthquake victims and $20 million for a prestige water treatment and desalinization plant in Israel.

It so happens that it was the fate of Mrs. Rarick and me to be in Managua, Nicaragua, on December 23 at the time the earthquake devastated that city. Few Americans really understand the loss and suffering of those people better than I do. However, I question a blank check from the Federal Treasury in the amount of $35 million, especially since the administration saw fit to impound the funds of the disaster loan program passed by this Congress. People in my State of Louisiana and other areas of our country who suffered loss, injury, and damage because of hurricane and flooding, are denied any Federal help because of the President's new austerity program. In fact, consideration of legislation to restore the emergency disaster loan program to Americans will be taken up by us tomorrow.

Earlier this week the Agriculture Committee, of which I am a member, passed out a bill with mandatory language to require the President to restore water and waste disposal grants under FHA to rural farm communities. This program had been terminated by the President's action in December. While Americans are denied return of their own tax dollars to help them develop water and waste disposal facilities in rural communities, I find it unconscionable that we are asked to give $20 million to develop water treatment plants in Israel.

The bill also authorizes an international narcotic control program for which $5 million was earmarked in the budget request as a voluntary U.S. contribution to the U.N. fund for drug abuse control. While the assessed contributions to the United Nations have now been reduced to 25 percent, there has been no similar limitation placed upon voluntary contributions. The United States contributed 78 percent of all U.N. funds for drug abuse control in 1972. We continue to give above our fair share but only to foreigners.

The foreign assistance title indicates another $105 million to the President for international organizations and programs with no limitation as to percentage of participation in voluntary contributions to U.N. organizations—the 25-percent limitation is apparently only confined to assessed "contributions."

And I further note the continuation of our policy of bankrolling international banks, making easy dollars available to nations around the world so that when the devaluation payoff comes, it will be necessary for us to increase our international banking contributions to keep faith with our commitments.

Somewhere along the line the American people still do not come into top priority and no one ever seems concerned about commitments to our taxpayers.

We hear a lot of talk these days about priorities, but I continue to feel that our top priority must be that Americans benefit first from their tax money.

We will never end the money problem facing our people by continuing the same old giveaway practices. The well is already dry.

I intend to cast my people's vote against the continuing appropriations bill.

The SPEAKER. Without objection, the previous question is ordered.

There was no objection.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution 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 joint resolution.

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 311, nays 73, not voting 47, as follows:

[Roll No. 20]

YEAS—311

Abdnor
Abzug
Adams
Addabbo
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Armstrong
Ashley
Aspin
Barrett
Beard
Bell
Bennett
Bergland
Biester
Bingham
Blatnik
Boland
Bolling
Bowen
Brademas
Brasco
Bray
Breaux
Breckinridge
Brooks
Broomfield
Brotzman
Brown, Calif.
Brown, Ohio
Broyhill, N.C.
Broyhill, Va.
Buchanan
Burgener
Burke, Calif.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton
Butler
Camp
Carey, N.Y.
Carney, Ohio
Carter
Casey, Tex.
Cederberg
Chappell
Chisholm
Clark
Clausen, Don H.
Clay
Cleveland
Cohen
Conable
Conte
Conyers
Corman
Cotter
Coughlin
Cronin
Culver
Daniels, Dominick V.
Danielson
Davis, S.C.
Davis, Wis.
de la Garza
Dellenback
Dellums
Denholm
Dennis
Dent
Derwinski
Diggs
Dingell
Donohue
Dorn
Downing
Drinan
Dulski
Duncan
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Erlenborn
Eshleman
Evans, Colo.
Fascell
Fish
Flood
Flowers
Foley
Ford, Gerald R.
Ford, William D.
Forsythe
Fountain
Fraser
Frelinghuysen
Frenzel
Frey
Fulton
Fuqua
Gaydos
Giaimo
Gilman
Gonzalez
Grasso
Green, Oreg.
Green, Pa.
Griffiths
Gubser
Gude
Guyer
Hamilton
Hammerschmidt
Hanley
Hanna
Hanrahan
Hansen, Wash.
Harrington
Harsha
Hastings
Hawkins
Hays
Hébert
Hechler, W. Va.
Heckler, Mass.
Heinz
Helstoski
Henderson
Hicks

Hillis	Mitchell, Md.	Shriver
Hinshaw	Moakley	Sikes
Hogan	Mollohan	Slack
Holifield	Moorhead, Pa.	Smith, Iowa
Holtzman	Morgan	Staggers
Horton	Mosher	Stanton,
Howard	Moss	J. William
Huber	Murphy, Ill.	Stanton,
Hudnut	Murphy, N.Y.	James V.
Hungate	Natcher	Stark
Jarman	Nedzi	Steele
Johnson, Calif.	Nelsen	Steelman
Johnson, Pa.	Nix	Steiger, Ariz.
Jones, Ala.	Obey	Steiger, Wis.
Jones, N.C.	O'Hara	Stokes
Jones, Okla.	O'Neill	Stratton
Jones, Tenn.	Owens	Stubblefield
Jordan	Parris	Studds
Karth	Passman	Sullivan
Kazen	Patman	Symington
Keating	Patten	Talcott
Kemp	Pepper	Taylor, Mo.
Ketchum	Perkins	Taylor, N.C.
Kluczynski	Pettis	Teague, Calif.
Kuykendall	Peyser	Thompson, N.J.
Kyros	Pickle	Thomson, Wis.
Leggett	Poage	Thone
Lehman	Podell	Thornton
Lent	Preyer	Tiernan
Litton	Price, Ill.	Treen
Long, La.	Pritchard	Udall
Long, Md.	Quie	Ullman
McCollister	Railsback	Van Deerlin
McCormack	Randall	Vander Jagt
McDade	Rangel	Vanik
McEwen	Regula	Veysey
McFall	Reid	Vigorito
McKay	Reuss	Waggonner
McSpadden	Rhodes	Waldie
Madden	Rinaldo	Walsh
Madigan	Robinson, Va.	Wampler
Mahon	Robison, N.Y.	Whalen
Mallary	Rodino	White
Mann	Roe	Whitehurst
Maraziti	Rogers	Widnall
Martin, N.C.	Roncallo, N.Y.	Wiggins
Mathias, Calif.	Rooney, Pa.	Williams
Matsunaga	Rose	Wilson, Bob
Mayne	Rosenthal	Winn
Mazzoli	Roush	Wolff
Meeds	Roy	Wright
Melcher	Ruth	Wylie
Metcalfe	Sarasin	Wyman
Mezvinsky	Sarbanes	Yates
Michel	Saylor	Yatron
Milford	Schneebeli	Young, Ill.
Miller	Schroeder	Young, Tex.
Minish	Sebelius	Zablocki
Mink	Seiberling	Zion
Minshall, Ohio	Shipley	Zwach

NAYS—73

Alexander	Froehlich	Pike
Anderson,	Gibbons	Powell, Ohio
Calif.	Ginn	Quillen
Archer	Goodling	Rarick
Ashbrook	Gross	Roberts
Bafalis	Grover	Roncalio, Wyo.
Baker	Gunter	Rousselot
Bevill	Haley	Runnels
Blackburn	Holt	Ryan
Brinkley	Hunt	Satterfield
Burke, Fla.	Hutchinson	Shoup
Byron	Ichord	Shuster
Clancy	Kastenmeier	Skubitz
Clawson, Del	Landgrebe	Snyder
Cochran	Landrum	Spence
Collins	Latta	Stephens
Conlan	Lott	Stuckey
Crane	Lujan	Symms
Daniel, Dan	Mathis, Ga.	Teague, Tex.
Daniel, Robert	Mills, Md.	Towell, Nev.
W., Jr.	Mizell	Whitten
Davis, Ga.	Montgomery	Wilson,
Devine	Moorhead,	Charles H.,
Dickinson	Calif.	Calif.
Esch	Myers	Young, Fla.
Flynt	Nichols	Young, S.C.

NOT VOTING—47

Anderson, Ill.	Hosmer	Rooney, N.Y.
Arends	Johnson, Colo.	Rostenkowski
Badillo	King	Roybal
Biaggi	Koch	Ruppe
Brown, Mich.	McClory	St Germain
Chamberlain	McCloskey	Sandman
Collier	McKinney	Scherle
Delaney	Macdonald	Sisk
Evins, Tenn.	Mailliard	Smith, N.Y.
Findley	Martin, Nebr.	Steed
Fisher	Mills, Ark.	Ware
Gettys	Mitchell, N.Y.	Wilson,
Goldwater	O'Brien	Charles, Tex.
Gray	Price, Tex.	Wyatt
Hansen, Idaho	Rees	Wydler
Harvey	Riegle	Young, Ga.

So the joint resolution was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Anderson of Illinois.

Mr. St Germain with Mr. Arends.

Mr. Rostenkowski with Mr. Hosmer.

Mr. Koch with Mr. Brown of Michigan.

Mr. Sisk with Mr. Findley.

Mr. Delaney with Mr. Chamberlain.

Mr. Badillo with Mr. Martin of Nebraska.

Mr. Steed with Mr. Collier.

Mr. Evins of Tennessee with Mr. McClory.

Mr. Biaggi with Mr. Mitchell of New York.

Mr. Gettys with Mr. McCloskey.

Mr. Gray with Mr. O'Brien.

Mr. Macdonald with Mr. McKinney.

Mr. Mills of Arkansas with Mr. Price of Texas.

Mr. Rees with Mr. Ruppe

Mr. Roybal with Mr. Sandman.

Mr. Fisher with Mr. Goldwater.

Mr. Young of Georgia with Mr. Wydler.

Mr. Harvey with Mr. Hansen of Idaho.

Mr. Mailliard with Mr. Riegle.

Mr. Scherle with Mr. Charles Wilson of Texas.

Mr. Smith of New York with Mr. Wyatt.

Mr. Johnson of Colorado with Mr. King.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the RECORD regarding the House joint resolution just passed and that I may be permitted to revise and extend my remarks and insert certain tables and include extraneous matter on the same joint resolution just passed.

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

There was no objection.

AUTHORIZING COMMITTEE ON MERCHANT MARINE AND FISHERIES TO CONDUCT STUDIES AND INVESTIGATIONS

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 187 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 187

Resolved, That, effective January 3, 1973, the Committee on Merchant Marine and Fisheries, acting as a whole or by subcommittee, is authorized to conduct full and complete studies and investigations and make inquiries within its jurisdiction as set forth in clause 14 of rule XI of the Rules of the House of Representatives. However, the committee shall not undertake any investigation of any subject which is being investigated for the same purpose by any other committee of the House.

SEC. 2. (a) For the purpose of making such investigations and studies, the committee or any subcommittee thereof is authorized to sit and act, subject to clause 31 of rule XI of the Rules of the House of Representatives, during the present Congress at such times and places within or without the United States, whether the House is meeting, has recessed, or has adjourned, and to hold such hearings and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. Subpenas may be issued over the signature of the chairman of the committee or any member designated by him and may be served by any person designated by such chairman or member. The chairman of the committee, or any member designated by him, may administer oaths to any witness.

(b) Pursuant to clause 28 of rule XI of the Rules of the House of Representatives, the committee shall submit to the House, not later than January 2, 1975, a report on the activities of that committee during the Congress ending at noon on January 3, 1975.

SEC. 3. (a) Funds authorized are for expenses incurred in the committee's activities within the United States; however, local currencies owned by the United States shall be made available to the Committee on Merchant Marine and Fisheries of the House of Representatives and employees engaged in carrying out their official duties for the purposes of carrying out the committee's authority, as set forth in this resolution, to travel outside the United States. In addition to any other condition that may be applicable with respect to the use of local currencies owned by the United States by members and employees of the committee, the following conditions shall apply with respect to their use of such currencies:

(1) No member or employee of such committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754).

(2) No member or employee of such committee shall receive or expend an amount of local currencies for transportation in excess of actual transportation costs.

(3) No appropriated funds shall be expended for the purpose of defraying expenses of members of such committee or its employees in any country where local currencies are available for this purpose.

(4) Each member or employee of such committee shall make to the chairman of such committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or if such transportation is furnished by an agency of the United States Government, the cost of such transportation, and the identification of the agency. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

(b) Amounts of per diem shall not be furnished for a period of time in any country if per diem has been furnished for the same period of time in any other country, irrespective of difference in time zones.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the gentleman from Tennessee (Mr. QUILLEN) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 187 is exactly the same as House Resolution 21—92d Congress. The committee has the jurisdiction to conduct full and complete studies and investigations and make inquiries as set forth in clause 14 of rule XI of the Rules of the House of Representatives. The committee is authorized to sit and act both within and without the United States, subject to clause 31 of rule XI of the Rules of the House of Representatives—5-minute rule.

Pursuant to clause 28 of rule XI of the Rules of the House of Representatives, the committee must submit its report of activities of the committee not later than January 2, 1975.

Any expenses incurred outside the United States shall be paid for with counterpart funds.

House Resolution 187 also contains the usual limitations on per diem and expenses.

Mr. Speaker, I urge the adoption of House Resolution 187.

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

Mr. YOUNG of Texas. I yield to the distinguished gentleman from Iowa.

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

Mr. Speaker, I would ask the gentleman from Texas as to the representations that were made to the Committee on Rules by the Merchant Marine and Fisheries Committee as to the nature of the investigations the members propose to conduct overseas.

Mr. YOUNG of Texas. Mr. Speaker, in reply to the inquiry of the gentleman from Iowa I would state that the chairman of that committee is here, the gentlewoman from Missouri (Mrs. SULLIVAN) and I will be glad to yield to her. But before doing so I would say that this is the usual general provision, and one that is usually adopted at the beginning of each Congress.

I now yield to the gentlewoman from Missouri (Mrs. SULLIVAN).

Mrs. SULLIVAN. Mr. Speaker, I would state to the gentleman from Iowa that the only reason that our committee possibly would have to do any investigating in foreign areas would be on oil pollution, on shipbuilding, on the investigations that may be needed in the conferences that are set up on seapower and the seabed, and the laws of the sea conference for which we are partly responsible.

Mr. GROSS. Mr. Speaker, if the gentleman will yield further, I am sure the gentlewoman from Missouri is aware of the fact that there has been a 10-percent devaluation of the dollar, and that the emphasis on the devaluation was to the effect that this would serve to stop some of the outflow of U.S. dollars to foreign countries. I cannot believe that the committee is going to travel in countries that have a liberal amount of counterpart funds because they are diminishing over most of the world. India is one of the few that still has a sufficient amount to accommodate the junketeers that supposedly travel in behalf of the Congress, but the devaluation was for the purpose of keeping dollars in this country. I am going to be quite interested in which Members of House committees travel and how much is expended in contravention of the stated purpose of the devaluation. There are some 80 billion of our dollars floating around and held in foreign countries. Many, many of those billions are surplus to the needs of the foreign countries, and we are not going to be doing a very good job of recapturing those dollars if the Congress is going to take the lead in spending money on junkets to foreign lands.

Yes, I will be very interested in how these junkets are carried out, where, and for what purpose.

Mrs. SULLIVAN. Will the gentleman yield further?

Mr. YOUNG of Texas. I yield to the gentlewoman from Missouri.

Mrs. SULLIVAN. I should just like to answer the gentleman from Iowa that the record shows that our committee travels less than, I think, any other committee in this House. I can assure the gentleman that I agree with his ideas on holding down the dollars pouring from this country. The main thing is that if it is necessary to have people go over to meetings that are being held in Brussels and London, we want to have permission to send the proper representation.

Mr. YOUNG of Texas. Mr. Speaker, I yield to the gentleman from Tennessee (Mr. QUILLEN).

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

Mr. Speaker, the purpose of House Resolution 187 is to authorize the Committee on Merchant Marine and Fisheries to study and investigate subjects within their jurisdiction. This resolution does include travel authority and is identical to the committee's resolution of the 92d Congress.

Mr. Speaker, I urge the adoption of House Resolution 187.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING COMMITTEE ON ARMED SERVICES TO CONDUCT INVESTIGATIONS

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 185 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 185

Resolved, That, effective January 3, 1973, the Committee on Armed Services, acting as a whole or by subcommittee, is authorized to conduct full and complete studies and investigations and make inquiries within its jurisdiction as set forth in clause 3 of rule XI of the Rules of the House of Representatives. However, the committee shall not undertake any investigation of any subject which is being investigated for the same purpose by any other committee of the House.

SEC. 2. (a) For the purpose of making such investigations and studies, the committee or any subcommittee thereof is authorized to sit and act, subject to clause 31 of rule XI of the Rules of the House of Representatives, during the present Congress at such times and places within or without the United States, whether the House is meeting, has recessed, or has adjourned, and to hold such hearings and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. Subpenas may be issued over the signature of the chairman of the committee or any member designated by him and may be served by any person designated by such chairman or member. The chairman of the committee, or any member designated by him, may administer oaths to any witness.

(b) Pursuant to clause 28 of rule XI of the Rules of the House of Representatives, the committee shall submit to the House, not later than January 2, 1975, a report on the activities of that committee during the Congress ending at noon on January 3, 1975.

SEC. 3. (a) Funds authorized are for expenses incurred in the committee's activities within the United States; however, local currencies owned by the United States shall be made available to the Committee on Armed Services of the House of Representatives and employees engaged in carrying out their official duties for the purposes of carrying out the committee's authority, as set forth in this resolution, to travel outside the United States. In addition to any other condition that may be applicable with respect to the use of local currencies owned by the United States by members and employees of the committee, the following conditions shall apply with respect to their use of such currencies:

(2) No member or employee of such committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754).

(2) No member or employees of such committee shall receive or expend an amount of local currencies for transportation in excess of actual transportation costs.

(3) No appropriated funds shall be expended for the purpose of defraying expenses of members of such committee or its employees in any country where local currencies are available for this purpose.

(4) Each member or employee of such committee shall make to the chairman of such committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or, if such transportation is furnished by an agency of the United States Government, the cost of such transportation, and the identification of the agency. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

(b) Amounts of per diem shall be furnished for a period of time in any country if per diem has been furnished for the same period of time in any other country, irrespective of differences in time zones.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to the distinguished gentleman from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 185 is exactly the same as House Resolution 201—92d Congress. The committee has the jurisdiction to conduct full and complete studies and investigations and make inquiries as set forth in clause 3 of rule XI of the Rules of the House of Representatives. The committee is authorized to sit and act both within and without the United States, subject to clause 31 of rule XI of the Rules of the House of Representatives—5-minute rule.

Pursuant to clause 28 of rule XI of the Rules of the House of Representatives, the committee must submit its report of activities of the committee not later than January 2, 1975.

Any expenses incurred outside the United States shall be paid for with counterpart funds.

House Resolution 185 also contains the usual limitations on per diem and expenses.

Mr. Speaker, I urge the adoption of House Resolution 185.

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

Mr. YOUNG of Texas. I yield to the distinguished gentleman from Iowa.

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

The gentleman says this is exactly the same resolution as was approved in the 92d Congress. I take it, without putting words in the gentleman's mouth, that he is saying it is business as usual at the old stand on junketing. I wonder if we ought to be continuing this business of congressional travel around the world as usual in view of the sacrifices that the people of this country are being called upon to make with respect to conservation of the dollar.

It seems to me there ought to be some changes from time to time and that we should not necessarily continue the same authorization every year. I wondered if there were any representations made to the committee for instance about the travel of "lameduck" Members of Congress to various and assorted waypoints around the world. Was anything said to the Rules Committee about the "lameduck" Members who take off after an election, between the adjourning of one Congress and the convening of another, who travel at Government expense? And where does the Committee on Armed Services expect to carry on investigations?

Mr. YOUNG of Texas. Mr. Speaker, I will yield to the distinguished gentleman from Louisiana, the chairman of the Armed Services Committee, with respect to that question.

Mr. HÉBERT. Mr. Speaker, I am very glad my dear friend, the gentleman from Iowa, has brought up the question which he has because it gives me an opportunity to set the record straight and to say no committee in the Congress on either side of the Capitol has saved more money over the last years since 1952 than this particular committee of the House, the Armed Services Committee. It was organized in the days when Mr. Vinson was chairman of the committee and I was named when the committee was organized at that time, and we have saved millions of dollars in several categories. We have saved money from General Motors and from Ford Motor Co. for overcharges.

As a matter of fact this committee was in business on waste, years before some people who now scream about waste had heard about the word. We have been in this business for years. Our record speaks for itself. It is a laudable record and one I am personally very proud of. I can say, in answer to my dear friend, who asked the question, "Do I intend to carry on a business as usual?" or he asked, "Does the committee intend to carry on business as usual?" my answer is "Yes, certainly we do." We are going to carry on in the usual and same efficient manner and save this Government money and eliminate waste and examine every penny that is spent.

As related to the trips the gentleman referred to, perhaps the Armed Services Committee has fewer trips than any other committee in the House and yet it would be justified to have double the amount of travel that any other committee has. We do not believe in operating on any basis except the national security and defense of this country, on a nonpartisan basis. As Members have heard me say many times in the committee and in the House, we do not have Republicans or Democrats on the Committee on Armed Services, we have only Americans, and that is the way it is going to continue to be.

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

Mr. YOUNG of Texas. I yield to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Speaker, I do not know how the subject of the catalog got mixed up in foreign travel, but perhaps it belongs there.

I could say something, too, about the common catalog. It works sometimes and does not work at other times. I take it that my good friend from Louisiana understands that I am talking about foreign junketing, that is, travel by Members of Congress to foreign countries and the cost to the taxpayer of this junketing.

All I want is that it be completely and thoroughly justified. That is all.

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

Mr. YOUNG of Texas. I yield to the distinguished gentleman from Louisiana.

Mr. HÉBERT. Mr. Speaker, I recognize the fact that in my enthusiasm for joining the gentleman from Iowa in saving Government money I forgot to distinguish between travel and how the money is raised. We do not owe that money; we do not owe that money. It is an arrangement between our Government and other governments. That is enough to be said on that subject.

There is not a single trip authorized by me as chairman of the House Committee on Armed Services which is not fully and completed justified. There is not a single trip, domestic or abroad, that costs the American taxpayer one cent of money that is not justified.

As far as the catalog is concerned, I am amazed at the gentleman's lack of knowledge because, as the fountain of all knowledge, the fountain of all wisdom, he does not know that the unified catalog is the very basis of saving millions of dollars by this Government in procurement of military equipment. Until this committee got into this and passed it under the sponsorship of Mr. ANDERSON of California, there was nothing done about it. It is not a perfect thing now. There is a lot more to be done, but if we had not done these things, there would be a lot more money wasted.

Mr. GROSS. Mr. Speaker, I recall that a few years ago millions of dollars worth of ammunition was ordered by one of the military services when all it had to do was pick up a telephone and contact another branch of the service to learn the ammunition was already available and surplus.

I do not know if that was the fault of the telephone service in the Pentagon or the common purchasing catalog. I know that it was long after the establishment of the Defense Department that the catalog was established and put to any kind of use.

Mr. HÉBERT. In this colloquy between my dear friend from Iowa and myself, it is the most refreshing thing today to stand up and say, "I do not know."

Mr. Speaker, may I add this further explanation for the information of the gentleman from Iowa.

House Resolution 185 would authorize the Committee on Armed Services to conduct studies and investigations of all matters within the committee's jurisdiction.

Similar authority was originally passed by the 82d Congress. Since that time each succeeding Congress has passed a resolution granting that authority to the committee.

A special subcommittee to conduct studies and investigations was established by Chairman Carl Vinson pursuant to the initial resolution. That same format has been followed in each of the Congresses since that time.

Throughout its existence the membership and staff of the subcommittee have endeavored to conduct its activities on a nonpartisan basis. I believe that its unbroken record of unanimous reports is a tribute to their objectivity.

During the 92d Congress the subcommittee conducted seven major studies which resulted in hearings and/or formal reports. Briefly, they were as follows:

First. Review of Department of Defense Worldwide Communications: That investigation found that fragmented and overlapping responsibilities for communications within the Department of Defense resulted in inefficient and ineffective management of those facilities. As a result of a report issued by the subcommittee, the Secretary of Defense initiated several actions directed toward improving systems management and the responsiveness of the Department's communications facilities. Since the cost of these communications operations approximate $6 billion annually, it is anticipated that the improvements will result in significant dollar savings.

Second. Marine Corps Procurement Practices—Conflicts of Interest: That investigation revealed that certain Marine Corps procurement officials maintained very close social and business relationships with representatives of contractors. The evidence established that those contractors were able to obtain favored treatment in their dealings with the Marine Corps procurement office and had sold the Corps more than 4,000 faulty generators which the Government was forced to repair at a cost of $1.6 million.

As a result of the subcommittee's work, the Government is considering criminal prosecutions.

Third. Crash of the F-14A: That inquiry found that the Navy's design re-

view and testing procedures were inadequate and had permitted defects to pass unnoticed through several stages of development of the aircraft. As a result of our report, these testing procedures have been changed.

Fourth. Cuban plane incident at New Orleans: That subcommittee examination disclosed the inadequate nature of our air defense along our entire southern border. As a result, our detection and intercept capabilities in this area have been vastly improved.

Fifth. Relocation of the U.S. Army Intelligence School: In that investigation the subcommittee found that the Army had relocated its intelligence school and planned to establish an intelligence center at Fort Huachuca, Ariz., although its Engineer Corps advised that there were insufficient water resources at that post to support such an establishment. It further determined that the center could have been established at another post for at least $70 million less than at Fort Huachuca.

Sixth. Army procurement of the M561 Gama Goat: That investigation found that the Army had ordered production and deployment of this vehicle despite serious deficiencies which were found to exist at each stage of its development and production. It also found that the production vehicles failed to satisfy the requirements which had been established. Such premature production of systems will receive the particular attention of the subcommittee this year.

Seventh. Unauthorized bombing of military targets in North Vietnam: The subcommittee found that the rules of engagement for protective reaction strikes had been made obsolete by the improved North Vietnam air defense system. It further found that the superiors of General Lavelle had failed to take the necessary action to meet the additional danger that the enemy's improved system imposed on U.S. pilots and aircraft until after General Lavelle was relieved of command.

ADDITIONAL FUNCTIONS

The subcommittee staff, in addition to preparing the inquiries, hearings and reports which I have just described, also responded to the requirements of members on a continuing basis. During the 92d Congress the staff processed 113 cases in response to requests of members for assistance. They also examined and evaluated 108 reports of the General Accounting Office falling under the jurisdiction of the subcommittee.

I intend to continue the vigorous and aggressive nature of the activities of the subcommittee.

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

Mr. Speaker, House Resolution 185 is the investigatory resolution for the Committee on Armed Services. The purpose of this resolution is to authorize the committee to conduct full studies and investigations within its jurisdiction, in compliance with clause 3, rule XI of the Rules of the House.

This resolution is identical to the committee's resolution of the 92d Congress, and I urge its adoption.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZING COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE TO MAKE STUDIES AND INVESTIGATIONS

Mr. YOUNG of Texas. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 182 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 182

Resolved, That, effective January 3, 1973, the Committee on Interstate and Foreign Commerce, acting as a whole or by subcommittee, is authorized to conduct full and complete studies and investigations and make inquiries within its jurisdiction as set forth in clause 12 of rule XI of the Rules of the House of Representatives. However, the committee shall not undertake any investigation of any subject which is being investigated for the same purpose by any other committee of the House.

SEC. 2. (a) For the purpose of making such investigations and studies, the committee or any subcommittee thereof is authorized to sit and act, subject to clause 31 of rule XI of the Rules of the House of Representatives, during the present Congress at such times and places within or without the United States, whether the House is meeting, has recessed, or has adjourned, and to hold such hearings and require, by subpena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memorandums, papers, and documents, as it deems necessary. Subpenas may be issued over the signature of the chairman of the committee or any member designated by him and may be served by any person designated by such chairman or members. The chairman of the committee, or any member designated by him, may administer oaths to any witness.

(b) Pursuant to clause 28 of rule XI of the Rules of the House of Representatives, the committee shall submit to the House, not later than January 2, 1975, a report on the activities of that committee during the Congress ending at noon on January 3, 1975.

SEC. 3. (a) Funds authorized are for expenses incurred in the committee's activities within the United States; however, local currencies owned by the United States shall be made available to the Committee on Interstate and Foreign Commerce of the House of Representatives and employees engaged in carrying out their official duties for the purposes of carrying out the committee's authority, as set forth in this resolution, to travel outside the United States. In addition to any other condition that may be applicable with respect to the use of local currencies owned by the United States by members and employees of the committee, the following conditions shall apply with respect to their use of such currencies:

(1) No member or employee of such committee shall receive or expend local currencies for subsistence in any country at a rate in excess of the maximum per diem rate set forth in section 502(b) of the Mutual Security Act of 1954 (22 U.S.C. 1754).

(2) No member or employee of such committee shall receive or expend an amount of local currencies for transportation in excess of actual transportation costs.

(3) No appropriated funds shall be expended for the purpose of defraying expenses of members of such committee or its employees in any country where local currencies are available for this purpose.

(4) Each member or employee of such committee shall make to the chairman of such committee an itemized report showing the number of days visited in each country whose local currencies were spent, the amount of per diem furnished, and the cost of transportation if furnished by public carrier, or if such transportation is furnished by an agency of the United States Government, the cost of such transportation, and the identification of the agency. All such individual reports shall be filed by the chairman with the Committee on House Administration and shall be open to public inspection.

(b) Amounts of per diem shall not be furnished for a period of time in any country if per diem has been furnished for the same period of time in any other country, irrespective of differences in time zones.

The SPEAKER. The gentleman from Texas is recognized for 1 hour.

Mr. YOUNG of Texas. Mr. Speaker, I yield 30 minutes to my good and distinguished colleague from Tennessee (Mr. QUILLEN), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 182 is exactly the same as House Resolution 170 (92d Congress). The Committee has the jurisdiction to conduct full and complete studies and investigations and make inquiries as set forth in clause 12 of rule XI of the Rules of the House of Representatives. The committee is authorized to sit and act both within and without the United States, subject to clause 31 of rule XI of the Rules of the House of Representatives (5-minute rule).

Pursuant to clause 28 of rule XI of the Rules of the House of Representatives, the committee must submit its report of activities of the committee not later than January 2, 1975.

Any expenses incurred outside the United States shall be paid for with counterpart funds.

House Resolution 182 also contains the usual limitations on per diem and expenses.

Mr. Speaker, I urge the adoption of House Resolution 182.

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

Mr. YOUNG of Texas. I yield to the distinguished gentleman from Iowa (Mr. GROSS).

Mr. GROSS. I thank the gentleman for yielding to me again.

I assume that this resolution will take good care of the annual trip by members of Congress to the Paris Air Show?

Mr. YOUNG of Texas. Mr. Speaker, I yield to the distinguished chairman of the Committee on Interstate and Foreign Commerce.

Mr. STAGGERS. Mr. Speaker, I might say to my distinguished colleague from Iowa that the chairman has never been to the Paris Air Show. He might go this year, if it is permitted.

I have never been outside the United States, and I have never spent one penny for travel outside the United States at public expense since I have been chairman of the Interstate and Foreign Commerce Committee. I believe perhaps I

may have been derelict in my duty, in not going to some places to see what is going on and how we are spending money and how we compare with others.

I do say to the gentleman from Iowa that perhaps I have been derelict in my duty in not doing so. We have been very frugal in what we have done as to everything, including airline transportation and things that we need to do.

Mr. GROSS. Mr. Speaker, if the gentleman from Texas will yield further, it is not necessarily a question of what the chairman does. This is an authorization for a committee. I realize that a chairman must approve the junkets that are taken in the name of any committee.

But the chairman did say this would take care of the annual trip to the Paris Air Show, among other junkets contemplated by members of the committee?

Mr. STAGGERS. Mr. Speaker, I would say to the gentleman from Iowa that very few members will go to the Paris Air Show from our committee, but I am not sure but what it is one of the good things we should go to in order to see what the rest of the world will do and in order that we can see what they are doing, and I believe we should do something to try to maintain our position with the countries of the rest of the world as it should be.

I am not arguing with the gentleman from Iowa on the merits, but I do think it is good that some of them did go.

I would suggest that some of them go again this year. I believe that the experiences that they had in 1972 were good for our committee and for the people of the United States, because in that way they could find out what kind of improvements were made and what could be anticipated in the future.

Mr. Speaker, I think we are getting off the subject. I do believe the trips that have been authorized have been good trips, and they reported on those trips and gave to the chairman a report of what they did on the trip.

Mr. GROSS. Well, the gentleman understands, I am sure, that the whole thrust of the devaluation of the dollar was to keep American dollars from going overseas. The gentleman understands that, does he not?

Mr. STAGGERS. The gentleman is correct. However, I——

Mr. GROSS. I am sure the gentleman does understand that.

Mr. Speaker, this should be the year when Congress sets the example for the rest of the country. It should set the example for the conservation of dollars and keeping them in this country rather than shipping them abroad, either through the pockets of junketing Members of Congress or in any other way.

Mr. STAGGERS. Well, I would say to the gentleman that the executive branch of the Government does an awful lot in this respect, and they might take over where we stop and say, "The Congress is not taking the responsibility to see what is going on in the world, and, therefore, we will do it for them."

Mr. Speaker, I will say again to the gentleman that since becoming chairman in 1966, I have not made the trip, either at the expense of the U.S. taxpayers or in any other way, and I feel now in certain instances I may have been derelict, after reading some of the reports the members have brought back concerning things that have happened.

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

Mr. YOUNG of Texas. I will be glad to yield to the distinguished gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. Mr. Speaker, I would just like to state that I have never taken one of these junkets to the Paris Air Show, but I do feel that it is an education. I do feel as a member of the Committee on Interstate and Foreign Commerce, which has purview over civil aeronautics and also Federal aviation, that we must keep informed about advances in aviation.

Mr. Speaker, I think it would be very informative and very helpful. I realize that we are in a desperate strait as far as finances are concerned, and that perhaps we should limit the number who go, but I think it is necessary for some members of this committee to make this trip.

I thank the distinguished gentleman for yielding.

Mr. QUILLEN. Mr. Speaker, House Resolution 182 authorizes the Committee on Interstate and Foreign Commerce to make full and complete studies and investigations within their jurisdiction. The resolution authorizes travel within and without the United States, and is identical to their resolution of the previous Congress. Therefore, I urge adoption of this resolution.

Mr. YOUNG of Texas. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE ROLE OF DIRECT INVESTMENT ABROAD IN INTERNATIONAL TRADE

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

Mr. HANNA. Mr. Speaker, as you have so appropriately noted in recent weeks, a major aspect of the formulation and direction of governmental policy is debate in the legislative arena. As a follower of our posture and performance in the international economy, I am hopeful of contributing in some modest way to the consideration by this body of the various proposals and even demands that we are receiving from an interesting variety of sources. For, only through careful and extensive open discussion of the merits and costs of these suggested policy directions can we react responsibly to the true needs of our Nation, needs which must be defined both on a national and an international basis.

I will, therefore, as I have in the immediate past, from time to time offer my views and analyses of where we have been, where we are, and where we must be as a major actor in the international economy. I will also try to suggest some reasons as to "why."

I recently received a copy of a statement by Mr. John J. Powers, Jr., of Pfizer, Inc., in which he addressed the impact on the U.S. balance of payments resulting from direct investment overseas by American companies. As a believer in the necessity of such investment but yet somewhat concerned as to claims by respectable and responsible prominent people that such investment activities were a major eroding factor of the value of our dollar especially as regards our balance of payments. I was encouraged to note that the statistics belie these complaints. Quite clearly, such investment has in the past served our country well.

To give a good approximation of the full value of direct investment abroad to the American balance of payments and the national economy, we can look at the total cash flow resulting from such investments. Taking the 2 years, 1960 and 1971, Mr. Powers shows that the total net inflow attributable to direct investment abroad in the first instance was $4.1 billion and in the second $9.1 billion.

Now, to look at it another way, subtracting from the U.S. trade balances in those same years, 1960 and 1971, the surplus attributable to direct investments as well as Government-financed exports under Public Law 480 and other nonmilitary aid—an appropriate reduction as neither of these latter two efforts add to the cash flow from trade—the U.S. trade surplus of $4.9 billion in 1960 becomes a surplus in name only, being a mere $11 million. Similarly, in 1971, the trade deficit of $2.9 billion balloons to a frightening figure of $10.5 billion. Thus, to quote Mr. Powers:

> The glamour item in the makeup of our balance of payments is not the traditional trade surplus, but the net cash inflow attributable to U.S. direct investment abroad.

This vital component in our economy may well have even a more important role to play in our immediate future. We are on the verge of a major energy crisis, indeed, we are most likely seeing the opening rounds right now in certain areas of the country. There is little doubt that our imports of fuel sources and various minerals must be dramatically expanded and soon. Our economy must continue to grow and expand to be able to afford these purchases and international trade must be supported and encouraged to maintain both our access to these world markets as well as insuring the ability of these markets to respond to our needs. Direct investment abroad provides a viable vehicle for this interaction and I suggest to you that we approach with measured steps and great caution any dramatic changes in this area.

TARIFF AND TRADE LAWS

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

Mr. DUNCAN. Mr. Speaker, I, together with Mr. SAYLOR, have today introduced a bill to amend the tariff and trade laws

of the United States to encourage the growth of international trade on a fair and equitable basis.

It is the purpose of the bill to assure a healthy growth of foreign trade while establishing conditions that will prevent the ill effects of unduly rapid increases in imports and unduly deep penetration of our market from disrupting and even halting normal economic growth in the United States.

To this end it seeks restoration of the competitive conditions that fostered the development of the world industrial leadership achieved by this country in the past 75 years. The system of production and distribution developed in this country represented a sharp departure, not only from our own past, but also from our economic forebears in Europe. While the industrial revolution which brought such great industrial changes to England predated our industrial development, our subsequent adoption of mass production in the 20th century as an offspring of a dynamic technology, soon moved as far afield from our earlier industrial heritage.

Particularly noteworthy among the basic supporting factors in our great departure were: First, a recognition of competition as an incitement to effort by producers to merit consumer favor as a condition of producer reward; second, perception of the dependence of mass production on mass purchasing power; and third, appreciation of the role of employee compensation as the predominant ingredient of the buying power of the marketplace.

Pursuit of production in this framework, guarded by laws against monopoly, by laws designed to prevent erosion of purchasing power through low-wage competition such as outlawing of child labor and sweatshop operation, plus minimum wage laws, and laws in support of collective bargaining, led to an amazing proliferation of production of a vast variety of consumer goods far beyond the level of necessities—propelled by the profit motive.

Because of dependence of production on consumption, and the propensity of consumers to respond to the condition or anticipated condition of their pocketbook, the system, so highly geared to the production of nonessentials, became sensitive to any factors that might be expected to affect the market, either favorably or unfavorably. Such factors might be visible and stubborn and therefore directly influential with consumers, or anticipatory or suspected and therefore psychologically operative in either a negative or positive fashion on both producers and consumers. The antennae of producers were sensitized to both actual and anticipatory movements that might affect the market; that is, consumers, inclination to purchase more or less.

Negative factors led to producer hesitation or outright retrenchment while positive factors or interpretations fostered expansion.

Although imports and exports each represent only approximately 4 percent of the gross national product, different products partake in widely varying degrees above and below the average. In other words, both imports or exports may be important in particular industries.

In combination the effect of imports may produce a depressing effect on domestic production beyond the positive displacement of workers in domestic plants because of repercussions of the market outlook thus induced and entertained by domestic producers. If imports increase rapidly because of a decided market advantage the domestic producer may cancel any current plans to expand his operations, and await developments. He will not hire any part of the increasing work force that appears on the labor market each month and each year.

If he is a producer of a new and developing product such as historically in this century have expanded into great industries or even into smaller ones and have thus employed in the aggregate millions of workers in newly generated jobs, he will not commit his capital nor will his enterprise attract risk capital very copiously, if he cannot have reasonable assurance that the market will be his if he develops it; or if it seems quite clear that despite his patents he will face competition from abroad that will rob his patent of all meaning.

It is not necessary that his product be a wholly new one. Thousands of existing products are constantly undergoing improvement through invention and research, in efforts to reduce costs and to gain a march on competitors who are in the field, similarly motivated. At home a productive innovation may be protected by patents, and the producer can feel reasonably assured—patent infringement aside—of the fruits of his labors for a reasonable period of time. He willingly undertakes projects that may require several years to mature.

If, however, he knows that he may be outflanked from abroad his outlook is clouded. He may even decide to move a substantial part of his own operations overseas because of wage differentials, particularly if the export of his product beckons as a source of additional profit. Because he finds that by employing workers abroad he can produce at a lower cost, he will forgo his efforts to export from this country or he will supplement his exports by producing abroad, thus hedging his future. Alternatively, he may license foreign producers to use his patents.

Meantime the increased employment that he would have provided in this country is curtailed or set aside completely. If unemployment in this country is not to increase, someone else must then hire the additional workers that come on the scene by population increase. The workers he employs abroad do not absorb the new workers in this country.

Thus is subverted the formula by which this country rose to world industrial leadership in this century. New products or radically improved products can no longer be put on the market in this country with the assurance that the great national consumer potential might be tapped through progressive cost reductions aimed at an elastic demand, because of the danger and the overt evidence of outflanking possibilities from abroad.

Even if the producer protects himself by going abroad, American employment is outflanked.

PROVISIONS OF THE BILL

The bill is designed, not to reduce our foreign trade, but to bring its growth under control in such fashion that the American producer can operate under the same assurance that he had during the years before the American technology had been adopted and so energetically pursued by other industrial countries. Under present conditions he can no longer do so for the simple reason that foreign products may virtually preempt the market growth that he could formerly claim confidently as his own.

The bill provides for import limitations under specified circumstances, with well defined exceptions. At least 10 percent market penetration must have occurred during the two immediately preceding years to qualify for a quota. Also there must have been an upward trend in the past few years in the imports of any given product before eligibility can be established.

The base year for the quota is the average imports during the 3-year period of 1969–71. If imports have increased rather sharply during the past several years a moderate cutback in imports may be made from the base period.

Items on the free list will not be subject to quotas, nor items that are now under quota limitation so long as they remain so limited.

Imports once under a quota may increase or decrease in proportion as domestic consumption of the article increases or declines in this country.

The bill makes no effort to discourage foreign investments.

However, it seeks to prevent the objectionable effects that are imputed to foreign investments: First, by limiting imports to a defined share of our market if the penetration is over 10 percent, and then restricting import growth to that recorded by our domestic market; and second, by fixing limits on the share of the market that may be supplied by imports of products that have patent protection. During the first 5 years of a patent's life imports may not rise above 5 percent of our market for the same article. During the second 5 years not over 10 percent of our market for the article may be supplied by imports in any one year. In the next 5-year period the limit is 15 percent, and this will be the final limit.

Once the patent expires the imports will be governed by the other provisions of the legislation.

By thus controlling imports of patented products the usurpation of our market by imports will be inhibited. Domestic patentholders are then assured of a market that will enable them to proceed in full confidence that they will not be prevented by cost-advantaged imports for reaping the benefits of their efforts to establish a national market.

The domestic investment climate will

be restored to the conditions under which this country developed the world's most productive economy. Expansion of production, the opening of new facilities and the hiring of additional workers to meet rising production schedules, will be sparked by the vision of a mass market as costs are cut to a level low enough to tap the mass pocketbook. Under these conditions assuming elasticity of demand, consumption will rise sufficiently to call for rising employment in this country. Imports, limited as provided in the bill, will not remain a hovering threat as they are now, poised to despoil the market for domestic producers; nor, on the other hand, will they be discouraged insensibly or unreasonably.

Any article may be produced abroad by domestic or foreign capital without limitation. The domestic market will not be closed to such products produced abroad, but it cannot be ruined as a source of employment or as a source of profit for domestic capital invested in the home market by unimpeded imports of products from low-wage, low unit-cost areas of the world.

ESTABLISHMENT OF NATIONAL TOBACCO MARKETING STUDY COMMITTEE

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

Mr. LEHMAN. Mr. Speaker, in the Federal Register of February 15, there appeared a notice by the Office of the Secretary of Agriculture of the establishment of a National Tobacco Marketing Study Committee to "assist producers in increasing their income through modernization of marketing methods."

According to the Secretary's Office, the study committee will consist of approximately 15 to 20 members. Three meetings are planned, as well as a trip to Canada. Although committee members will not be salaried, the expected outlay of funds connected with travel expenses is $15,000.

My question is this: Why is the Federal Government spending $15,000 to promote a commodity that has been proven a health danger?

A Public Health Service publication states:

> There are 280,000 more persons who report having a heart condition than there would be if all people had the same rate as those who never smoked.
>
> In all, there are over 1 million more cases of chronic bronchitis and/or emphysema in the Nation than there would be if all people had the same rate as those who never smoked.
>
> There are 1 million more cases of peptic ulcers each year in this country than there would be if all people had the same rate as those who never smoked.

Government waste is nothing new. But when only last year the Congress appropriated half a billion dollars to combat cancer, why does the executive branch decide that a prime cancer-causing agent is a good target foı Federal Government aid as well?

GUESS WHO IS IN THE WOODWORK AT GOOD OLD BURNING TREE

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

Mr. VAN DEERLIN. Mr. Speaker, one of the most delightful gentlemen in this body is our distinguished and witty friend from Ohio, Congressman BUD BROWN, I, for one, would follow BUD most everywhere, stopping short of the campaign trail.

According to the morning paper, our friend had a news conference yesterday to outline some strategy for wresting control of the House from us Democrats in the 1974 elections. The report is that BUD and his colleagues on the Republican Congressional Campaign Committee will zero in on older incumbents in their effort to pick up 26 seats for what would be the first GOP majority in more than two decades.

Although BUD's basic premise, pitting youth against age, makes sense, he runs into trouble when he gets into details.

Take his statement that a certain type of over-the-hill Democrat "may decide to pick up his retirement benefits and play golf at Burning Tree full time instead of part time," when confronted by a young and vigorous GOP challenger.

Alas, BUD, you are crediting Democrats with more social and financial clout than we claim in our headiest moments. Everyone knows that Burning Tree is a redoubt and watering spot for those among us who are more richly endowed. Usually, that means Republicans.

Seeking a foundation for my suspicion, I had an aide check the Burning Tree Club for a partisan breakdown of its congressional membership. After some throat clearing, a club spokesman conceded that Republican Congressmen outnumber Democrats by at least 4 to 1 on the Burning Tree roster—on which one finds such eminent colleagues as the House minority leader, the minority whip and the chairman of the Republican Policy Committee.

It is to be hoped that many among us who have earned retirement will be able to enjoy it on the manicured links of Burning Tree. Others must more likely settle for a starting time at the Old Soldier's Home.

The Washington Post account of Mr. BROWN's ambitious plans follow:

[From the Washington Post, February 21, 1973]

GOP "TALENT HUNT" BEGINNING FOR '74

(By David S. Broder)

Stung by its failure to cash in on President's Nixon landslide in 1972, the Republican Congressional Campaign Committee is launching an early "talent hunt" designed to produce better challengers for Democratic seats in 1974.

A particular goal is to confront a number of senior House Democrats with the prospect of such a tough campaign that they may be nudged into retirement.

The strategy, devised with White House backing, is to be formally announced at a press conference today by Rep. Bob Wilson (R-Calif.), the committee chairman, and Rep. Clarence J. Brown (R-Ohio), the man who will be running the recruitment drive.

Brown said yesterday that he plans to send a dozen teams of Republican House members, acting as "talent scouts," into somewhere between 65 and 80 Democratic districts this spring, in an effort to identify the best potential GOP candidates.

The hope is that those districts will produce 26 Republican winners in 1974 twice the number of House seats the GOP picked up last November, when Mr. Nixon's coattails were available, and enough to give the GOP a majority.

Brown acknowledged that the historical odds were against such a mid-term election gain for the party in power, but said that increased independence in voting made him skeptical of the notion that Republicans were "bound to lose strength" in 1974.

In picking the Democratic "target" districts. Brown said he would abandon the past practice of concentrating primarily on those where the incumbent had received less than 55 per cent of the vote in the previous election.

Instead, he said, he will broaden his sights to include districts where the incumbent Democratic congressman may have won easily, but where Mr. Nixon and statewide GOP candidates were able to carry the same territory.

Particularly, he said, he would focus in on districts with aging Democrats who had not faced a serious challenge for many years.

As an example, Brown cited Texas, where, he said, Sen. John G. Tower (R) last November had carried 10 districts which reelected Democratic representatives, most of them by wide margins and some of them without opposition. "Six of those 10 Democrats will be over 65 in 1974," Brown noted.

"My feeling is that seniority is not the advantage it once was to such men," he continued. "Some of 'em feel a bit emasculated by the reforms that have taken away their power. Some of 'em aren't very comfortable with the direction their national party has gone or the direction the majority of the Democrats on their committees want to go."

"I think," Brown said, "that if we let that kind of fellow know early that there's a hard-charging, young Republican who's going to take him on if he runs again, he may decide to pick up his retirement benefits and play golf at Burning Tree full-time instead of part-time."

Seeking clues to the kind of candidates to recruit, Brown has profiled the freshman Republican representatives and found that the GOP winners averaged 43 years in age, had achieved some visible success in private careers and had "some—but not too much—political background, enough to seem knowledgeable without being typed as hacks."

THE ADMINISTRATION'S ANSWER TO GREAT LAKES FLOODING DISASTER

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

Mr. VANIK. Mr. Speaker, on January 10, 1973, I sent the following letter to the Director of the Office of Management and Budget concerning the critical high water levels on the Great Lakes which could result in extensive loss of life and property:

JANUARY 10, 1973.

Hon. CASPAR W. WEINBERGER,
Director, Office of Management and Budget, Executive Office Building, Washington, D.C.

DEAR MR. WEINBERGER: For some time, I have been endeavoring to alert the Adminis-

tration to the impending crisis that will occur on large sections of the Lake Erie shoreline—resulting from extraordinarily high water levels which have already flooded large portions of the coastline and which are predicted to cause further extensive flooding during the coming spring storms.

In this period, Lake Erie water levels, already eighteen inches above normal, may well rise in excess of an additional twelve inches over present and unprecedented levels. The flood areas under storm conditions may involve hundreds of thousands of urbanized acres in the Great Lakes Basin.

It is incredible to me that the Federal government can stand by in callous disregard, in the face of obvious and impending disaster which is likely to occur during this spring's thaw. It seems to me that there are many steps that could be taken to reduce the level of the Lake and protect the shoreline with even this short period of lead time over the impending disaster.

If the Federal government is unable to come up with an immediate program of help in this crisis, I must advise your office to set aside adequate financial allocations in the hundreds of millions of dollars to provide for the disaster relief which will be needed.

To my knowledge, this is the first time in American history that we have received such a stern and clear warning of impending disaster.

Sincerely yours,

CHARLES A. VANIK,
Member of Congress.

Following is a reply which I received today from Roy L. Ash, Director of OMB:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., February 15, 1973.

Hon. CHARLES A. VANIK,
House of Representatives,
Washington, D.C.

DEAR MR. VANIK: This is in reply to your letter of January 10, 1973, concerning the possibility of heavy damages on sections of the Lake Erie shoreline from high water levels.

We have been following the serious problems created by high water levels on the middle Great Lakes, and are aware of the predictions that record highs will be reached later this year. Your desire to find ways of reducing these levels is, therefore, fully understood.

Steps were taken recently, through the International Joint Commission, to increase water storage in Lake Superior, where levels are closer to normal, to help reduce the levels of the middle lakes. We believe this action will help meet the problem.

Thank you for your timely letter.

Sincerely,

ROY L. ASH,
Director.

This is the first time in my knowledge that the Federal Government has been notified of and acknowledged an impending disaster so far in advance, and I am appalled at the casual and callous indifference of the administration to this problem.

It is my sincere hope, on behalf of thousands of families who will be directly affected, that the administration will develop more tangible and visible efforts with which to meet this impending disaster, so as to prevent the loss of life and property.

THE FREE FLOW OF INFORMATION

The SPEAKER pro tempore (Mr. ASPIN). Under a previous order of the House, the gentleman from California (Mr. WALDIE) is recognized for 30 minutes.

Mr. WALDIE. Mr. Speaker, the most historic and sensitive task which will confront Congress this year deals with the necessity and method of implementing the first amendment protections afforded the freedom of the press.

We confront this issue not by choice but by necessity. The recent interpretations of the Supreme Court, the wholesale use of the subpena process to hail newsmen before grand juries, and the jailing of newsmen, have all combined to present this issue to us in terms we are not permitted to ignore.

The type of legislation we enact will have a crucial bearing on the health and vitality of all of our other freedoms for generations and thus begs of us a seriousness, sensitivity, thoroughness and wisdom in dealing with this complex question beyond the standards of our normal consideration of legislation.

One proposed remedy is legislation I have introduced, H.R. 2187, to enact an absolute, unqualified and all-inclusive shield for the protection of confidential sources of news and related newsgathering activities in order to guarantee the continued free flow of information to the public.

It is against that test, I submit, that all proposed legislation ought to be weighed. Those proposals which would give the public less than a full guarantee of continuing to receive such information ought to be found deficient.

I say "continue to receive" because though, in the eyes of the Supreme Court, a privilege of exemption before Federal grand juries for the purpose of protecting and honoring the confidential nature of news sources and news gathering activities has not been held to exist as a corollary of the first amendment, it is only recently that we have officially, and with any regularity of earnestness, adopted public and legal practices in anticipation or implementation of this interpretation of the first amendment.

Prior to this, both in widespread public belief and in official conduct, we acted on the assumption that, in fact, the ability to guarantee the confidentiality of news sources was so integral and vital a part of the functions of the press in informing society that it held a de facto status as a corollary to the general and established right of society to freedom of the press, and it was not an area invaded often by grand juries, public prosecutors and other officials.

The public as a matter of course, therefore, has been able until recently to depend on access to information so obtained. As a basic and regular part of their professional function, newsmen have been able to provide such information by being able to make, and to honor, commitments of confidentiality to sources of public information.

Given the general recognition of the importance to the public of this function, it was not an aspect of the public's right to know that was subject to assault in practice. District attorneys did not, as a matter of course, demand that confidential sources be revealed. Grand juries did not subpena newsmen in droves to demand that pledges of confidentiality be broken. Judges did not routinely jail newsmen for the act of honoring these professional pledges of protection given to sources. Providers of information to the public in confidence had no reason to believe those pledges would not be honored.

The effect of the Supreme Court decision in the Branzburg and Caldwell cases and the chain of events related to this issue has thus been to invite under that interpretation of the first amendment, a wave of official assaults by prosecutors, grand juries, judges, and others, against this aspect of the public's right to know. This recent development runs counter to the established practice in our society by which information of this kind has been guaranteed to it in the past, on which it is crucially dependent, and by which it has unarguably benefited as a free society. The measure of that benefit perhaps may never be fully defined unless, frighteningly, that right of the public as it has existed in practice is one day eliminated and irretrievably lost, as it very nearly is under Branzburg and by the current spree of jailings of newsmen which our society is now undergoing while Congress considers possible remedies.

The question before Congress, it ought to be clear, is thus not whether we ought legislatively to introduce a protection in this instance of the aspect of confidentiality which has not heretofore appeared, thereby marking some new expansion in the role of the free press, possibly unbalancing the historic juxtaposition of freedom of the press on one hand and the "right to every man's testimony" by society on the other.

Rather, the question is whether we ought to preserve the sanctity of confidential news relationship and newsgathering activities which, officially and unofficially, have been respected in fact even by most law enforcement officials and agencies and courts in the past. I think it is fair to say that while attempts to compel newsmen in the fashion now contemplated by Branzburg have occasionally and sporadically cropped up from time to time, these occurrences have usually been shortlived and frequently officials, having strayed into this area, have later retreated. Most officials and agencies did not think it wise to stray into this area and have not, until recently.

Nor, it is fundamental to note, has the Congress enacted legislation to the present moment to compel newsmen to disclose confidential sources in any circumstance, to the best of our knowledge.

As the U.S. Court of Appeals for the Second Circuit noted last December 7 in deciding *Baker* v. *F. & F. Investment* (Docket No. 72-1413), Federal law on this question is at best ambiguous:

> Although it is safe to conclude, particularly after the Supreme Court's decision in *Branzburg* . . . that federal law does not recognize an absolute or conditional journalist's testimonial "privilege", *neither does federal law require disclosure of confidential sources in each and every case, both civil and criminal, in which the issue is raised.*

To the extent the Congress established areas of qualification to a testimonial privilege, therefore, to the extent it would be introducing into law and with all the force of statute a requirement of disclosure which has never been clearly imposed by statute before in our history. It would be difficult to interpret such a step as representing anything other than a diminution of press freedom.

The value and importance of confidential newsgathering relationships remains recognized, despite Branzburg, with wide unanimity as a vital component of the public's right to know. That recognition cuts across partisan lines. Certainly the actual impact on newsgathering of any failure by Congress to enact less than a full protection is widely recognized as portending an absolute impairment of one vital source of public knowledge.

Were the Congress to enact a less than absolute protection, and enact a merely qualified protection instead, the effect would mark a clear curtailment of the public's right to know as it has evolved in practice—the more qualifications added causing a correspondingly greater curtailment.

It is dangerous business—dangerous to a free society. For how can Congress, in writing qualifications, know the extent of their accumulated weight in practice, or know when we will have passed the "fail safe" point for liberty of the press and for a free society itself?

At the extreme, by failing to act at all, thus allowing the Branzburg and Caldwell decisions to stand, we allow the virtual elimination of that existing newsgathering practice, which is perhaps the most crucial of all in terms of the democratic function of a free press and the public's need to know—that portion of newsgathering not dependent on, nor controlled nor influenced by, nor susceptible to, government itself.

Enactment of a merely qualified privilege on one hand, or failure to act at all on the other hand, would be inconsistent, I submit, with the absolute need to preserve a free flow of information to the public, and with the spirit—if not the recent 5-to-4 interpretation by the Court—of the first amendment.

In laying out what I believe to be a demanding and compelling case in behalf of the enactment of absolute and unqualified legislation, there are a number of points which perhaps ought to be made by way of preface in order that the general question and problem may be viewed in the broader social context as well as in the legal and constitutional framework.

QUESTION OF CONSCIENCE

The first—and what may quite possibly prove to be the most important—consideration that ought not to escape us should be the sober realization that we really cannot, in reality and actual practice, compel newsmen to reveal the sources of their information.

It is within the power of the Congress to prescribe punishment, including the punishment of imprisonment, for their failure to do so.

But so long as newsmen are willing to go to jail as an act of conscience, there is no law we may pass or fail to pass which can force them to reveal confidential sources.

This is true even where exceptions to the testimonial privilege might be created. It might be thought desirable to make an exception for any number of plausible objectives, whether in the area of national security, civil suits, murder cases, or any number of other areas. But no exception could guarantee in actuality that newsmen could be successfully compelled to reveal that which they felt bound deeply by conscience to protect.

Our protection in such areas where we might entertain the thought of creating exceptions must still rest where it has rested in the past—with the voluntary willingness of newsmen to reveal a source if he finds the overriding public need to do so, whether to spare another human life or for some other reason, clearly outweighs the requirement to maintain confidentiality.

We would still be dependent upon that willingness whatever kind of law we passed if the newsman conscientiously felt in a given instance that the public need was clearly not overriding nor that it superseded his pledge of confidentiality to a source.

We may well send them to jail. In the less enlightened past of the earlier years of this century, we did so for other groups whose members, out of conscience, could not perform certain acts thought at that time to be properly required on a universal basis, which failure of performance was thought to provide sufficient and ample grounds for imprisonment. Seventh Day Adventists, observing a Saturday Sabbath, were consigned to prison road gangs for the illegal act of breaking the Sunday Sabbath of non-Adventists. We filled the jails with Quakers unalterably opposed by reason of conscience and religious training to service in the armed forces, along with other legitimate conscientious objectors opposed to war, until gradually we began to understand the importance to society as a whole of the function of the individual conscience in this free land.

We may now send newsmen to jail—but we cannot compel newsmen to reveal that which their conscience forbids them to reveal.

The code of ethics for newsmen, if not protected in English common law nor by the Court in Branzburg, has nevertheless been observed by newsmen for centuries, and in modern times has for the most part been universally respected. That article of conscience has perhaps deeper roots in our own country than anywhere else where freedom of the press itself is more fundamentally rooted, and in a rare way is integrated vitally with the tone and meaning of all else we hold dear in our free society.

Indeed, the very question comes to the attention of the Congress at this time not as the result of some abstract consideration of the issue or as a merely academic legislative exercise in the wake of the Branzburg decision, but because newsmen have, in fact, been going to jail rather than violate their canon of ethics by disclosing confidential sources and information.

A large and significant enough portion of newsmen will be unable to honor any legislative commandment to violate the ethics of their profession, just as they are proving unable in good conscience to honor the judicial commandments to do so.

It is the view, indeed, of several of my liberal colleagues, and of at least one powerful, liberal publishing enterprise in the country, that the only effective immediate recourse is for newsmen in large droves to go to jail. This influential publishing enterprise, and perhaps some others in the media, prefer that Congress not act, fearing that the inevitable legislative compromises which are the distinctive feature of our process can produce nothing less than a weak bill, full of qualifications and loopholes, that would render it worse than no legislation at all.

I think that view is wrong.

I think it is wrong, first of all, because I think it underestimates the concern of Members with the possible impairment of the public's right to know. Practically speaking, it underestimates the responsiveness of Members in general. It is perhaps a poor example, but it ought to provide some confidence to recall the size of the vote in each body for enactment of legislation granting certain newspapers immunity from the antitrust laws under the Failing Newspapers Act. I cannot believe that we in the Congress will do less by way of protecting the public's right to information, by a similar overwhelming margin, than we did for protecting the publisher's right to enter into certain otherwise illegal commercial ventures, which indeed had, as one aspect of our motive, the preservation of a variety of information available to the public.

Finally, I think the public now understands the issue posed as a result of the willingness of newsmen to go to jail rather than violate their professional conscience, if one places faith in the findings of the Gallup poll last December which showed that 57 percent of the national sample believed a reporter ought not to be required to reveal to a court his confidential sources of information. Of college graduates, 68 percent believed it. I confess I was one of those in the period leading up to the recent presidential election who had no faith in the findings of Dr. Gallup. In the wake of that election, I find I am able to give a great deal of credence to the December poll on the right of newsmen to protect confidential sources.

One needs only to review the scope and variety of cases involving newsmen now under subpena by various courts, grand juries, and other bodies to appreciate the futility of enacting a qualified bill that would not continue to result in significant numbers of newsmen finding it necessary to go to jail rather than violate their ethics by providing information in those areas where we might establish qualifications.

Predictably, as I will seek to demonstrate in a later portion of this statement, those qualifications will be further stretched by time and practice and judicial interpretation, if not by the Congress itself initially, until the number of news-

men so compelled and so imprisoned will increase, and until, ultimately, after much bitterness and social strife, and much impairment to the public, the controversy and the problem will be back with us and we will again find oursleves where we are today; namely, faced with the necessity of enacting absolute and unqualified legislation.

For in making a qualification of any kind, Congress will have placed a lessened value on that which we desire to protect. And the courts will search out their own parallels to our qualifications once we establish in law that exceptions and qualifications are meritorious in one instance, or two instances, or three, even though we were seeking overall by the total legislation to protect so fundamental a value as the right of the public to obtain information from a free press.

If one hopes to minimize the occurrence of newsmen going to jail through providing a qualified bill as opposed to no bill at all, I submit it is a forlorn hope. For such qualifications to achieve their intended purposes relating to law enforcement or some other function, they must of necessity have sufficient effect and be sufficiently broad and varied so as to almost invariably invite prosecution and imprisonment of the same type we witness now.

Moreover, one plausible exemption begets others, and both practically and philosophically, it is difficult to find a rationale which would summon one or two exceptions of narrow or little effect but exclude others of equal merit which would have so great an effect as to destroy the meaning of the protection. If we are to include only exceptions in a qualified bill which would be so minor as to preserve the privilege without defeating its purpose, why include such ineffectual exceptions? If we are to include major exceptions, why have a bill?

The list of plausible exceptions becomes too long. If we are to except where a newsman has information about a murder, why not for information about heroin pushers? If an exception is to be made for civil suits, why not for cases where a reporter has information relating to "national security?" Or information relating to any other vital function of society? And once we have excepted from the bill those areas where society or government or the courts or legislatures plausibly might have reasonable interest in obtaining confidential newsgathering information, there is no longer any area vital to the public's right to know where a reporter can function in a free and unfettered atmosphere, and there is no longer a function even worth trying to protect by legislation of this kind.

Each person who brings thought to bear on this legislation can offer his own plausible exception to the protection. Each exception has surface merit. The rationale which would justify one equally justifies a dozen others. But we lose sight of that which we have set out to preserve and protect—which is the free flow of information to the public. If that is worth protecting and as critical and fundamental as we believe it to be in a free society, we must resist those exceptions which, though plausible when weighed in a vacuum, have not seemed required in our past experience in all the years when we assumed a de facto protection of confidentiality existed already, and which would weight the bill without necessarily accomplishing the purpose of the exceptions, and which, in any event, I do not believe an understanding of reality and sense of balance would lead us to believe are really required.

However carefully drawn or intentionally limited, such a qualified bill will in fact increase the number of such imprisonments. For just as an army of zealous prosecutors, grand juries, judges, and other officials poured forth from the open floodgates of Branzburg, suddenly aware of their powers in relation to the press, so, too, qualified legislation would represent a legislative invitation to vigorously proceed without reservation against those newsmen falling within the necessarily broad categories of qualification. The number of cases would multiply. The number of newsmen imprisoned would increase.

SOCIAL IMPLICATIONS

But perhaps the greater casualty to the public at large would be the continuing warfare and strife over this issue involving the news profession and those on whom they report as public officials, creating in the country at large the appearance, aura, and climate of a war of repression against the media; if not in law or by law, at least in chilling belief. The strife and agonized confusion would continue until this question of confidentiality would again have to be put back into the perspective in which it originally existed, back in the time when we proceeded as a society to act as if such an exemption and right already did exist in practice.

The confrontation will plague us bitterly under a qualified privilege no less than in the absence of any legislation at all; it will plague our society as bitterly as it will affect those newsmen actually sent behind the prison walls; and it will plague us in the Congress. More importantly, that confrontation would itself impair and restrict the right of the public to information until resolved, and shake our public faith and confidence in our own liberties in ways which we, as a society, and particularly right now, can well do without after these last 10 years of national discord, dissension, and strife. Thus, permitting the emergence of a class of media martyrs, as the large publishing enterprise earlier referred to suggests as the only acceptable remedy, allowing newsmen to go to jail in droves, has scarcely more merit for society than for the newsman, and certainly not as a gesture of anticipation that we in the Congress will prove unwilling to find a more secure and meaningful remedy.

As the ultimate recourse of a free press attempting to serve a free society, it may have great merit. And I sadly have no doubt it will come to pass if the Congress either fails to act or enacts only a statute that is qualified and not absolute. For whatever the qualifications written, the problem of conscience for the newsman remains. Little, still, is to be gained at this point from the standpoint of the news profession itself by using the last resort of a free press as its first resort. What is it that cannot be attempted legislatively now that martyrdom will achieve later? And where would such a campaign of arousing public concern lead but back to the Congress where the issue is already presented? And is either the Congress or the media really ready yet to consign the distinguished former majority leader of the U.S. Senate, the Honorable William F. Knowland, now publisher of the Oakland Tribune, to prison for refusal to identify sources of information should he be compelled to do so, and as he has indicated he would not do?

I, at least, am not prepared to conclude that Congress is not yet ready to fulfill its responsibilities to the public by preserving its right to the free flow of information. Should I misjudge the Congress in this respect, and should a qualified bill emerge as the only legislative possibility, the media still has the option of collectively requesting a presidential veto. Should the bill still be enacted, it retains the final option of doing what it wishes to do now—allow its reporters to go to jail in droves, something, clearly, they are individually prepared to do in any case—hoping that as a consequence the public might better understand the issue and bring its weight to bear in behalf of its own right of access to information.

THE DIVIDED COURT

There is a corollary view to the scenario envisaged by those who believe no bill at all and widespread jailing of newsmen might be preferable to enactment of a qualified statute. It is that the Court is so closely divided on the issue, by a 5-to-4 vote, that the arousal of passions over a threat to press liberty which might result from widespread imprisonment of newsmen might change the climate in which the Court might then have occasion to reconsider its opinion. Justice Powell is thought of as the swing justice in this long-range hope. It is imagined that the result on a reconsideration of the issue might be different.

This is a view I think those who entertain it would do well not to entertain, and which a careful reading of the dissenting as well as the majority opinions in Branzburg ought to quickly dispel. The dissenting opinion written by Justice Stewart and joined in by Justices Brennan and Marshall offers no more hope of an early construction of the first amendment to permit an absolute exemption for the purpose of preserving confidentiality of news sources than does the majority opinion written by Justice White.

The division in the Court, broadly stated, is between those in the majority who believe not even a qualified privilege exists in the instant cases by virtue of the first amendment, and those in the minority who believe a qualified—but not an absolute—exemption should be recognized, with Justice Douglas alone arguing for the existence of an absolute privilege as being required by the first amendment.

In terms of affording an absolute privilege, the division on the Court is in ac-

tuality, therefore, eight to one—not five to four.

Moreover, the type of qualified privilege urged by Justices Stewart, Brennan and Marshall as spelled out in the dissenting opinion, provides no grounds for encouragement to those who hope for an early or even eventual shift in opinion on the Court and prefer to await such an eventuality rather than trust the will of Congress in this matter.

For the qualifications those in the dissent on the Court would impose would require the Government to show "there is probable cause to believe that the newsman has information which is clearly relevant to a specific probable violation of law," that it "demonstrate that the information sought cannot be obtained by alternative means less destructive of first amendment rights," and that it "demonstrate a compelling and overriding interest in the information."

These were the very tests applied by the Court of Appeals for the Ninth Circuit in Caldwell and overturned in the majority opinion of the Supreme Court. They are the same tests applied in some of the qualified legislation pending in Congress to which the media rightfully exhibits gross apprehension. Even in the Supreme Court dissent, the caveat is added: "This is not to say that a grand jury could not issue a subpoena until such a showing were made . . ."

Thus, for the news profession, even the minority's test, if adopted by the majority of the Court and implemented, offers no comfort. For in any serious inquiry by a grand jury, public prosecutor or other agency which is not merely frivolous or designed to harass, the elements required by the test might reasonably be found to be virtually always present and therefore applicable to the cases involving newsmen which are the cause of our consideration of legislation in the first place, and which cases have already sorely demonstrated the crying need for action to preserve the free flow of information to the public.

The criteria of the qualifications that even those in the minority on the Court would impose are in reality so broad as to be almost self-fulfilling. Assuming a newsman, relying on a confidential source, writes a story bringing to light a previously unknown illegal activity, the knowledge of which is limited to perhaps the confidential source and those persons perpetrating the illegality, the fulfillment of the minority's test would almost flow from mere publication itself of the news story under the reporter's by-line.

Thus, publication of the story would be sufficient to demonstrate the reporter "has information which is clearly relevant to a specific probable violation of the law." Existence of only a single, unidentified confidential source as the initial basis for the story pointing to wrongdoing might be sufficient to warrant the conclusion that the information sought by the government "cannot be obtained by alternative means." And the possible illegality suggested in the news story itself surely is sufficient, as the Court held it to be in Caldwell, to "demonstrate a compelling and overriding interest in the information" on the part of law enforcement agencies.

Moreover, and of critical importance, only the Government can really know what "alternative means" might or might not be available to it, or whether it is acting out of genuine necessity or mere convenience. The reporter, moving to quash, is in the dark. The judge is in the dark.

That the continuation or even exacerbation of the problem we are considering with respect to confidentiality would remain inherent and unresolved, even with the granting of a conditional privilege such as spelled out in the dissent, was well recognized and stated by Justice White in the majority opinion, as follows:

> Presumably, such a rule would reduce the instances in which reporters could be required to appear, but predicting in advance when and in what circumstances they could be compelled to do so would be difficult. Such a rule would also have implications for the issuance of compulsory process to reporters at civil and criminal trials and at legislative hearings. If newsmen's confidential sources are as sensitive as they are claimed to be, the prospect of being unmasked whenever a judge determines the situation justifies it is hardly a satisfactory solution to the problem. For them, it would appear that only an absolute privilege would suffice.
>
> * * * * *
>
> In each instance where a reporter is subpoenaed to testify, the courts would also be embroiled in preliminary factual and legal determinations with respect to whether the proper predicate had been laid for the reporters' appearance: Is there probable cause to believe a crime has been committed? Is it likely the reporter has useful information gained in confidence? Could the grand jury obtain the information elsewhere? Is the official interest sufficient to outweigh the claimed privilege?
>
> Thus, in the end, by considering whether enforcement of a particular law served a "compelling" governmental interest, the courts would be inextricably involved in distinguishing between the value of enforcing different criminal laws. By requiring testimony from a reporter in investigations involving some crimes but not others, they would be making a value judgment which a legislature has declined to make, since in each case the criminal law involved would represent a considered legislative judgment, not constitutionally suspect, of what conduct is liable to criminal prosecution. The task of judges, like other officials outside the legislative branch, is not to make the law but to uphold it in accordance with their oaths.

What the concurring opinion of Justice Powell offers, considered in the light of a 5-to-4 opinion, is an expression that some first amendment right attaches to the gathering of news and that State and Federal authorities are not free to "annex" the news media as "an investigative arm of government." But as the concurring opinion would seem to make clear, Justice Powell awaits cases involving wholesale "harassment of newsmen" or grand jury investigations that are being conducted in "bad faith" to move any further. The sentiment, while offering something, really does not address the present situation or offer any remedy. For the cases which have raised the issue to our attention almost exclusively involve those in which public officials have proceeded in good faith and, quite legitimately from their viewpoint and the ends of law enforcement to be served, to seek such information from news sources.

It is worth pausing to reflect that in the one case of notoriety in which such harassment may have occurred and such "bad faith" been present, that of the Caldwell case, Justice Powell did not see it, and the majority found no bar to an open-ended fishing expedition among Caldwell's notes and tapes, in the process striking down the test urged in the dissent and which in fact had been applied by the appellate court which ruled in Caldwell's favor.

In sum, those who prefer to hope that a changed climate might produce a reverse decision by the Supreme Court, and those in the media who therefore wish to forego the risk of a qualified privilege emerging from the Congress instead of an absolute one, have little to look forward to, in my opinion. At best, after a decade of public dissension and the jailing of innumerable reporters, they might obtain from the Court, at most, the same qualified privilege they are fearful of obtaining from Congress.

CONGRESS IS ONLY RECOURSE

If there is to be an absolute privilege, as I believe there must be and as the news profession obviously feels there must be, it is only from this Congress, and not from the Court, I submit, that an absolute privilege can practically be obtained, whether now or later. Moreover, I believe it can be obtained now, because I believe the public necessity for it can be overwhelmingly demonstrated, and because I have some faith in my colleagues on issues of overriding bipartisan concern involving the structure itself of our free society and its balances.

It should be equally apparent that the view held by some that Congress ought not to enact legislation because, "What Congress gives, Congress can later take away," is not a view that offers any constructive hope of remedy for the situation that presently exists, either now or at any point in the determinable future given the 8-to-1 character of the opinions which were handed down by the Court on the question of an absolute privilege.

To argue that Congress ought not to be invited now to enact even an absolute privilege because it may at some point in the future qualify it is a futile and self-defeating exercise, it seems to me, which leaves us with no constructive solution at all to the problem that exists. It may well be that it will take "eternal vigilance" to preserve an absolute privilege if it is enacted now. But I suggest that what may be lacking now is "present vigilance."

At the same time, the fact that Congress can later modify and alter its work is an argument, I believe, for Congress to begin initially in legislating on this historic question by enacting the strongest, not the weakest protection. To enact an absolute protection now would be most in keeping with the spirit of the first amendment we have so zealously safeguarded historically. If experience proves there really is a need to include exceptions to the privilege which have not appeared to be required in the past even when a protection of confidentiality was

honored in practice, we can later amend. But why begin the effort to preserve a free flow of information, now threatened, by enacting the most feeble protection in consequence of our concern over the assault on the spirit of the first amendment? To enact less than clear and firm protection while maintaining that we can always, later, restore more freedom and more of what was lost in Branzburg if we wish, is to fundamentally misunderstand freedom itself I believe.

The future is never the time to insure freedom.

Past experience with honoring confidential newsgathering relationships has given no such compelling grounds for apprehension as seems to suddenly exist, nor does it fulfill the more creative fears now summoned by imaginative hypotheses that unless we make innumerable exceptions to a privilege, reporters will not tell us about imminent nuclear attack as learned from a confidential source; that innocent men will go to the gas chamber while reporters stay silent; that Mafia chieftains will begin writing books to obtain the privilege from testifying—in addition to the fifth amendment privilege—and that all other manner of horror to society will occur. Experience has been the opposite. An unfettered press has, instead, functioned to positively preserve and safeguard all the other values of our society.

In approaching its historic work, Congress should err on the side of preserving that which we have known and that which has worked, and err on the side of preserving liberty—not on the side of diminishing it in ways that could represent a loss forever.

This is perhaps the appropriate place to clearly indicate that it is a problem for Congress to face as much or more than the media. It is obviously understandable that with the imprisonment of reporters, the media is immediately concerned and affected in the most extreme way. As professional newsmen concerned professionally with getting information to the public, it is equally understandable that the media wishes to find appropriate means to continue to guarantee their capacity to do so.

But, in the final analysis, it is not, as they recognize their rights individually that are of paramount public interest, but the right of the public itself to the continued free flow of information. It is therefore peculiarly up to those of us in the Congress, as constitutional guarantors of liberty, to act in behalf of the public right to information whether certain elements in the press think it to be untimely in a political sense misguided in a legislative sense, unnecessary in a constitutional sense, or in any specific form, undesirable in a substantive sense.

The same answer addresses itself, I believe, to the reservation expressed by some Members of Congress that we ought not to act when the media itself is divided over the desirability of legislation and when a consensus as to the particular form of legislation among those who do favor it has not yet emerged.

In the last month, I believe a consensus has in fact begun to emerge and that it is behind the effort to enact absolute, unqualified legislation. The American Society of Newspaper Editors, which had previously regarded the prospect dubiously, has now moved to support enactment of an unqualified privilege. Similarly, Sigma Delta Chi, along with spokesmen for the electronic news media and Dr. Frank Stanton of CBS, and many others, have now called for enactment of the strongest bill possible. I believe this shift will continue and that the consensus will become even greater.

But whether it does or not, the answer must still be that such a consensus is not relevant to the fulfillment of our responsibilities in the Congress, on whom falls the requirement of moving now to protect the right of the public to the free flow of information. That is the compelling and transcendent need we must now act to guarantee as coequal custodians of liberty, whether certain large publishers rise to the challenge threatening this public right as quickly and clearly as one might wish or not. And I am not persuaded that certain large publishing ventures and media corporations have responded, at least initially, as courageously as we might have wished or expected, or even as have those individual newsmen who chose jail rather than violate their conscience and canon of ethics.

It is perhaps understandable that the attorneys in the Branzburg and Caldwell cases before the Supreme Court did not even raise the issue of an absolute protection afforded by the first amendment, though briefs filed by the American Society of Newspaper Editors and others did make the case. It is understandably incumbent on an attorney, nevertheless, to raise that defense which best accommodates itself to those areas of case law offering hope for the most favorable possible verdict on behalf of clients who are threatened with imprisonment. Less understandable has been the appalling timidity with which the editorial boards of certain large newspapers have reacted, a timidity exhibited, oddly, by some of our most powerful, most wealthy and most ostensibly liberal publishing ventures, rather than by the countless medium-sized, less powerful and presumably less liberal of our daily and weekly newspapers throughout the country.

Whatever the explanation may be for the diverse response on the part of the media, it is similarly irrelevant to our responsibilities. It is for us in the Congress to preserve and protect the free flow of information and the liberties of our people whether those in the media are slow or quick to move to protect those same liberties, whether they are divided or together in pursuit of the remedy.

In fully understanding our responsibility and the public need that impels enactment of an absolute privilege, I think we would do well to ask the significance to be attached in the event we do not do so and the practical result proves to be other than the fears to which I have given voice.

Alternative possibilities do exist to the prospect that large numbers of our newsmen might face the threat of imprisonment.

DIMINISHED NEWS

One alternative is that they will not in fact end up in prison. Perhaps large numbers may comply with the mandates of the law and public agencies and reveal confidential news sources which, in time, will dry up, cease to exist, or otherwise become unavailable for the enlightenment of the public. Or newsmen may simply avoid the choice imposed between their conscience and the law by no longer undertaking the vigorous and robust investigative role they have in the past. Or sources themselves may determine the issue by no longer making information available to the press. Most likely, all these eventualities will occur in combination.

Under any of these alternatives, the public loses—perhaps far more than if our prisons, in fact, became filled with newsmen who, at least, performed the function of continuing to get information to the public on their way to jail, and even as their yet unjailed fellow reporters continued to perform this vital function, if in ever-dwindling numbers.

If the prospect of filling our jails with newsmen is properly thought to have a "chilling effect" on freedom of the press, the absence of newsmen from those same jails in compliance with wholesale summonses to produce confidential information might properly mark a permeating narcosis in the stream of information consciousness to the public, a pall and slumber that would pose a danger to our liberties of immeasurable extent.

For we in the public would no longer know, after a time, what and how much we did not know. It is sufficient to illustrate the case to note how little we in the Congress knew for years about our growing involvement in Southeast Asia, and still do not know. Not until publication of the Pentagon papers did we begin to suspect the extent of the official misinformation that had been given us and the extent of our own ignorance, step by step, as we helped contribute blindly toward the creation of that tragedy. The result of wholesale termination of investigative reporting would be, domestically, to plunge us all into the same dark ignorance over our own public affairs at home, be it in the Nation's capital or in the small towns and villages across this country; while those in power and with official responsibilities retreated further and further from accountability; and public policies, increasingly forged by a few, unknown to the many, profoundly shaped and determined our lives at home and shaded the future of liberty for generations.

As long as newsmen continue to go to jail, we will at least know what we would have lost had they not done so. At the moment they, in compliance with our failure to enact anything less than an absolute privilege, stop going to jail—either because their sources no longer exist or because they choose the law over their conscience—at that moment we begin to descend together as a society into the vacuum of powerlessness at home to match the powerlessness we have experienced in trying to extricate ourselves abroad.

While some newsmen might comply with the mandates of the law, there is little doubt that many others will, in fact, go to jail. The canon of ethics enacted by the American Newspaper Guild in 1934 reads as follows:

That newspapermen shall refuse to reveal confidences or disclose sources of confidential information in court or before other judicial or investigatory bodies, and that the newspaperman's duty to keep confidences shall include those he shared with one employer after he has changed his employment.

The final remaining alternative is perhaps the most fearful of all. It is that, in any event, we will prove not to care.

TYPES OF INFORMATION

It is necessary, I think, that we all fully understand the scope of the kind of public information we are talking about which is at stake in our consideration of legislative remedies, as well as in our appreciation of the broader social implications which would result from our failure to enact absolute protection of confidential newsgathering relationships and activities.

The following summary, compiled through the energetic and exhaustive efforts of my distinguished colleague in the other body, Senator ALAN CRANSTON, is worth inserting even in this already lengthy statement at this point because of its extreme importance and direct bearing on these questions. Senator CRANSTON, who has sponsored in the Senate the same legislation I have introduced in the House in behalf of an absolute privilege, has compiled the information in an effort to illustrate the kinds of stories investigative reporters write or broadcast, the results of those stories, and the true beneficiaries—the public. The summary follows:

KNX Radio in Los Angeles, explaining that both their news and editorial departments rely on confidential sources, lists some recent editorials which they say would not have happened without a confidential tip to start with. These editorials included:

An illegal appointment to the City Planning Commission.

An alleged financial flim-flam behind the Los Angeles Convention Center.

The details of a land swap that suggested a secret deal between city hall and an oil company.

The unfair and illegal destruction of a park.

The exploitation of a tribe of Indians by some judges, lawyers and a major bank.

The parking ticket mess that jails innocent people in Los Angeles.

The beating up of a student editor by the UCLA student body president.

The threats made against police officers by a group of professors.

The attempt by an Assemblyman to create a new Assembly district for one of his friends.

* * * * *

In its first full year of operation, the Boston *Globe's* four-man investigative team published reports that resulted, among other things, in: 119 indictments against 27 people, including three former city mayors and a city auditor; Passage of legislation requiring the State Turnpike Authority to put all projects out for competitive bidding; A probe of scandalous land speculation in another Massachusetts city by the District Attorney's office.

* * * * *

Newsday conducted a three-year investigation and exposé of secret land deals in eastern Long Island which led to a series of criminal convictions, discharges and resignations among public and political officeholders in the area.

* * * * *

The recent CBS Special, "The Mexican Connection," revealed narcotics smuggling practices which enabled the government to more effectively curtail those practices.

* * * * *

Two reporters and a photographer for the Philadelphia *Bulletin* exposed collusion between police and numbers racket operators.

* * * * *

David Burnham of the New York *Times* exposed widespread police corruption in that city and initiated the present department-wide cleansing of criminal influences.

* * * * *

It was newspaper stories that produced the clues that led to arrests in the Yablonski murder case.

* * * * *

The Riverside (Calif.) *Press-Enterprise* won the Pulitzer Prize a few years ago when it exposed corruption in the courts in connection with the handling of property and estates of a local Indian tribe.

* * * * *

And here is a five-year record of revelations of widespread corruption in government by the Los Angeles *Times* revelations which, in the editors' own words, "depended heavily on the trust placed in *Times* reporters by hundreds of news sources":

"In 1967, an investigation of a proposed World Trade Center on Terminal Island led to a grand jury inquiry and the indictment of four commissioners.

"In 1968, an investigation of the Recreation and Parks Commission resulted in the indictment and conviction of a commissioner.

"In 1968, an investigation of the Rapid Transit District led to the indictment of two men who had arranged the sale of surplus equipment at a cut-rate price.

"In 1969, an investigation disclosed that a Los Angeles city planning commissioner and the city planning director had joined a group of developers and had bought land for speculative purposes on the site of a proposed airport at Palmdale.

"In 1969, an investigation disclosed irregularities in the Beverly Ridge Estates development financed by Teamster Union pension funds in the Santa Monica Mountains.

"In 1971, an investigation disclosed waste and mismanagement in the development of the Queen Mary as a maritime museum.

"And last June, an investigation disclosed speculative land investments based on inside information by Anaheim's city manager and public works director who played key roles in planning public works that boosted the value of their property."

EFFECT ON SOURCES

Similarly, it is vital to understand the chilling effect on the ability of newsmen to obtain such stories which is already resulting from the absence of any guarantee of confidentiality.

William Thomas, Editor of the Los Angeles Times, cited just one such instance in a recent speech reprinted in the newspaper December 24, 1972:

After literally years of trying to find a businessman willing to tell in detail how he did business with a public agency, we persuaded one to do so as a public service. Anonymously, of course, for he wanted to continue to be a businessman.

Two weeks ago, long after this story was published, he called me and asked if these stories about the judges and newsmen's sources meant he faced the danger of retroactive identification. He was serious, and he was afraid.

Do you think this respectable man, and others like him and others not so respectable, will ever tell what they know to a newspaper again? And if they don't, do you think that you will ever hear through any other avenue what it is that they have to tell you?

* * * * *

At the time of the riots, can you imagine the people of Watts talking frankly with us about their troubles with the police, or educators talking candidly about the schools there, to mention only a few, if they knew we might be forced to publicly identify them?

The following example was cited in an article by Mark R. Arnold carried in the National Observer of December 30, 1972:

CBS wanted to interview a "cheating" welfare mother in Atlanta for a network White Paper on public assistance. Producer Ike Kleinerman agreed to disguise her voice and appearance. But the woman, fearing prosecution, demanded a pledge that the network not divulge her name if subpoenaed to do so. Kleinerman called CBS' legal counsel in New York and was told the network couldn't guarantee to protect the woman's identity. The interview was cancelled.

As Pulitzer Prize-winning reporter William Jones of the Chicago Tribune notes:

Anonymity is essential. It is frequently the first question asked by a potential confidential source in the first telephone conversation. If you can't guarantee it you will probably never hear from the source again.

From just the foregoing, minor sampling, it takes little imagination to realize and appreciate that the variety and scope of public information subject to loss in a climate where confidential sources can no longer be protected cuts across virtually every other interest of a free society, in all of its activities, and in which the need to know and to possess this kind of information is an absolute requirement to remain functioning as a free society.

There is no way selectively to qualify which kinds of information must remain free to reach the public under pledges of confidentiality, and which may be dispensed with in order to serve some other public purpose. To even attempt to draw such distinctions, judicially or legislatively, is to bring down the whole structure, which, antithetically, is exactly what the phrase "free flow of information" means, and what it is.

It is for this same reason that Harvard Law Professor Paul Freund was moved to observe that: "It is impossible to write a qualified newsman's privilege. Any qualification creates loopholes which will destroy the privilege."

The ambiguities of interpretation and application alone would prove endless and destroy the privilege.

As Senator CRANSTON noted in his previous testimony before the subcommittee:

A pending Senate bill would deny the protection in cases where there is "a threat to human life" . . . But what constitutes a threat to human life? Is bad meat sold to the public a threat to human life?

The erosion alone of successive judicial interpretations would prove sufficient to erase the meaning of any privilege.

It was stated well, I think, by Justice Douglas in his dissent in the Branzburg-Caldwell decision:

Sooner or later any test which provides less than blanket protection to beliefs and associations will be twisted and relaxed so as to provide virtually no protection at all.

As Justice Holmes noted in *Abrams* v. *United States*, such was the fate of the "clear and present danger" test which he had coined in *Schenck* v. *United States*. Eventually, that formula was so watered down that the danger had to be neither clear nor present but merely "not improbable".

Given all this, one might still not press the case for enactment of an absolute privilege if it could be convincingly shown that some equivalent gain in some other aspect of the public good might be served through compelling newsmen to reveal their confidential sources of information and newsgathering activities.

But it has yet to be shown what other right might be protected, or what public gain might be achieved, that would not also disappear in proportion to the speed which news sources disappeared under threat of exposure and as the press ceased to have access to them.

It is important to note at this point that the effect of eliminating the confidentiality of sources on the ability to procure information has not been seriously contested, and was not contested in the Caldwell or Branzburg cases. The Government has not argued that the imminence of sources drying up claimed by the news profession is erroneous. There is no contention this will not occur or is not occurring. Rather, the Government in these cases has, in effect, merely asserted it wants the information, anyway, so long as it is available, however short a time that may be, simply because it is entitled to it. It is further content to rest on the simple insistence that newsmen, like other citizens, are required to provide information on criminal misdeeds before Federal grand juries just like other citizens, the view also preferred by the majority of the Court.

The public policy implications of the Government's position—and of the opinion of Justice White, in writing for the majority—defy comprehension. For the limited period of time in which the prosecution of some offenders might be enhanced through the forced testimony of newsmen before that value disappears as the newsman's confidential sources disappear, we are asked to permanently give up the value to society as a whole that comes from the free flow of information. In the end, we are left with neither the benefit of the confidential news sources we force reporters to identify, nor the news stories which previously would have resulted by permitting that relationship of confidentiality to continue.

It is axiomatic that if confidential news sources dry up, newsmen no longer have either the investigative brand of reporting which contributes so basically to a free society, nor the testimony to contribute to grand juries which resulted from their reliance on confidential relationships. Law enforcement is no longer enhanced—and a vital component of public knowledge and dialog is obliterated.

LAW ENFORCEMENT

The inescapable conclusions at this point is that both the objective of law enforcement and the necessity of preserving a free flow of information to the public are no longer met and that we are poorer on all counts than had we preserved the confidentiality of news sources. For presumably, even prosecutors, police departments, grand juries and judges, as part of the public, need to know and remain aware of those cross-currents of information and discourse affecting all aspects of the public life of the community which it is the peculiar function of investigative reporting, based on use of confidential sources and independent newsgathering activity, to provide. It is to the advantage of law enforcement officials, also, to remain free to read newspaper articles describing the inner workings, motivations, plans, and personalities associated with, for example, the Black Panthers.

Absent the general flow of such information to them as to the rest of the public, can it be seriously suggested that the overall competence and ability of law enforcement is anything but diminished by lack of such regular knowledge? Can it be seriously maintained that a random use of reporters' testimony in a given case, or a dozen cases, prior to the disappearance of reporting based on pledges of confidentiality, could ever be weighed favorably against the general loss of all those various kinds of information which perhaps led in the first place to the very case in which the newsman's testimony was compelled, and to scores of others where it was not?

As Senator CRANSTON persuasively observed:

> Once you make an exception (to the privilege), say an exception for murder, then it is highly improbable that any informant having information about a murder will talk to a newsman—or to anyone else—if that informant wants to remain anonymous.
>
> But if the protection of anonymity is absolute, then people who have confidential information about a murder will continue to come forward and will continue to provide useful information leading to the prosecution and conviction of murderers.

Again, one has only to review the scope and variety of the kinds of investigative stories which regularly appear exposing illegality, corruption and criminal wrongdoing in places both high and low, in the variety of our institutions, public and private, and affecting society across the board in relation to almost any pursuit, to appreciate the quite possibly irreplaceable aid to law enforcement provided by a free and unfettered press. To restrict this flow of information would be to leave law enforcement officials no less than the rest of us increasingly ignorant and uninformed about what is taking place in society and in our communities and, specifically, ignorant of the wide range of illegal activities regularly brought to our attention not by police departments in the first instance, but by the press.

To obliterate this irreplaceable aid to the general objectives of law enforcement in order to secure, for a short time, random testimony from newsmen in a few isolated cases, would be a loss to law enforcement in general for which it would appear impossible to compensate.

We cannot, quite obviously, predict the full effect of a failure by the Congress to act, or of the enactment of a merely qualified statute which would, in its effect on confidentiality of sources, be equivalent to inaction. But we know the effect can be nothing other than great and, most importantly, that if we wait to act until the pall is upon us and the damage done, some portion of our loss will prove irretrievable, and for possibly a very long or permanent length of time.

As Justices Stewart, Brennan, and Marshall noted in their dissent:

> The deterrence may not occur in every confidential relationship between a reporter and his source. But it will certainly occur in certain types of relationships involving sensitive and controversial matters. *And such relationships are vital to the free flow of information.*
>
> To require any greater burden of proof is to shirk our duty to protect values securely embedded in the Constitution. We cannot await an unequivocal—and therefore unattainable—imprimatur from empirical studies. We can and must accept the evidence developed in the record, and elsewhere, that *overwhelmingly supports the premise that deterrence will occur with regularity in important types of newsgathering relationships.*
>
> Thus, we cannot escape the conclusion that when neither the reporter nor his source can rely on the shield of confidentiality against unrestrained use of the grand jury's subpoena power, *valuable information will not be published and the public dialogue will inevitably be impoverished.* (Italic supplied in all cases.)

Despite these findings, it is nonetheless argued by some, apparently with seriousness, that, even so, reporters ought to be compelled to testify simply to make them subject in this instance to the same requirements imposed on all citizens. Some, perhaps understandably, might find a sort of perverse, Puritan, or even political satisfaction merely in insisting that reporters be made to behave just like everybody else, and regardless of the broader social consequences that might result from a sharp diminution of the free flow of information to the public. I suggest we cannot afford the indulgence of such feelings if we find any serious merit in the preservation of a free and democratic society.

There are others who make this same argument, minus such perverse motives, and who genuinely find it objectionable to permit an exemption for confidentiality of sources. They note that the right to freedom of the press is not "absolute" and properly note the requirements of balancing conflicting rights. This in essence is what the majority of the Court in Branzburg held when it stated:

> The public has a right to every man's evidence.

GRAND JURIES

But if freedom of the press is not an absolute, in conflict with other rights held by the people, neither, as Justices Stewart, Brennan, and Marshall pointed out, is the power of the public, through the grand jury, absolute to compel, "every man's evidence." As they stated it:

> Yet the longstanding rule making every person's evidence available to the grand jury is not absolute. The rule has been limited by the Fifth Amendment, the Fourth Amendment, and the evidentiary privileges of the common law. So it was that in *Blair*, after recognizing that the right against compulsory self-incrimination prohibited certain inquiries, the Court noted that "some confidential matters are shielded from considerations of policy, and perhaps *in other cases for special reasons a witness may be excused from telling all he knows.* (Italics supplied.)

* * * * *

This Court has erected such safeguards when government, by legislative investigation or other investigative means, has attempted to pierce the shield of privacy inherent in freedom of association.

* * * * *

Similarly, the associational rights of private individuals, which have been the prime focus of our First Amendment decisions in the investigative sphere, are hardly more important than the First Amendment rights of mass circulation newspapers and electronic media to disseminate ideas and information, and of the general public to receive them.

Moreover, as the majority opinion itself noted:

The public through its elected and appointed law enforcement officers regularly utilizes informers, and in proper circumstances may assert a privilege against disclosing the identity of these informers.

The distinction the majority finds between the protection of the confidentiality of police informers, apart from the fact it is only a qualified and discretionary privilege, and between the protection of confidential news sources, is that—

The purpose of the privilege (for police informers) is the furtherance of the public interest in effective law enforcement. The privilege recognizes the obligation of citizens to communicate their knowledge of the commission of crimes to law enforcement officials and, by preserving their anonymity, encourages them to perform that obligation. (*Roviaro* v. *United States*, 1957)

And:

There is little before us indicating that informants whose interest in avoiding exposure is that it may threaten job security, personal safety, or peace of mind, would in fact be in a worse position, or would think they would be, if they risked placing their trust in public officials as well as reporters. We doubt if the informer who prefers anonymity but is sincerely interested in furnishing evidence of crime will always or very often be deterred by the prospect of dealing with those public authorities characteristically charged with the duty to protect the public interest as well as his.

I wish I could find this view anything other than naive and insensitive to the realities of our society as its exists and to how the press actually functions in a free society, because it is frightening, at least to me, that this naivete could exist on the level of the Supreme Court of the United States. I confess to reacting with a sort of freedom of speechlessness to the view enunciated.

Of course, one would always prefer to imagine, as the Court does, our public officials and law enforcement agencies cast in a role as sensitive protector of the fate of confidential sources of wrongdoing, fully as able as the press to safeguard them and, also, as elected or appointed officials, able to act as the true agents of the public in determining the balance that ought to exist in any given instance between the right of the public to depend on confidential information from informants for its flow of information and the other rights of society against which that right is to be balanced.

But what of the example of, let us say, the young patrolman with knowledge of widespread corruption in his precinct or department and who, being fearful for his job and possibly for his life, turns to a newspaper reporter to make that corruption known in return for a pledge of anonymity? How many articles have we all read by investigative reporters exposing burglary rings operating in some of our major metropolitan police departments, or large-scale pay-offs reaching even to higher ups in the police department, or into a district attorneys office, or a mayor's office? If we are that patrolman, uncertain of the honesty perhaps even of his superiors, and certain of retaliation by other officers, perhaps some not even known to him, to whom does he carry his story, knowing that in safety and anonymity, he can make the existence of this corruption known to the public?

I am afraid he does not, in Justice White's antiseptic view, "risk placing his trust in public officials" of whose honesty he may be gravely apprehensive. He goes to the press. At least, he does so now. In the absence of the press, I think he goes to no one.

This is the second aspect in which the free flow of information provided by the press serves law enforcement, I think—as a check and balance within our society against the abuses by law enforcement officials themselves and by others holding public trust.

It cannot be thought that the public administration of justice would have been served had not sources within police departments over the years, under a pledge of confidentiality, provided the basic information by which newspapers have exposed widespread corruption in major metropolitan departments with all to frequent and frightening regularity.

The effect achieved by those who would have us cease to guarantee the confidentiality of sources of news would be to terminate also that check and balance on the administration of justice, when there is every evidence we need desperately to preserve it.

Moreover, either in law or in practice, we have recognized for good reason and sound purposes of public policy other exceptions to the rule that—

The public has a right to every man's evidence.

And despite an overriding and compelling public need that demonstrably and unquestionably justfies compulsion of citizens in other ways, if considered only in a limited context, we have nonetheless recognized the value of exemptions to otherwise-universal requirements of the law.

Thus, considered alone and only in its own context, the public indeed superficially might appear to have an overriding need and right to certain information which may be in the possession of newsmen.

Yet, to take an example of a completely different context, perhaps no greater need or national interest existed in World War II than to compel every able-bodied man to come to the defense of the country, under mortal attack. Even in that critical hour, however, when the Nation labored for its very existence, we recognized the validity and importance of an exemption from combat for conscientious objectors—an exemption provided not so much for their benefit as for the importance in a larger way to our own society, even under attack, of preserving and respecting the quality of individual conscience and the broader substance of liberty.

Surely, in some cases, it might be said an overriding public interest would justify compelling a wife to testify against her husband, a priest against the penitent, the lawyer against his client, the doctor against his patient, or the defendant against himself—and I note that the Supreme Court is at least remaining consistent by its issuance of the revised rules governing Federal courtroom procedure in which some of these ancient privileges also appear destined to be wiped away unless Congress acts. These privileges may have been variously founded and thereby variously applied. But there is no question but that there is attached to these relationships a special character even within the functioning of the processes of justice, to one degree or another, ranging from the absolute mandated by the Constitution to the dispensation merely observed in usual practice. The point remains that, however founded, and with whatever degree of observance, we recognize in principle the value and importance to society of certain exemptions for the benefit of other and broader social values. They involve the very texture and fabric of the kind of society to which we aspire and presume, and we weigh these considerations apart from the immediately pressing requirements of law enforcement or judicial process.

Certainly the public interest in preserving the free flow of information is of sufficient importance to place a privilege involving the confidentiality of newsgathering and sources of information into this category. Neither is the concern insubstantial in contemplating the effect on society and on the free flow of information by futilely attempting to use the law to compel a regular violation of the professional canon of ethics and the individual conscience of newsmen, on a wholesale basis, in order to serve an altogether new function for the purposes of law enforcement, which until 1960 did not seem to be required to fulfill its objectives. To use the machinery of the judicial and law enforcement processes now in these new and uncharted directions, impinging on the functioning of confidential newsgathering relationships and activities, is to inject into our society a requirement at odds with newsmen's conscience, pitting that exercise of conscience by newsmen against the requirements and power of law and government, with no rational expectation of public gain and with the certainty of immeasurable public loss.

If it is said that law enforcement will crumble unless we compel newsmen to violate their conscience by providing information sought by the state, it was also maintained during World War II that this country would succumb unless conscientious objectors were made to fight. But we did come to recognize the genuine demands of conscience of certain objectors. The country did not succumb.

Neither will law enforcement in our country crumble if it cannot have access to confidential newsgathering information on a scale it has never either required or had in the past, or unless it can routinely jail reporters who, by reason of their canon of ethics and as an act of conscience exercised on behalf, not of themselves, but of the public, refuse to betray their sources of information or the integrity of their function as newsmen.

There are two remaining areas in considering an absolute privilege which trouble even some sympathetic with the purposes of such a statute, and these involve the impact on the laws of libel and on the rights of criminal defendants.

AREA OF LIBEL

Considering the area of libel first, I think we need to separate in our consideration those libel actions arising out of cases involving nonpublic figures from those arising out of cases involving public figures, and where the Supreme Court decision in New York Times against Sullivan stretched the permissible limits of published comment involving public figures and correspondingly laid down a requirement that "actual malice" be proven by the plaintiff as the requirement for a favorable verdict.

It seems to me in the first instance that the question involving the proposed privilege does not arise, or, if it arises, that it does so to the detriment of the newsman who might find himself the defendant in a libel action brought by a nonpublic figure and where the tests of Sullivan are inapplicable. Where his defense still rests with a showing he acted truthfully, with good motives and for justifiable ends, the reliance his defense may need to place on confidential sources remains a matter for his own conscience and possibly his instinct for a favorable defense verdict.

In the cases to which New York Times against Sullivan would be applicable, however the example is raised in which a public figure is burdened as a plaintiff by the necessity of demonstrating actual malice by a newsman, and that the only means of proving that actual malice may be to require the disclosure of confidential sources and/or to subpena newsgathering materials. The issue was directly raised most recently in *Cervantes* v. *Time, Inc.*, 464 F. 2d 986 (8th Cir. 1972, cert. den. Jan. 15, 1973.) The point is made that it might be extremely difficult for a plaintiff to obtain a favorable verdict in the absence of an ability to compel disclosure. In some cases, this might be true.

Yet I think it is important not to lose sight of the basic fact that the very purpose in Sullivan intended by the Court was to make it more difficult for public figures to obtain relief, the justification being the regarding those who, by virtue of being public figures and willingly accepting the burdens of office or other social responsibility, function in a democratic dimension which requires greater subjection to the vagaries of exposure, speculation, commentary, and public judgment.

Those who feel enactment of an absolute, unqualified privilege for newsmen would place an impossible or unfair burden on plaintiffs in the Sullivan-type case overlook the present state of the law in such libel actions involving newsmen. That state is ambiguous at best. But under the ruling in Cervantes, it is clear that even at present and without the proposed absolute, unqualified shield bill that a plaintiff does not necessarily have a right to obtain confidential information from the newsman against whom the suit is brought in an effort to meet his burden of showing actual malice unless he can make "a concrete demonstration that the identity of defense news sources will lead to persuasive evidence on the issue of malice."

The reasoning of the Court was that—

To compel a newsman to breach a confidential relationship merely because a libel suit has been filed against him would seem inevitably to lead to an excessive restraint on the scope of legitimate newsgathering activity.

However much the plight of public figures might arouse the empathy, sensitive concern and sympathetic regard of those of us who are Congressmen, the concern expressed in this area does not seem to me to have such validity as to overweigh, either in scale or principle, the compelling need to preserve the public's right to the free flow of information and which requires enactment of an absolute privilege.

I suggest, in fact, that much of the concern over enacting an absolute and unqualified shield law which does not carry an exception for the libel area really reflects a concern with the consequences of the various court decisions in Sullivan and in Cervantes, together with perhaps a lack of appreciation also of the current state of libel law, which well insulates under Cervantes the newsman from whom information would be compelled; for the burden the plaintiff must meet under Cervantes in the effort to compel such disclosure is really as difficult and arduous as the need to show actual malice in that he must first show by substantial evidence that—

There are strong reasons to doubt the veracity of the (undisclosed) defense informant or the accuracy of his reports." 464 F2d at 994.

We ought not to use this legislation as the vehicle to respond to our concern, if it exists, with the complex issues growing out of the specific decisions reached by the courts in the libel area where newsmen are involved. It seems well agreed among legal experts on libel that if we do not include a provision dealing with libel in this bill, the present libel laws as interpreted and applied still pertain and the newsman still must answer to the suit brought alleging libel, and the current court findings applicable to disclosure still apply. Congress ought particularly to be wary of including language which could have the effect of making confidential sources even more open to compelled disclosure than the courts presently would do in light of the constitutionally protected function attached to newsgathering. Our intrusion in this area at all would very likely, in my judgment, have that effect, and I would think that would not be our intent.

If it is correct, as many maintain, that the definition of public figure is now so broad as to include just about anyone whose name appears in print, the remedy, I suggest, lies in altering the laws dealing with libel or by some action, through changing the burden or standards of proof required or other means, narrow the applicability of the Sullivan tests to those who legitimately ought to have to make a greater showing by virtue of being public figures in the genuine and originally intended sense.

To attempt to deal with the question, instead, in this legislation, designed to respond to a particular problem, and designed to preserve the ability of the press to provide a free flow of information to the public, would be as undesirable as it would unwieldy, very likely defeating the purpose of the legislation itself.

For to grant an exemption in this bill for cases of libel would do far greater damage even than the fact it would, for the first time, and again with all the force of statute, lay down a requirement that confidential sources be disclosed more absolute and unrecognizant of the newsgathering function to be protected than even the court in Cervantes has done.

It would, in addition and instead, invite any public figure embarrassed by an exposé, perhaps, of his official conduct and anxious to find out who provided the information exposing him, to simply bring a libel suit and thereupon demand the identity of the confidential source. Thus an exception for the libel area perhaps more than in any other area in which exceptions are proposed would effectively wipe out, with the broadest possible stroke, the meaning of any legislation. It would destroy—not preserve—the confidentiality of newsgathering relationships as would nothing else. Its impact would be more adverse than Branzburg. It would go further than Congress has ever gone and in a negative way. Because, as the U.S. Court of Appeals for the Second Circuit recognized in Baker against F & F Investment, supra, in denying a motion to compel disclosure by a journalist in a civil action, an absolute positive requirement of disclosure does not presently exist in Federal law. With the enactment of an exception in this legislation for such civil areas, in my judgment, such a positive requirement would, for the first time, then exist.

I do not believe that is what even those concerned with the impact on libel cases intend. But I believe that would be the result of making such an exception.

Moreover, grave doubt as to constitutionality would exist, I believe, were the Congress to compel disclosure in any qualifications it included in ways beyond what the courts have already held might be compelled by virtue of the first amendment nature that attaches to newsgathering and which affords it special protection, including, as indicated in Cervantes, protection under some circumstances for confidentiality.

Congress, therefore, confronts complex

constitutional questions wherever it might seek to limit the shield or specifically delineate exceptions. They are questions, in my judgment, Congress need not confront, and ought not to confront, in this legislation. What it ought to confront is the clear constitutional suitability, as the majority found it to exist in Branzburg, to enact a shield law for the purpose of protecting the free flow of information.

I would urge that we are better on all grounds to adhere to the simplest bill possible if it is to meet the objectives which with the variety of contemplations such consideration provokes which do not try to deal in this bill with the variety of contemplations such consideration provokes which do not need to be dealt with in existing practice or law and would remain unaffected, or because the apprehensions which provoke some of the proposed apprehensions are unfounded in law or fact.

Another major area, however, needs to be discussed.

IMPACT ON DEFENDANTS

The rights of defendants and hypothetical negation of them asserted by some persons who, I believe, misjudge the meaning and effect of the proposed absolute shield bill, nevertheless troubles many and perhaps some liberals the most.

In the hypothetical extreme used to illustrate, an innocent man is about to be convicted of murder and sentenced to death and actually executed. Only forcing a newsman to reveal confidential sources and/or producing confidential newsgathering materials can save him. Enactment of an absolute privilege, ergo, would doom the innocent man to death.

It seems to me there are several reassuring answers to this.

One is that it stretches the imagination, I think, almost to the breaking point to conceive of a newsman so conscientious and dedicated to the ethics of his profession and the society he serves that he will, in one instance, go to jail rather than betray his oath of confidentiality to a news source; but who, in the hypothetical example, is suddenly so absent of conscience that he will knowingly allow an innocent man to die rather than voluntarily, having weighed the respective rights of all concerned, make information available that will spare our hypothetical example the fate of undeserved execution.

Nothing in the enactment of an absolute statute, it must be stressed, bars the voluntary disclosure of sources by newsmen where the need is overriding and compelling, whether in this hypothetical instance or in any other instance, nonhypothetical.

A second answer is that one has to weigh against the hypothetical example the quite-clearly unhypothetical example of hundreds, or perhaps even thousands, of instances in which a free investigative press, relying on confidential sources, has in fact saved innocent persons convicted by the State for a variety of offenses of which they were, in fact, innocent, and who might not have been spared absent the ability of the press to rely on confidential sources. I submit it takes far less imagination to picture the future innocent person convicted of murder and his fate once the confidential sources on which the press relies no longer exist.

Finally, the hypothetical innocent defendant is not without legal recourse in the eventuality that testimony thought to have substantial bearing on the question of guilt or innocence was excluded by invocation of a privilege. The same legal processes remain open to him as in all other cases where a privilege against disclosure is invoked and which prevents testimony thought to be crucial, such as in the recent cases in which the Government elected to drop charges rather than disclose confidential security information in its possession, or where a motion for directed acquittal or declaration of mistrial is in order.

CONSIDERATIONS IN DRAFTING

The task remains of considering the specific language and scope of legislation to enact an absolute and unqualified privilege, and of some of the pragmatic considerations which weigh on us as legislators who must address the general question of the degree to which refinement of any statute we draft ought to be left to the courts, and the degree to which we can safely depend on the use of legislative history to assure compliance with the statute as intended, and the degree to which we cannot so depend.

I suggested we ought not, in the light of recent experience, leave much to the legislative history that is really properly substantive, but that we ought to make the provisions of the statute itself unmistakably clear in its applications.

It came as some surprise, I know, to my distinguished colleague from California who authored the Freedom of Information Act, Congressman Moss, and who has always been clear that the exemptions provided in that act insofar as secrecy classifications are concerned were open to citizens' challenge and subject to judicial review, to read the recent Supreme Court decision judging them beyond the scope of review because of the Court's peculiarly unique reading of the legislative history. The result of that particular decision has been, in large effect, to turn what was initially a Freedom of Information Act into a Freedom From Information Act; and a piece of legislation drawn to open the doors of the executive branch to the light of public scrutiny, is transformed into a vehicle for shrouding it ever deeper in the darkness of secrecy.

We ought not, in this awesomely vital and particularly sensitive task, to make the mistake in this instance and with this particular Court of relying on legislative history in the place of clear statutory language.

In the judicial area, I concur with the majority in Branzburg that presiding judges in trials and grand jury proceedings ought not to be asked to make finite value judgments and applications case by case. Enactment of an absolute statute would virtually remove this cause of apprehension. But in addressing the question generally as we weigh the matter of legislation, I think there are additional reasons not to leave these fine distinctions and areas of interpretation to trial judges, and one of those reasons lies in the despairing account carried in a lengthy Los Angeles Times editorial of November 29, 1972, of some of those fine distinctions drawn by presiding judges in the area of the first amendment already:

A Monterey County judge not only restricted the release of information to the media but removed the press and the public from the courtroom while the censorship order was argued. Furthermore, he forbade public complaints about the order.

A New York justice barred the public from a criminal trial.

The secret proceedings ordered in a court in Ventura County were so bizarre that an appellate court commented:

> In the present case, it is startling to see the evils of secret proceedings so proliferating in seven short weeks that the court could reach the astonishing result of committing a citizen to jail in secret proceedings, could contemplate inquisitorial proceedings against the newspaper reporter for reporting this commitment, and could adopt the position that the district attorney, the chief law enforcement officer in the country, was prohibited on pain of contempt from advising the public that someone had been sent secretly to jail . . .

A superior court judge in Los Angeles County attempted last August to enforce direct censorship. He ordered the media, an order that was appealed, not to print or broadcast anything relating to a murder case except proceedings in court, over which, of course, he exercises direct control.

A superior court judge in Los Angeles prohibited any comment on a pending case by the county, its sheriff and district attorney, the city of Los Angeles, its chief of police, and board of police commissioners. His assertion of power was so broad that a writer on legal affairs stated:

> Thus a single judge in a single community felt it appropriate to . . . assume the role of the Legislature, the Supreme Court, the executive head of local government, the promulgator of rules of professional conduct, and, most importantly, a censor of speech.

Another judge, in a flight of imagination, named the district attorney, the sheriff, the chief of police and the police commissioners of Los Angeles as "ministers of justice," and declared, as such, that their speech is peculiarly subject to judicial control."

A Baton Rouge, La., judge ordered newspapers not to publish news about the trial of a civil rights case.

An Arkansas judge ordered newspapers not to publish news on the verdict of a rape trial.

The State court of appeal waived aside a California law that protects the confidentiality of news sources—in the Farr case—and said it regarded such laws as "an unconstitutional interference by the legislative branch with an inherent and vital power of the court to control its own proceedings and officers."

And finally, a San Andreas, Calif., judge cited a local newspaper publisher for contempt for writing an editorial critical of the fact the judge had personally filed a complaint against his neigh-

bor for allowing a black laborador retriever to stray into his garden—and then presided over the owner's pretrial hearing. Such newspaper editorials, said the district attorney in support of the judge's contempt action, "tend to embarrass the administration of justice and bring discredit upon the court."

I would counsel the appropriateness of recalling these incidents in each and every instance where proponents of legislation affecting newsmen suggest to the Congress that certain ambiguities of scope, coverage, application or definition be "left to the courts to work out."

STATE PREEMPTION

The question of State preemption poses a separate issue even if agreement exists on the desirability of a Federal statute. The question involves two parts: Can the Congress extend a testimonial privilege to the States? And should it as a matter of public policy.

The weight of opinion seems to be clear that Congress does possess clear and ample authority in this area, either under the commerce clause, or under the authority of the powers given it under the first amendment and under the privilege and immunities, due process and enforcement clauses of the 14th amendment.

But in addition, I believe it is sound policy. News gathering has unquestionably become interstate in dimension. To require reporters crossing State lines to learn the varying protections offered or not offered in each instance by State statutes and restrict their reliance on sources accordingly is to place a burden on newsgathering which I think would be severe in impinging on the public's right to know.

The case is conclusively made, it seems to me, when one considers the situation that would obtain if a Federal statute, designed to preserve the free flow of information and confidentiality of sources, is enacted but not extended to the States. Such a dichotomy would have the same effect to a large extent as failure to pass a Federal statute. For it would place an impossible burden on newsmen and confidential sources alike to determine when and if and how a protection or an exception might be applied in a given instance. To impose the need on a newsman to inform sources he might safeguard their anonymity under one circumstance but not another could scarcely have any other effect than to chill those relationships and diminish the willingness of sources to provide information.

Again, as Justice White recognized:

> If newsmen's confidential sources are as sensitive as they are claimed to be, the prospect of being unmasked whenever a judge determines the situation justifies it is hardly a satisfactory solution to the problem. For them, it would appear that only an absolute privilege would suffice.

It is the certainty of protection that makes the relationship possible and brings the information to light. To protect those relationships if the result of a newspaper exposé leads to a Federal proceeding, but not in a State proceeding, is really to render any supposed "protection" problematical in the extreme.

Thus, the purpose of a Federal statute could be defeated by the failure to extend to the States. If Congress may act on the Federal level to guarantee an overriding public interest to the free flow of information, it cannot be seriously held that Congress cannot also move to protect that Federal interest where failure at the State level would negate the Federal interest and render it ineffectual or meaningless. To do so would be to argue that the States may veto and annul overriding Federal interests which are undisputed.

EXCEPTING CONGRESS

The same logic and reasoning applies to the question of granting an exception for congressional committees as to any other major exception. It would render the protection meaningless in that neither newsmen nor sources could safely predict when anonymity would be guaranteed.

It could not, in fact, be guaranteed.

Moreover, in none of the States which have enacted some form of shield law—an absolute law in a dozen of them—are legislatures excepted.

The Congress ought not to prove more retarded than the States in this regard in moving to preserve the free flow of information to the public.

To do so would be an invitation to the remaining States which have not yet acted, and to some which have, to extend a similar exception to the protection to State legislatures.

The privilege, for all practical purposes, ceases to exist when such vast areas of inapplicability are created.

SCOPE OF COVERAGE

Finally, there remains to be considered the central questions of who ought to be covered by a statute and whether the privilege ought to attach to confidential information gathered, in addition to the protection of sources, and to what extent.

In addressing the first question, I believe we are not altogether free in writing legislation to make our own determination as to whom the privilege will apply, or in our definitions of those in the newsgathering profession, but that we are constrained by already-established constitutional boundaries.

While it is argued that Congress would be enacting a testimonial privilege within its discretion and can make it as "narrow or broad" as it deems appropriate, and that it is not dealing directly with the first amendment or attempting to define newsmen in those terms, the connotation of the majority in Branzburg should remain clear.

It employed the phrase "as narrow or broad" in reference to the permissability of fashioning "standards and rules"—not with specific reference to the fashioning of any definition of "press." Justice White earlier suggests, in fact, that doing so is "a questionable procedure . . ." Moreover, the majority later makes reference to "First Amendment limits" in discussing even the fashioning of "standards."

The essential point for the Congress in defining the scope of coverage, therefore, is that by precedent the Court has already historically ruled time and again as to whom, in effect, is "press" and therefore falls within the scope of certain first amendment protections which put them beyond the reach of the Congress, the executive branch, or the States, in fashioning legislation.

For Congress to extend a testimonial privilege, the obvious legislative purpose of which is to affect the press function and to promote, as we say, "the free flow of information," but to exclude from such legislation and such a privilege any the Supreme Court has time and again ruled are entitled to the general press protections afforded by the first amendment, would appear an exercise of obvious constitutional dubiousness. For in fashioning a privilege for "press," Congress would be in the position if it writes exclusions to the privilege of saying some are not press whom the Supreme Court has already held are constitutionally protected as such. There would seem to me to be the gravest question of the power of the Congress to do so. Moreover, I do not believe it is required where the Supreme Court has, in effect, by precedent, determined the constitutional areas of protection under the first amendment right of freedom of the press. The definitions, I submit, have already been made, and with a constitutional force the Congress in writing statutory language is not free to ignore.

In discussing the difficulties of enacting Federal shield legislation, Justice White noted:

> Sooner or later, it would be necessary to define those categories of newsmen who qualified for the privilege, *a questionable procedure* in light of the traditional doctrine that liberty of the press is the right of the lonely pamphleteer who uses carbon paper or a mimeograph just as much as of the large metropolitan publisher who utilizes the latest photochemical methods.

But it is later, I submit, and it is necessary to extend protection to those to whom the privilege will apply. I find it a questionable procedure, however, only if we attempt to make the exclusions Justice White seems to assume quite naturally have to be attempted from purely a pragmatic standpoint. And it is a puzzle for me that he apparently feels such difficulty exists when that assumption seems to me to run thoroughly counter to the very words he goes on to recite:

> Freedom of the press is "fundamental personal right" which "is not confined to newspapers and periodicals. It necessarily embraces pamphlets and leaflets . . . The press in its historic connotation comprehends every sort of publication which affords a vehicle of information and opinion." (Lovell v. City of Griffin, 1938). The informative function asserted by representatives of the organized press in the present cases is also performed by lecturers, political pollsters, novelists, academic researchers and dramatists. Almost any author may quite accurately assert that he is contributing to the flow of information to the public, that he relies on confidential sources of information, and that these sources will be silenced if he is forced to make disclosures before a grand jury.

Unlike Justice White, I am not alarmed at the prospect of an all-inclusive application of the privilege, possibly because I do not foresee a national spectacle of poets, dramatists, pamphleteers or

streetcorner mimeograph machine operators appearing in waves to invoke the privilege before grand juries anxious to unmask the confidential sources of Tennessee Williams, the mystical inspirational sources behind the poetry of James Dickey, or the faceless housewives who talk to Dr. Gallup.

Moreover, should we reach the day when grand juries do start probing the confidential sources of Dr. Gallup, Tennessee Williams or James Dickey, my conclusion is that I would want them to have that privilege to invoke.

I do not know how many lonely pamphleteers there are passing out their mimeographed handouts on streetcorners who rely on confidential sources of information or perhaps other voices unheard by the rest of us. But I think if a grand jury in all sobriety summons them before the bar of that tribunal to identify those voices, we ought to include those lonely pamphleteers in the protection extended by the privilege.

The point of the proposed statute is to protect the confidentiality of news sources and news gathering as it exists in experience and this is where the impact of any such statute is required and will apply.

If, in experience, it applies on occasion to those Justice White might conclude ought not to be deemed part of the respectable press, as he thinks of the press, and even though he recognizes them as press under the first amendment, I could only refer Justice White back to his own words:

> Liberty of the press is the right of the lonely pamphleteer who uses carbon paper or a mimeograph just as much as of the largest metropolitan publisher who utilizes the latest photochemical methods.

The question of whether the privilege ought to attach to information gathered as well as to the confidential source is a separate question in drafting legislation. But there is no way from either a rational standpoint or a practical one that I am able to separate them under a privilege. One inevitably leads to the other, and in modern times "confidentiality" in effect may embrace, in its vital contribution to newsgathering, even the refusal to appear before a grand jury, as in the case of Caldwell—given a need related to the requirements of a specific set of confidential relationships and a given story—to the necessity of a TV film crew to know they can film unharmed in a neighborhood because the residents understand they are not functioning as an annex to law-enforcement agencies, which is the same reason we have successfully discouraged the practice of FBI agents posing as newsmen.

I am perhaps most disturbed by those who suggest such a separation can be made and ought to be made, and that we should limit the scope of the privilege to only those instances involving protection of confidential sources and where the explicit promise of confidentiality was made—and to no other aspect of newsgathering.

To do this would be to open the door, under sanction of Federal statute, to an all-out assault against all the remainder of newsgathering activities we would be leaving unprotected and which have even been mostly respected and sanctified, by experience at least, in the past.

One suggestion has been that the test of who is entitled to the privilege should be whether the person involved, the lecturer or author, is a person to whom somebody with information is apt to go. If he is not, the Court will rule that he is not entitled to the privilege.

I would suggest that the test is whether the person involved under the broad definition of the press is someone to whom somebody with information does go.

For what we are attempting to protect is the transmittal to society of the information, and it is the source, and it is the free flow of information broadly to the public by whatever means of published or broadcast communications, not the "newsman" as such. And the purposes of preserving the free flow of information are served no less when an author, lecturer, or a pamphleteer makes that information public, relying on a confidential source, than if it is done in the largest newspaper or on the wave of the most powerful television signal.

In the end, as Senator CRANSTON suggested, actual experience sorts it out. Those with information to give really go to those they think have professional reasons to receive it. But the privilege ought to—and I believe constitutionally must—extend to the event of the confidential information as transmitted to anyone lying within the broad definition of "press" under the first amendment and not be left vague to impose upon the courts the burden of deciding the "aptness" of the newsman receiving it on some imagined hierarchy of journalistic power or respectability.

And if the privilege also embraces the newsgathering activities of the lonely streetcorner pamphleteer no less than of our publishing empires, I think the country might survive that expression of freedom of the press, and perhaps even profit by it. Because, as Justice White himself suggested, that is what freedom of the press is all about, and the lonely pamphleteer can serve the public right to know in a given instance no less than CBS.

SUMMARY

It is an easy exercise for imagination and fancy to conjure up even the most grotesque hypotheses which really, boiled down, symbolize a fear of freedom. It is not new. It is the ageless question. It is a normal human and legislative instinct. Potential abuses of freedom may always be summoned to mind. They will always, in reality, exist. But I thought we had learned in this country, of all countries, that if we consult only our fears and apprehensions that those apprehensions exist in every area of liberty and can be used to end liberty itself on the most plausible and convincing grounds at any time we wish to succumb to an instinct that regards freedom more suspiciously than we do government.

There is little in the way of possible abuse I can conjure up if we enact an absolute, unqualified, all-inclusive statute beyond what has existed potentially in all our past history of actual experience, when newsgathering was treated with the sanctity we are seeking merely to restore. Rather, our experience to date does not provide reason for apprehension, but confidence.

If we wish to consult only our imagination and our fears, we may find any number of exceptions to the privilege and which will destroy the privilege.

If we wish, instead, to consult our history and the evidence of our own free society to date, we cannot act other than to reaffirm the freedom that is our only meaning and our only real strength as a society.

If we cannot feel that spirit within us anymore in drafting this legislation, then let us quit.

It is not a partisan concern. It seems at some times partisan in tone because the particular issues raised by initiating the practice of subpenaing newsmen have occurred under this administration, but they might as easily have occurred under any other. And if the spokesmen for the administration defend that practice, others in that same party, including the Governor of my own State of California, Governor Reagan, do appreciate the threat to the free flow of information to the public inherent in removing the protection of confidentiality.

The move to provide a remedy is bipartisan and not partisan. The issue is skeletal in terms of basic liberties, relating to the structure of balances that exist and the threats to them that can arise under any administration and in any political or social circumstance. It is in the recognition of this fact that the remedy will be found and will rest. But it is worthwhile, nonetheless, to appreciate the particular responsibility that now falls to us as a result of these events: The Supreme Court has shown it does not understand freedom. The executive branch has shown itself antagonistic to freedom. We in the Congress must show we are not afraid of freedom.

FEDERAL EMPLOYEES FREEDOM OF CHOICE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia (Mr. BLACKBURN) is recognized for 5 minutes.

Mr. BLACKBURN. Mr. Speaker, today, it is my pleasure to reintroduce the Federal Employees Freedom of Choice Act which will preserve the right of Federal employees to form, join, or assist a labor organization or to refrain from such activities. Twenty-two Members have joined me in cosponsoring this legislation.

When a person decides to work for the Federal Government, his primary obligation is to his department or agency. It is wrong if his first obligation is to a union over that to the government for which he works simply because he must belong to this union in order to hold his job.

Both Presidents Kennedy and Nixon reaffirmed the principle of "freedom of choice" by issuing Executive orders proclaiming this right. This House, during

the debate on the Postal Reform Act of 1970, added language which specifically guaranteed the right of Federal employees to refrain from joining a Government employees' union. The language of my bill is identical to that which was added by this House.

One of the many organizations supporting the concept behind the Federal Employees Freedom of Choice Act is the National Federation of Independent Business. This organization currently represents more than 290,000 small and independent businessmen throughout the country.

During the 91st Congress, the federation was one of those organizations which helped the fight for inclusion of a freedom-of-choice amendment to the Postal Reform Act.

In addition, 3 years ago the federation polled its entire membership on legislation similar to my bill, and found that an overwhelming majority, a national average of 90 percent, of its members supported the freedom-of-choice concept.

Mr. Speaker, I am heartened to see the Nation's Small business community react in such a fashion. Their overwhelming degree of support becomes extremely significant when we consider the fact that this legislation, when enacted, will prove of no economic benefit to these millions of small businessmen in their day-to-day operations. This legislation is limited to employees of the Federal Government and does not apply to those employed in the private sector.

It is abundantly clear that these small businessmen are supporting a principle they hold dear, that principle which holds that no man desiring to serve his country as an employee of its Central Government should be placed in a position of either having to join a labor union, or pay dues to a labor union, as a condition of employment by his own Government.

I would like this House to go on record as being in favor of the concept of freedom of choice for all Government employees. I call upon all of my colleagues at this time to join with me in cosponsoring this legislation to protect the freedom of choice of Federal employees.

LOWELL HISTORIC CANAL DISTRICT NATIONAL CULTURAL PARK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. CRONIN) is recognized for 5 minutes.

Mr. CRONIN. Mr. Speaker, I am introducing today a bill to provide for the establishment of the Lowell Historic Canal District National Cultural Park in Lowell, Mass.

The legislation provides specifically that the historic mill section of Lowell, which was once the site of the most productive textile mills in the United States, be included within the national park system.

Lowell, Mass., lies at the juncture of the Merrimack and Concord Rivers, 30 miles northwest of Boston and midway along an early trade route which connected Massachusetts with New Hampshire. The historic section of the city is distinguished by over 5 miles of canals, locks, and gatehouses which were once used to power the textile mills that played a dramatic role as the beginning of the industrial revolution of our Nation. Lowell is typical of many urban situations across the country. Modern technology and industrial change have led us to often neglect those sites and structures of the historic past. As a result, many of our cities have become cultural wastelands rather than the centers of cultural enrichment which they have the potential to be.

The legislation which I have introduced includes programs for the following: The complete restoration and beautification of the canal system; the restoration and reactivation of one of the mills, which contains 18th-century looms; technological exhibits and museums; and the re-creation of an early settlement or Indian village. This legislation is of special importance to the people of Lowell because it represents a realistic way toward economic revival consistent with the city's deep cultural heritage. It is a blueprint for the future which builds on the past.

A similar bill was introduced in the 92d Congress by my predecessor, F. Bradford Morse, and was cosponsored by the entire Massachusetts House delegation. Former Representative Morse conducted a thorough study which involved detailed consultation with Lowell community leaders and interested citizens before submitting his legislation. As a member of former Representative Morse's staff, I shared his keen interest in the early development of the Lowell project. Now, as Representative from Massachusetts Fifth Congressional District, I am even more convinced of the need for this important legislation to become public law.

The Department of the Interior has adopted new criteria for the preservation of national cultural sites. These criteria include such considerations as the significance of the park to the heritage of the United States and the site's suitability to the preservation and interpretation of American history.

I firmly believe that Lowell Cultural Park unquestionably meets these criteria. The city of Lowell, established nearly a century and a half ago, was the first American city planned and settled entirely for industrial purposes. Its historic significance is well known. The establishment of industry in Lowell by a group of Boston capitalists led to an eventual end to reliance on England for the manufacturing of cotton cloth—needed by the early settlers for clothing materials. The history and rich culture which is revered by the citizens of Lowell belongs to every American.

Finally, the Lowell Cultural Park represents a project wholly consistent with President Nixon's much acclaimed plan to bring the parks closer to the people. In Lowell, we will be bringing the park into the city itself—where the people live and work. The park will stand as dramatic evidence that our efforts to preserve and protect the environment can be entirely consistent with our efforts to increase industrial output and advance our technological capacity. The Lowell Cultural Park is also of national significance in that it will represent the Nation's first urban national park.

The city of Lowell, Mass., was selected as an all-American city for 1971 because its citizens had made such substantial progress in the fields of education, the drug program, and urban renewal. It is a city in which the people are involved and committed toward the goal of creating an increasingly better environment for themselves and for their children. The citizens of Lowell have stimulated wide community interest and demonstrated their willingness to expend private funds for this project. The Lowell Historic Canal District National Cultural Park will help them in their on-going endeavor and will serve as a permanent illustration of our Nation's heritage and culture for all Americans to enjoy and I am confident that plans for its implementation can be swiftly initiated.

U.S. DIPLOMATIC MOVES IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HAMILTON) is recognized for 5 minutes.

Mr. HAMILTON. Mr. Speaker, the era of negotiations and peace and reconciliation that has begun to reshape the diplomatic face of the Far East has not, to date, had any significant spillover effect in the Middle East where the Arab-Israeli conflict remains a major source of tension and a constant threat to world peace.

Now is an appropriate time for the United States to make some new, careful diplomatic moves in the Middle East in the hope of bringing the parties involved in the conflict together in meaningful negotiations for either an interim settlement or a final agreement.

Such an American diplomatic effort in the Middle East would not be the first, nor necessarily the last, but it might be the most opportune. The successes of our first post-1967 peace initiative in the area are well known and not insubstantial. U.N. Resolution 242 was agreed to by all parties except Syria and it provides a framework for peace, and the cease-fire of August 1970 remains in effect along the Suez Canal despite minor violations. But we were unable in 1971 or 1972 to build upon that cease-fire and bring Egypt and Israel into proximity talks or indirect negotiations. The mission of Dr. Gunnar Jarring, pursuant to U.N. Resolution 242, reached a similar impasse.

The time seems most propitious now for further American diplomatic initiatives. Our European allies are not the only ones talking with renewed interest in breaking out of the present no war, no peace stalemate. Some of the parties themselves are expressing a rekindled desire in some movement toward peace in the Middle East. Such sentiments were clearly visible during King Hussein's vis-

it here 2 weeks ago. The Jordan monarch is now being followed here by Hafiz Ismail, Egyptian President Sadat's adviser on national security affairs, who will be in Washington the end of the week. And next week, Prime Minister Golda Meir of Israel will be a White House visitor.

The State Department, in particular, worked hard and long hours in 1971 to bring the parties together in some kind of a dialog. Its lack of success then should not be viewed as a failure of the whole American initiative but rather evidence that a temporary plateau in progress toward peace was reached.

I hope that the renewed interest of some of the parties in some American diplomatic moves—an interest exemplified by the visits of Middle East leaders to Washington—will encourage the State Department and the White House to proceed. Any diplomatic move will face obvious, and not minor, obstacles, given the stated positions of the parties. But no diplomatic moves now could mean that nothing of substance will be started and the Middle East could continue to simmer with the grave consequences that might accompany renewed hostilities.

If peace is to continue to elude the Middle East, it should not happen because of any deficiency of American will for, interest in, or commitment to a just and lasting peace.

COTTER MOVES TO ASSIST SYRIAN AND IRAQI JEWS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. COTTER) is recognized for 5 minutes.

Mr. COTTER. Mr. Speaker, today I am introducing legislation with a number of my colleagues to assist small Jewish populations in Iraq and Syria. According to recent reports, Jews in these nations are increasingly being subject to persecution. In the case of Iraq, it is reported that nine or 10 members of the most prominent Jewish family have been murdered.

The legislation I am introducing calls for President Nixon to use appropriate diplomatic channels to seek an end to this harassment and persecution. The legislation also directs the Attorney General to offer, in effect, free emigration visas to Iraqi and Syrian Jews who are fleeing persecution.

I am hopeful that this legislation will place the Syrian and Iraqi governments on notice that these crimes must stop and will direct the Nixon administration to a more constructive course of action in this area.

DOLLAR DEVALUATION—AGAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, the world was startled when President Nixon introduced his new economic policy in August 1971. It was a momentous event, because among other things, it made the devaluation of the dollar inevitable. In December that year, the Group of Ten met here in Washington to establish new monetary values. This amounted to a negotiation of exactly how much the devaluation would be. The resulting agreement, known as the Smithsonian Agreement, was called by the President the most important monetary agreement of all time. It was far from that—it was in fact only an aspirin tablet being administered to a patient in need of some serious surgery.

Then, last year, Congress gave its seal of approval to the dollar devaluation. We were told that this was just so much bookkeeping, and that all would soon be well.

Mr. Speaker, knowledgeable people knew that all was not well—though few had the courage to speak out. And dramatic evidence of how bad the situation was, even after that so-called historic Smithsonian Agreement, came when the United States unilaterally devalued the dollar by 10 percent on February 12.

Devaluation could not solve our trade and monetary woes, unless it was accompanied by reform in the whole international monetary system. Without such reform, devaluation was—and is—only a temporary solution to recurring monetary crises.

I hope that this time around, more of my colleagues will be willing to listen to the true facts, and they are simple: we have tried devaluation, and it has failed; we need monetary reform; and we ought not approve devaluation until we see solid evidence of the reform which is essential to solving the problem.

Let me remind you of my comments on this.

On December 17, 1971, as the Group of Ten gathered here in Washington to devalue the dollar for the first time since the Great Depression, I said:

> There is nothing in sight now that indicates anything like the action required to solve the fundamental difficulties of the world monetary system, is being taken today or even contemplated.

And I went on to say that if the conference resulted in a devaluation of the dollar, this might not be the best thing, for it would remove some of the pressure for the necessary reform. These were my exact words:

> Once currency realinement takes place there will be immense changes in the political climate, changes which will take the pressure off for fundamental reform.

But apparently not many people were listening. Nor were very many people interested in reading the fine print in the devaluation bill that the House approved the following March.

The committee on which I have the privilege to serve did not insist on any signs of progress toward reform, as a condition to approval of the devaluation bill. It chose to treat the whole thing as a mechanical thing, a bookkeeping transaction that was necessary to complete the deal that had been made at the Smithsonian meetings. But I could not support that view, and I cast the sole dissenting vote against the devaluation bill.

I said then that—

> The basic problems that brought us to grief last August are with us still. Our trade deficit is high and rising; our domestic economic performance is not good; and speculation against the dollar is persistent and rising in markets all over the world . . . we may soon be faced with yet another devaluation.

I felt so strongly about this that I filed a dissenting view to the committee report of the devaluation bill. It is pertinent enough to reproduce in whole here:

[From the CONGRESSIONAL RECORD, Mar. 13, 1972]

VIEWS OF HENRY B. GONZALEZ

I am opposed to this bill.

Every member of the House has received from the Treasury a letter explaining the gold bill. At the end of a very long explanatory statement, the Treasury warns us:

"Changes in the monetary system alone will not solve problems of balance of payments adjustment . . . No international financial arrangement can achieve and maintain a satisfactory pattern of world payments . . . without effective domestic economic performance."

Therefore, in reviewing this bill, we are forewarned that unless this nation's economy recovers and performs up to some reasonable level, we can expect to have continued world economic instability, and we can expect continued assaults on the value of the dollar. Indeed, at the closing of the world monetary markets on March 9th, the dollar was under strong assault in Zurich, Frankfurt, Paris, Amsterdam, Tokyo, London and Madrid. In Amsterdam the dollar reached the lower limit that had been set just last December, and the central bank had to buy more than $300 million in U.S. currency to keep the dollar from plunging under the permissible floor. The Dutch government has had to impose controls to prevent further flooding of their country with speculative dollars. The Spanish central bank had to intervene also, and bought $14 million in dollars. In London, the price of gold, responding to the plunge of the dollar, went up to $48.45 an ounce—an increase of 32.5 cents in one day of trading. In Brussels, the dollar was at its lower limits.

These and similar grim events, including flat predications that the United States will be forced to devalue again, ought to be a clear warning to all of us that the dollar and the United States economy remain in very great trouble. The future of the dollar is very much uncertain, for there is no sign that our huge, unprecedented trade deficit is improving. During the last twelve months the United States registered a fall of better than $7 billion in our international balance on goods and services. There has been no great tide of dollars coming back to this country, as the Treasury predicted when the United States set out on its "new economic policy" last August 15th. If there were such a reflow, the Netherlands and Spain—and a host of other countries—would not be erecting barriers against the flood of dollars they are fighting against every day.

In addition to the sorry condition of our international payments, the domestic economy is not performing as had been predicted. No one at the Treasury talks much anymore about the half million new jobs that devaluation would create. Lowering the rate of unemployment to four per cent is now talked of as an impossible goal, because it is said the unemployment figures are misleading. I don't know who is being misled, but if anything the unemployment figures are understated. We are now told that an inflation rate of 2.5 per cent is a little too good to expect, and in fact the inflation rate is still running at better than four per cent. We are warned now not to expect a boom, because one was never promised. The rate of unemployment and the general uncertainty of affairs is reflected in a broad reluctance of the people to spend—Americans are salting their money away against hard times, because our citi-

zens have no more confidence than the overseas speculators that the new economic policy is any more effective than the old, once glorified and now forgotten game plan.

The Committee received no satisfactory assurance that the economy is returning to good health. We should know from the warnings of the Treasury itself, and from the continued gyrations in the international monetary markets, that a second devaluation is very much a possibility unless the United States economy performs much better than it has during these last three years. There is little sign that any significant improvement has taken place or is even in the offing. Instead, previously set high goals and exuberant predictions are being fuzzed over, revised and generally washed out. Negotiations for improved trading arrangements with Canada have gotten nowhere. Things are promising with Japan, but not very. There has been no real progress at all in improving our trade arrangements with the European trading area. Nevertheless, the men from the Treasury assure us that all is well, that is, except for the "meaningless" continued speculation against the dollar and the pesky facts of economic reality.

In short, the basic problems that brought us to grief last August are with us still. Our trade deficit is high and rising; our domestic economic performance is not good; and speculation against the dollar is persistent and rising in markets all over the world. It may be too much to expect miracles, but it is not unreasonable for us to expect some solid evidence that the new economic policies are working.

After all, if our economy does not emerge from this slough of despond, we may soon be faced with yet another devaluation.

The test of this bill must be economic performance. We are told that the bill is a meaningless gesture. It is in fact a sort of surrender ceremony, demanded of us as the price of obtaining revaluation of world currencies against the dollar. It is a sort of humiliating gesture exacted by the French, who today are warning one and all that it is not enough, and that the United States can hardly expect such generous treatment in the future as we received last year.

The devaluation of the dollar assured, and this bill guarantees, substantial profits to those who speculated against the dollar last summer. Those same forces are gathering for a new assault, and we might as well recognize here and now that devaluation has brought us neither improvement, advantage nor stability.

We are nowhere near obtaining even a promise or a hint of progress in reforming the world monetary system. Trade reforms have not taken place. Progress has not been made either at home or abroad. The Conditions that created instability, and which brought the dollar to grief, are essentially unchanged.

It may be the opinion of the Treasury that this bill is meaningless. We are assured that is the case. If that is so, then we have no need of enacting it.

Finally, if the bill really does have meaning and significance, we would do well to heed the well hidden warning of the Treasury, and demand proofs of progress before we enact this legislation, lest we be confronted with a similar bill later this year or early next. There is absolutely no assurance that this is the final word in the devaluation game—and we have much reason to fear that another devaluation is on its way.

Well, here we are, with devaluation again an accomplished fact.

Once again, we will be told that a devaluation bill is just a little change of numbers in the books.

I think it is time we learned our lesson. We ought to insist on some progress toward monetary reform, before we approve the legislation to complete this latest devaluation. We ought to insist that the Treasury level with us on what progress has been made or not been made, since the first devaluation. I think we will find that no progress at all has been made.

I think that we ought to recognize that devaluation is expensive. It cost us a billion dollars the last time around, to balance up all the books. It will cost more this time. A great many of my colleagues were surprised to learn about this little facet of devaluations. Now, of course we will be told that the money we will appropriate to cover the necessary adjustments is not really being taken out of the taxpayer's pockets—it is just taking the profit created by devaluation and applying it against some debts that the action created. It is nothing to worry about, just a little quick shuffle. But too many of my colleagues were not aware of the shuffle the last time around. They ought to be more aware this time.

And I think that we should be aware of the real difficulties that we are going to have in adjusting our trade balance.

We have to recognize just how much our Government is spending abroad, and how much multinational corporations are spending abroad, and how this affects the balance of our international accounts. We ought to recognize how tough it is to control these capital flows. I wish that more members could appreciate how fast money moves—how $6 billion went into Germany alone in a matter of days, all the funds of speculators moving in for the kill.

We ought to recognize how little progress has been made toward controlling inflation and getting our own economy moving—for despite the monthly figures that are always so "encouraging," the inflationary charts are still going up—the food wholesale price index has just gone up by the biggest amount in 25 years—and at the same time the unemployment rate remains too high. We still have a hangover from that wonderful inflationary recession presented us by the first economic game plan. Must we forget so soon?

Devaluation was no miracle. We have plenty of reason to know that now.

And we know that phase I, II and now phase III, were no miracles, either, any more than the old "game plan."

Knowing all that, and having been burned twice, we ought to act a little more carefully this time when we revisit the devaluation of the dollar.

INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MORGAN) is recognized for 5 minutes.

Mr. MORGAN. Mr. Speaker, draft legislation to implement the International Convention on Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage was sent to the House by the Acting Assistant Secretary for Congressional Relations on January 31, 1973, and referred to the Committee on Foreign Affairs.

This bill was introduced late in the session last year and I am reintroducing it in this Congress.

Under leave to extend my remarks, I wish to place at this point in the RECORD the letter from the President to the Speaker, as well as the text of the bill:

DEPARTMENT OF STATE,
Washington, D.C., January 31, 1973.

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

DEAR MR. SPEAKER: There is transmitted herewith a draft of a proposed act,

"To implement the International Convention on Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage."

This act was first transmitted to the Congress on September 8, 1972. The proposed act would incorporate in domestic law, provisions embodied in the two Conventions establishing a regime for prevention of and compensation for oil pollution damage from tankers. The International Convention on Civil Liability for Oil Pollution Damage, which was negotiated in 1969 at a conference convened by the Inter-Governmental Maritime Consultative Organization (IMCO), has been favorably reported to the Senate by the Senate Foreign Relations Committee. Action by the Senate is pending. The International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, also an IMCO Convention, has been transmitted to the Senate for advice and consent. The submission of draft legislation at this time is in accord with Executive Branch intention of seeking legislative implementation at the earliest possible time.

Title I of the proposed act implements provisions of the Civil Liability Convention making a tanker owner strictly liable to governments and private persons for oil pollution damage in the territory, including the territorial sea, of the United States or any other country party to the Civil Liability Convention, and for preventive measures, wherever taken, in respect of such damage. An owner may limit his liability to the lesser of $144* per ton or $15,120,000* by constituting appropriate court. The act also requires that the owner of a vessel capable of or actually carrying more than 2,000 tons of oil in bulk as cargo carry insurance or another guarantee of financial security in the amount of the limit which may be applied to his liability.

Title II of the act implements the provisions of the Compensation Fund Convention making the Compensation Fund (an international entity) strictly liable up to $32,400,000 per incident for oil pollution damage insofar as that amount exceeds applicable limits in the Civil Liability Convention and for the entire amount in respect of certain incidents of damage where the owner may avail himself of a defense under that Convention. The Compensation Fund will be financed by contributions levied on receivers

---

*Throughout this letter and the attached sectional analysis, dollar figures are expressed in terms of U.S. dollar taking account of P.L. 92-268, the Par Value Modification Act. The messages from the President transmitting the Conventions to the Senate (Exec. G, 91st Cong., 2d Sess., May 20, 1970; Exec. K, 91st Cong., 2d Sess., May 5, 1972) have expressed dollar figures in terms of 1970 U.S. dollars. The Conventions and the act themselves provide that the limit is the national currency equivalent of specified amounts of Poincare francs.

of oil importing more than 150,000 tons of contributing oil on the basis of a fixed sum per ton of oil, set on the basis of need from time to time.

Title II also implements the provisions of the Compensation Fund Convention which provides for the indemnification by the Fund of a portion of the liability of the owner or his guarantor under the Liability Convention. The amount which may be indemnified is that portion of liability which exceeds $108 per ton or $9,000,000, whichever is the less, and which does not exceed $144 per ton or $15,120,000, whichever is the less. The obligation to indemnify is subject to defeat if the incident causing the pollution damage arose from the willful misconduct of the owner or, to the proportionate extent the incident, through the actual fault or privity of the owner, was caused by the ship's failure at the time of the incident to comply with the provisions of named IMCO Conventions which operate to have a pollution prevention effect.

Title III of the act gathers the provisions of law required by both Conventions regarding subrogation and apportionment of claims where applicable liability limits may be exceeded. It also includes a provision (Section 302(b)) empowering a District Court of the United States to adopt a plan for prompt and equitable distribution of monies in such cases.

The provisions of the act are explained in greater detail in the attached sectional analysis. The act would supersede that part of the Federal Water Pollution Control Act as amended relating to money damages for oil pollution and financial security, but only insofar as a given oil pollution incident is within the scope of the Conventions. No express language of supersession has been provided, however, pending review of recent changes to that Act.

Prompt consideration and early enactment of this legislation are respectfully urged.

The Office of Management and Budget has advised that the enactment of this legislation is consistent with the objectives of the Administration.

Sincerely,

MARSHALL WRIGHT,
Acting Assistant Secretary for Congressional Relations.

H.R. —

An act to implement the International Convention on Civil Liability for Oil Pollution Damage and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Oil Pollution Compensation Act of 1972."

"TITLE I—INTERNATIONAL CONVENTION ON CIVIL LIABILITY FOR OIL POLLUTION DAMAGE

"SEC. 101. For the purposes of this Title, the term—

"(a) 'Ship' means any sea-going vessel and any seaborne craft of any type whatsoever, actually carrying oil in bulk as cargo.

"(b) 'Person' means (1) any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, Government agency, or instrumentality, any State, or any political subdivision of, or any political entity within a State, any foreign government or country, or any political subdivision of any such government or country, or other entity; and (2) any legal successor, representative, agent, or agency of the foregoing.

"(c) 'Owner' means the person or persons registered as the owner of the ship or, in the absence of registration, the person or persons owning the ship. However in the case of a ship owned by a country and operated by a company which in that country is registered as the ship's operator, 'owner' shall mean such company.

"(d) 'State of the ship's registry' and other references to registration of a ship in a State mean in relation to registered ships the country of registration of the ship, and in relation to unregistered ships the country whose flag the ship is flying. Registration of a ship in the United States includes the licensing or enrollment of a ship.

"(e) 'Oil' means any persistent oil, such as crude oil, fuel oil, heavy diesel oil, lubricating oil and whale oil, whether carried on board a ship as cargo or in the bunkers of such a ship.

"(f) 'Pollution damage' means loss or damage caused outside the ship carrying oil by contamination resulting from the escape or discharge of oil from the ship, wherever such escape or discharge may occur, and includes the costs of preventive measures (including the actual cost of removal of the oil) and further loss or damage caused by preventive measures. In the preceding sentence, 'contamination' includes, but is not limited to, contamination which is the escape or discharge of any quantity of oil, at such times and locations or under such circumstances and conditions, as are determined, pursuant to paragraph (3) of Sec. 11(b) of the Federal Water Pollution Control Act, as amended, to be harmful to the public health or welfare of the United States.

"(g) 'Preventive measures' means any reasonable measures taken by any person after an incident has occurred to prevent or minimize pollution damage.

"(h) 'Incident' means any occurrence, or series of occurrences having the same origin, which causes pollution damage.

"(i) 'Liability Convention' means the International Convention on Civil Liability for Oil Pollution Damage, 1969.

"(j) 'Escape' or 'discharge' includes, but is not limited to, any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

"(k) 'United States,' when used in a geographic sense, means the States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, Guam, American Samoa, the Virgin Islands, the Trust Territory of the Pacific Islands, and all other territories or possessions of the United States.

"(l) 'Franc' means a unit consisting of sixty-five and a half milligrams of gold of millesimal fineness nine hundred.

"(m) 'Ton' means 2240 pounds.

"(n) 'Guarantor' means any person providing insurance or other financial security pursuant to the provisions of Section 103 of this Title or of Article VII, paragraph 1 of the Liability Convention.

"(o) 'Ship's tonnage' means the net tonnage of the ship with the addition of the amount deducted from the gross tonnage on account of engine room space for the purpose of ascertaining the net tonnage. In the case of a ship which cannot be measured in accordance with the normal rules of tonnage measurement, the ship's tonnage shall be deemed to be 40% of the weight in tons of oil which the ship is capable of carrying.

"(p) 'District Court of the United States' includes the courts enumerated in Title 28, Section 460, United States Code.

"SEC. 102. (a) Except as provided in subsections (b) and (c) of this section, the owner of a ship at the time of the incident, or where the incident consists of a series of occurrences, at the time of the first such occurrence, shall be liable for any pollution damage caused as a result of the incident.

"(b) The owner shall not be liable for pollution damage if he proves that the damage

(1) resulted from an act of war, hostilities, civil war, insurrection or a natural phenomenon of an exceptional, inevitable and irresistible character, or

(2) was wholly caused by an act or omission done with intent to cause damage by a third party, or

(3) was wholly caused by the negligence or wrongful act of any government or other authority responsible for the maintenance of lights or other navigational aids in the exercise of that function.

"(c) If the owner proves that the pollution damage resulted wholly or partially either from an act or omission done with intent to cause damage by the person who suffered the damage or from negligence of that person, the owner may be exonerated to the same extent from his liability to such person.

"(d) This section applies exclusively to pollution damage (other than preventive measures) caused on the territory, including the territorial sea, of the United States or of any foreign country which is party to the Liability Convention, and to preventive measures, wherever taken, to prevent or minimize such damage.

"(e) Nothing in this Act shall prejudice any right of recourse of the owner against third parties.

"(f) When oil has escaped or has been discharged from two or more ships, and pollution damage results therefrom, the owners of all the ships concerned, unless exonerated under subsection (b), and, to the extent not exonerated under subsection (c), shall be jointly and severally liable for all such damage which is not reasonably separable.

"(g)(1) Subject to paragraph (2) of this subsection, the owner of a ship shall be entitled to limit his liability under this Act in respect of any one incident to an aggregate amount equal to the dollar equivalent of 2,000 francs for each ton of the ship's tonnage; provided that the aggregate amount of an owner's liability in respect of any one incident shall not exceed the dollar equivalent of 210 million francs. The dollar equivalent of a franc shall in any action brought pursuant to this Title be calculated as of the date the fund referred to in paragraph (3) of this subsection is constituted.

(2) If the incident occurred as a result of the actual fault or privity of the owner, he shall not be entitled to avail himself of the limitation provided in paragraph (1) of this subsection.

(3) For the purpose of availing himself of the benefit of limitation provided for in paragraph (1) of this subsection the owner shall constitute a fund in an amount equal to the limit of his liability under this Title in a Court in which an action is brought under subsection 104(b) of this Title, or the owner shall constitute a fund in such amount in accordance with Article V of the Liability Convention in any court of a foreign country having jurisdiction as provided in Article IX of the Liability Convention in which an action under that Convention is brought or with another competent authority of such a country. A fund constituted in the United States may be constituted either by depositing the sum or producing a bank guarantee or other guarantee considered to be adequate by the Court.

(4) A guarantor shall be entitled to constitute a fund in accordance with this subsection on the same conditions and having the same effect as if it were constituted by the owner. Such a fund may be constituted even in the event of actual fault or privity of the owner but its constitution shall in that case not prejudice the rights of any claimant against the owner.

"(h)(1) Where the owner, after an incident, has constituted a fund in accordance with subsection (g) of this section and is entitled to limit his liability,

(A) no person having a claim for pollution damage arising out of that incident shall be entitled to exercise any right against any other assets of the owner in respect of such claim;

(B) a District Court of the United States shall order the release of any ship or other property belonging to the owner which has been arrested in respect of a claim for pollution damage arising out of that incident, and shall similarly release any bail or other security furnished to avoid arrest.

(2) Paragraph (1) of this subsection shall apply only if the claimant has access to the Court administering the fund and the fund is actually available in respect of his claim.

"(i) Any claim for compensation for pollution damage may be brought directly against the guarantor of the owner's liability for pollution damage. In such case, the defendant may, irrespective of the actual fault or privity of the owner, avail himself of the limits of liability prescribed in subsection (g)(1) of this section. He may further avail himself of the defenses (other than the bankruptcy or winding up of the owner) which the owner himself would have been entitled to invoke. Furthermore, the defendant may avail himself of the defense that the pollution damage resulted from the willful misconduct of the owner himself, but the defendant shall not avail himself of any other defense which he might have been entitled to invoke in proceedings brought by the owner against him. The defendant shall in any event have the right to require the owner to be joined in the action.

"SEC. 103. (a) The owner of a ship registered in the United States which is capable of carrying more than 2,000 tons of oil in bulk as cargo shall maintain insurance or other financial security in the sums fixed by applying the limits of liability prescribed in subsection (g) (1) of Section 102 of this Title. Any sums provided by insurance or by other financial security maintained in accordance with the preceding sentence shall be available exclusively for the satisfaction of claims under this Title.

"(b) After determining that insurance or other financial security in the sums fixed by applying the limits of subsection (g) (1) of Section 102 has been obtained, the President shall issue a certificate to each ship registered in the United States which is capable of carrying more than 2,000 tons of oil in bulk as cargo attesting that such insurance or other financial security has been obtained. After making such a determination, the President may also issue a certificate to a ship capable of carrying more than 2,000 tons of oil in bulk as cargo which is registered in a State not party to the Liability Convention. The certificate shall be in the form annexed to the Liability Convention and shall contain:

(1) name of the ship and port of registration;

(2) name and principal place of business of owner;

(3) type of security;

(4) name and principal place of business of insurer or other person giving security, and where appropriate, place of business where the insurance or security is established;

(5) period of validity of certificate which shall not be longer than the period of validity of the insurance or other security.

"(c) The certificates shall be carried on board all ships to which the certificates are issued and a copy shall be retained by the President.

"(d) No certificate shall be issued if the insurance or other financial security can cease, for reasons other than the expiration of the period of validity of the insurance or security specified in the certificate, before three months have elapsed from the date on which notice of its termination is given to the President. The President shall determine such othe requirements related to the financial capability of the owner's guarantor as may be desirable to carry out the purposes of this Act for the issuance of the certificate or the termination of its validity.

"(e) Certificates issued or certified under the authority of another State party to the Convention shall have the same force as certificates issued pursuant to this subsection. The Secretary of State shall request consultation with the State of a ship's registry if the President seeks to determine whether the guarantor named in the ship's certificate is financially capable for the purposes of this Act. If the President determines that such guarantor is not financially capable for the purposes of this Act, he may take such lawful action as he deems appropriate, including but not limited to the barring of the ship from any or all ports of the United States.

"(f) No ship registered in the United States to which this section applies shall engage in trade unless a certificate has been issued pursuant to this section.

"(g) No ship registered in the United States which is capable of carrying more than 2,000 tons of oil in bulk as cargo, and no other ship, wherever registered, actually carrying more than 2,000 tons of oil in bulk as cargo, shall enter or leave a port in the United States, or be permitted to arrive at or leave an offshore terminal in the territorial waters of the United States unless the ship has on board a valid certificate issued by the United States or a foreign country party to the Convention. Any ship required by the preceding sentence to have such a valid certificate on board which enters the territorial waters or the contiguous zone of the United States en route to a port or terminal installation (as defined in subsection 201(e) of Title II) in the United States, and which fails to have such valid certificate on board, shall for each such failure be liable for a civil penalty of not more than 10,000 dollars. The President may assess and compromise such penalty. No penalty shall be assessed until notice and an opportunity for hearing on the charge has been given. In determining the amount of the penalty or the amount agreed upon in compromise, the demonstrated good faith of the owner shall be considered by the President.

"(h) Any ship owned by the United States or any foreign country which carries a certificate issued by the President, or, if a ship owned by a foreign country, by the country owning the ship, stating the ownership of the ship and that the ship's liability is covered to the limit prescribed by subsection (g) (1) of Section 102 shall be deemed to have complied with the foregoing requirements of this section. The certificate shall resemble as closely as possible the model described in subsection (b) of this section.

"(i) The President is authorized to delegate the administration of this section, including the powers to make determinations and to make and revise regulations, and to redelegate such powers, to the heads of those Federal departments, agencies, and instrumentalities which he determines to be appropriate.

"SEC. 104. (a) Rights of compensation under this Title shall be extinguished unless an action is brought thereunder within three years from the date when the damage occurred. However, in no case shall an action be brought later than six years from the date of the incident which caused the damage. Where the incident consists of a series of occurrences, the six years' period shall run from the date of the first occurrence.

"(b)(1) Subject to paragraph 2 of this subsection, the several District Courts of the United States shall have jurisdiction over any actions arising under this Act if the action is brought in respect of an incident which has caused all or part of the pollution damage (other than preventive measures) on the territory, including the territorial sea, of the United States or in respect of preventive measures, wherever taken, to prevent or minimize such damage.

(2) Actions authorized under the above subsection may be brought in any judicial district in which one of the plaintiffs or one of the defendants resides or in which pollution damage, including preventive measures taken to prevent or minimize such damage, has occurred or could reasonably be expected to have occurred if such preventive measures had not been taken. For the purpose of this Act, American Samoa shall be included within the judicial district of the District Court of the United States for the District of Hawaii and the Trust Territory of the Pacific Islands shall be included within the judicial districts of both the District Court of the United States for the District of Hawaii and the District Court of Guam.

(3) If the fund referred to in subsection (g)(3) of Section 102 has been constituted in a District Court of the United States or in a competent court of a foreign country party to the Liability Convention, that court shall have exclusive jurisdiction regarding all matters relating to the apportionment and distribution of the fund.

"(c) Subject to the provisions of Section 302 of Title III of this Act, any judgment given by a foreign court with jurisdiction in accordance with Article IX of the Liability Convention which is enforceable in the country of origin and which is no longer subject to ordinary forms of review therein, shall be enforceable in the courts of the United States except:

(1) where the judgment was obtained by fraud; or

(2) where the defendant was not given reasonable notice and a fair opportunity to present his case.

"(d)(1) The provisions of this Title shall not apply to warships or other ships owned or operated by a country and used, for the time being, only on Government non-commercial service.

(2) With respect to ships owned by the United States and used for commercial purposes, the United States, in actions brought against it in the United States and in other jurisdictions identified in Article IX of the Liability Convention waives all defenses based on its status as a sovereign state.

"TITLE II—INTERNATIONAL CONVENTION ON THE ESTABLISHMENT OF AN INTERNATIONAL FUND FOR COMPENSATION FOR OIL POLLUTION DAMAGE

"SEC. 201. For the purposes of this Title, the term—

"(a) 'Convention' means the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, 1971.

"(b) 'The Fund' means 'International Oil Pollution Fund' established by the Convention.

"(c) 'Liability Convention,' 'ship,' 'State of the ship's registry' and other references to registration of a ship in a State, 'person,' 'owner,' 'oil,' 'pollution damage,' 'preventive measures,' 'incident,' 'franc,' 'ship's tonnage,' 'escape,' 'discharge,' 'United States' when used in a geographic sense, 'ton,' 'guarantor,' and 'District Court of the United States' have the same meaning as in Title I of this Act, except that (1) 'oil' shall be confined to persistent hydrocarbon mineral oils for the purposes of this Title, and (2) 'ton' in relation to oil means a metric ton.

"(d) 'Contributing oil' means crude oil and fuel oil as defined in subparagraphs (1) and (2) below:

(1) 'Crude oil' means any liquid hydrocarbon mixture occurring naturally in the earth whether or not treated to render it suitable for transportation, and includes crude oils from which certain distillate fractions have been removed ('topped crudes')

and to which certain distillate fractions have been added ('spiked' or 'reconstituted' crudes).

(2) 'Fuel oil' means heavy distillates or residues from crude oil or blends of such materials intended for use as a fuel for the production of heat or power of a quality equivalent to 'American Society for Testing Materials Specification for Number Four Fuel Oil' (Designation D 396–69) or heavier.

"(e) 'Terminal installation' means any site for the storage of oil in bulk which is capable of receiving oil from waterborne transportation, including any facility situated off-shore and linked to such site.

"SEC. 202. (a) Contributions to the Fund shall be made by any person who has received, in total quantities exceeding 150,000 tons in the calendar year preceding the year in which his contribution is calculated,

(1) in the ports or terminal installations in the territory of the United States, contributing oil carried by sea to such ports or terminal installations;

(2) in any installations situated in the territory of the United States, contributing oil which has been carried by sea and discharged in a port or terminal installation of a country not party to the Convention, provided that contribution in respect of contributing oil so carried and discharged shall be made only by the first receiver in the United States.

"(b) Any person

(1) who is a subsidiary of or an entity commonly controlled by a person or related group of persons required under subsection (a) of this section to make contributions to the Fund and who receives contributing oil as provided in subsection (a) of this section in any amount in the same calendar year as such person or related group of persons, or

(2) who is one of two or more subsidiaries of or entities commonly controlled by a person or related group of persons and such subsidiaries or entities receive, as provided in subsection (a) of this section an amount of contributing oil exceeding 150,000 tons in the aggregate in the same calendar year,

shall also make contributions to the Fund. The President shall by regulation determine which persons shall be deemed to be subsidiaries, commonly controlled entities and related groups of persons for the purposes of this subsection.

"(c) Any person required by subsection (a) or (b) of this section to contribute to the Fund shall, upon notification by the Director of the Fund, be liable to pay the Fund the amount of his initial and annual contribution calculated pursuant to Article 11 and Article 12 of the Convention, as specified by the Director. Such person shall pay the Fund such portion thereof in cash as may from time to time be requested by the Director, and shall give such security for the remaining portions thereof, including amounts in arrears, as the Director may require pursuant to regulations of the Fund. Such person shall be liable to pay interest to the Fund in respect of amounts in arrears at a rate determined by the Fund.

"(d) Any person liable to contribute to the Fund and who fails to make a payment or to provide security to the Fund as required by the preceding subsection within three months from the date such payment is due or the provision of security is required, shall for each such failure be liable for a civil penalty of not more than 5,000 dollars. The President may assess and compromise such penalty. No penalty shall be assessed until the person has been given notice and an opportunity for a hearing on such charges. In determining the amount of such penalty or the amount agreed upon in compromise, the demonstrated good faith of the persons and the amount of the contribution due shall be considered by the President.

"(e)(1) Subject to paragraph (2) of this subsection, any person liable to contribute to the Fund and who fails to make a payment or to provide security to the Fund as required by subsection (c) of this section shall be liable in an action brought in the several District Courts of the United States by the Director of the Fund for the amount due or to provide such other relief as the court may determine is appropriate.

(2) Upon a determination of the President that a person to which the judicial power of the United States does not extend in the circumstances set forth in Amendment XI to the Constitution of the United States is liable to contribute an amount to the Fund, and that such person has failed to make payment of that amount or any part thereof for more than three months from the date the payment was due, the President shall take such measures as he deems appropriate to collect such unpaid amount and any interest (as provided in subsection (c) of this section) on behalf of the Fund, including the prosecution of an action therefor against such person in a court of the United States. Upon receipt of the sums collected, the President shall forthwith pay such sums to the Fund.

"(f) The Fund shall have capacity under the laws of the United States to contract, to acquire and dispose of real and personal property, and to institute and be party to legal proceedings. The Director of the Fund shall be the legal representative of the Fund. The Director shall be deemed irrevocably to have appointed the Secretary of State his agent for service of process in any action against the Fund in any court of the United States.

"(g) The President shall communicate to the Director of the Fund the name and address of any person who is liable to contribute to the Fund under subsection (b) of this section and data regarding the relevant quantities of contributing oil received by such person during the preceding calendar year. The President may require any person who may be liable to contribute to the Fund to furnish such information as he may from time to time deem appropriate for purposes of the preceding sentence. Communications by the President to the Director shall, in any civil action or administrative proceeding arising out of alleged failure to contribute or provide security to the Fund as required herein, be prima facie evidence of the facts stated therein.

"(h) The President is authorized to delegate the administration of this section, including the powers to make determinations, and to make and revise regulations, and to redelegate such powers, to the heads of those Federal departments, agencies, and instrumentalities which he determines to be appropriate.

"SEC. 203. Sections 204 and 205 of this Title respectively apply exclusively to pollution damage (other than preventive measures) caused on the territory, including the territorial sea, of the United States and any foreign country which is party to the Convention and to preventive measures, wherever taken to prevent or minimize such damage, and, with regard to indemnification of owners and guarantors, to pollution damage (other than preventive measures) caused on the territory, including the territorial sea, of the United States and any foreign country party to the Liability Convention by a ship registered in a State party to the Convention, and to preventive measures, wherever taken, to prevent or minimize such damage.

"SEC. 204. (a) Any person suffering pollution damage arising out of an incident occurring more than one hundred and twenty days after the entry into force of the Convention shall be entitled to compensation from the fund if that person has been unable to obtain full and adequate compensation for the damage under the terms of Title I or the Liability Convention either

(1) because no liability for the damage arises under Title I or the Liability Convention; or

(2) because the owner liable for the damage under Title I or the Liability Convention is financially incapable of meeting his obligations in full and any financial security that may be provided under section 103 of Title I or Article VII of the Liability Convention does not cover or is insufficient to satisfy the claims for compensation for the damage, provided that an owner shall be deemed to be financially incapable of meeting his obligations and financial security shall be deemed to be insufficient if the person suffering damage has been unable to obtain full satisfaction of the amount due him under Title I or the Liability Convention after having taken all reasonable steps to pursue the legal remedies available to him; or

(3) because the damages exceed the owner's liability under the Liability Convention as limited pursuant to subsection 102(g) of Title I or Article V, paragraph 1 of the Liability Convention or under the terms of any other international convention in force or open for signature, ratification or accession on December 18, 1971.

Expenses reasonably incurred or sacrifices reasonably made by the owner voluntarily for preventive measures shall be treated as pollution damage for purposes of this section.

"(b) The Fund shall incur no obligation under the preceding subsection if:

(1) it proves that the pollution damage resulted from an act of war, hostilities, civil war or insurrection or was caused by oil which has escaped or been discharged from a warship or other ship owned or operated by the United States or a foreign country and used at the time of the incident only on government non-commercial service; or

(2) the claimant cannot prove that the damage resulted from an incident involving one or more ships.

"(c) If the Fund proves that the pollution damage resulted wholly or partially either from an act or omission done with intent to cause damage by the person who suffered damage or from the negligence of that person, the Fund may be exonerated to the same extent from its obligation to pay compensation to such person. The Fund shall in any event be exonerated to the extent that the owner may have been exonerated under subsection 102(c) of Title I or Article III, paragraph 3 of the Liability Convention. Notwithstanding any other provision of this Act, the Fund shall not to any extent be exonerated with regard to pollution damage resulting from the taking of preventive measures compensable under subsection (a) of this section.

"(d) The aggregate amount of compensation payable by the Fund under this Act shall in respect of any one incident be limited, so that the total sum of that amount and the amount of compensation actually paid under Title I or the Liability Convention for pollution damage, including any sums in respect of which the Fund is under an obligation to indemnify the owner pursuant to Section 205 of this Title shall not exceed the dollar equivalent of 450 million francs; provided, however, that if the Fund shall decide to change the figure 450 million francs, such total sum shall, with respect to incidents occurring after the date of such change, in no case exceed the dollar equivalent of the amount decided on by the Fund, and *further provided*, That all pollution damage resulting from a single natural phenomenon of an exceptional, inevitable, and irresistible character in every case shall be deemed to have arisen out of a single incident.

"SEC. 205. (a) An owner or his guarantor shall be entitled to reimbursement from the Fund, for that portion of the aggregate amount of liability for pollution damage under Title I or the Liability Convention arising out of an incident occurring more than one hundred and twenty days after the entry into force of the Convention which:

(1) is in excess of an amount equal to the dollar equivalent of 1500 francs for each ton of the ship's tonnage or of an amount equal to the dollar equivalent of 125 million francs, whichever is less; and,

(2) is not in excess of an amount equal to the dollar equivalent of 2,000 francs for each ton of the ship's tonnage or an amount equal to the dollar equivalent of 210 million francs, whichever is the less;

provided, however, That the Fund shall incur no obligation under this paragraph where the pollution damage resulted from the willful misconduct of the owner himself.

"(b) If the Fund proves that

(1) as a result of the actual fault or privity of the owner, the ship from which the oil causing pollution damage (including preventive measures) escaped or was discharged did not comply with the requirements laid down in (A) the International Convention for the Prevention of Pollution of the Sea by Oil, 1954, as amended in 1962; or (B) the International Convention for the Safety of Life at Sea, 1960; or (C) the International Convention on Load Lines, 1966; or (D) the International Regulations for Preventing Collisions at Sea, 1960; or any amendment which has been determined to be of an important nature under Article XVI(5) of the Convention mentioned in (A), under Article IX(e) of the Convention mentioned in (B) or under Article 29(3)(d) or (4)(d) of the Convention mentioned in (C); provided, however, that any such amendment has been in force for at least twelve months at the time of the incident; and,

(2) the incident or damage was wholly or partially caused by such non-compliance;

the Fund shall, to the same extent, be exonerated from its obligations under the preceding subsection, without regard to whether the ship was bound by the law of the State of the ship's registry to comply with such requirements.

"(c) If the Fund decides that a new convention shall replace an instrument or a part thereof for the purpose of paragraph 3 of Article 5 of the Convention, the ship shall on the effective date of such replacement be required to comply with the requirements of the new convention for the purposes of the preceding subsection; provided, however, that any ship registered at the time of an incident in any State party to the Convention (including the United States) which is not a party to the new convention and which has declared to the Director of the Fund that it does not accept such replacement and has not terminated such declaration shall be required for the purposes of the preceding subsection to comply only with the requirements referred to in that subsection until such declaration is withdrawn or the State becomes party to the new convention.

"(d) Any ship complying with the requirements in an amendment to an instrument specified in subsection (b) or with the requirements in a new convention, where the amendment or the convention is designed to replace in whole or in part such instrument, shall be considered as complying with the requirements of subsection (b).

"(e) If the Fund shall have assumed the obligations of a guarantor of part of an owner's liability, the owner shall, upon proof of such assumption, be deemed to have complied with Section 103 of Title I of this Act and Article VII of the Liability Convention with respect to that part of his liability. Where the Fund acting as a guarantor, has paid compensation for pollution damage in accordance with Title I of this Act or the Liability Convention, it shall have a right of recovery from the owner to the extent that the Fund would have been exonerated pursuant to subsection (b) of this section from its obligations under subsection (a) of this section to indemnify the owner or his guarantor.

"(f) Expenses reasonably incurred and sacrifices reasonably made by the owner voluntarily to prevent or minimize pollution damage shall be treated as included in the owner's liability for the purposes of this Section.

"SEC. 206. (a) The several District Courts of the United States shall have jurisdiction over actions against the Fund for compensation or indemnification under Sections 204 or 205 of this Title. Such actions may be brought no sooner than 240 days after entry into force of the Convention and shall be brought only before a court competent under Section 104(b) of Title I of this Act.

"(b) Subject to the provisions for consolidation of the Federal Rules of Civil Procedure, where an action for compensation for pollution damage has been brought before a District Court of the United States or a court of another country competent under Article IX of the Liability Convention, against the owner or his guarantor, such court or courts shall have exclusive jurisdiction over actions against the Fund for compensation or indemnification under Section 204 or 205 of this Title in respect of pollution damage arising out of the same incident and involving the same defendant or his guarantor. However, where an action for compensation for pollution damage under the Liability Convention has been brought before a court of a country party to the Liability Convention but not to the Convention, any action against the Fund for such compensation or indemnification may be brought before any District Court of the United States having jurisdiction under Section 104(b) of Title I.

"(c) The Fund may intervene of right as a party in any legal proceedings instituted against an owner or his guarantor under Title I of this Act.

"(d) Subject to subsection (e) of this section, the Fund shall not be bound by any judgment or decision in proceedings to which it has not been a party or by any settlement to which it is not a party.

"(e) Where an action under Title I for compensation for pollution damage has been brought against an owner or his guarantor in a District Court of the United States, each party to the proceedings shall be entitled to notify the Fund of the proceedings. Where such notification has been timely made and in accordance with the practice of the Federal Courts, any judgment rendered by the court in such proceedings shall, after it has become final and enforceable in the United States, become binding upon the Fund in the sense that the facts and findings in that judgment may not be disputed by the Fund even if the Fund has not actually intervened in the proceedings.

"(f) Rights to compensation under Section 204 of this Title or to indemnification under Section 205 of this Title shall be extinguished unless an action is brought thereunder or notification has been made pursuant to the preceding subsection within three years from the date when the pollution damage occurred, provided that no action shall be brought more than six years after the date of the incident which caused the pollution damage.

"(g) Notwithstanding the provisions of the preceding subsection, the right of an owner or guarantor to seek indemnification from the Fund pursuant to Section 205(a) shall in no case be extinguished sooner than six months from the date the owner or his guarantor acquired knowledge of the commencement of an action against him under Title I of this Act or under the Liability Convention.

"(h) Subject to the provisions of Section 302 of Title III of this Act, any judgment given against the Fund by a court having jurisdiction as provided in Article 7, paragraphs (1) or (3) of the Convention shall, when it is enforceable in the country of origin, and which is no longer subject to ordinary forms of review therein, be enforceable in the courts of the United States except on the same conditions as are prescribed in Section 104 of Title I.

"SEC. 207. The Fund, its assets and income, including contributions, shall be exempt from all direct taxation in the United States.

TITLE III—APPORTIONMENT OF CLAIMS AND SUBROGATION; EXCLUSIVE REMEDY; EFFECTIVE DATE

"SEC. 301. For the purposes of this Title, the term—

"(a) 'Owner's fund' means a fund constituted as provided in Section 102 of Title I of this Act.

"(b) 'Compensation Fund' means the Fund as defined in Section 201 of Title II of this Act.

"(c) 'Owner,' 'guarantor,' 'person,' 'pollution damage,' 'preventive measures,' 'Liability Convention,' and 'District Court of the United States' have the same meaning as in Title I of this Act.

"(d) 'Convention' has the same meaning as in Title II of this Act.

"SEC. 302. (a) Subject to Section 303 of this Title—

(1) An owner's fund shall be distributed among the claimants in proportion to their established claims. Claims in respect of preventive measures taken by the owner shall rank equally with other claims against the owner's fund.

(2) Where the aggregate amount of damage arising out of any one incident exceeds the amount referred to in Section 204(d) of Title II of this Act, the amount available thereunder for compensation of such damage under this Act shall be distributed in such a manner that the proportion between any established claim and the amount of compensation actually recovered by the claimant under the Liability Convention and this Act shall be the same for all claimants.

"(b) On the petition of any claimant, owner, guarantor, the Compensation Fund, or any other interested person, any District Court of the United States in which an owner's fund is constituted pursuant to Section 102 of Title I of this Act or if no fund is constituted, any District Court having jurisdiction of an action against the Compensation Fund may determine that liability arising from an incident may exceed the limit of liability under this Act. Whenever such determination is made:

(1) Total payments made by or for all claimants as a result of such incident shall not exceed 20 per centum of such limit of liability without the prior approval of the court;

(2) The court shall not authorize payments in excess of 20 per centum of such limit of liability unless the court determines that such payments are or will be in accordance with a plan of distribution which has been approved by the court or such payments are not likely to prejudice the subsequent adoption and implementation by the court of a plan of distribution pursuant to subsection (a) of this Section; and

(3) Any other interested person may submit to such District Court a plan for the disposition of pending claims and for the distribution of remaining moneys available. Such a plan shall include an allocation of appropriate amounts for claims which may not be made until a later time. Such court shall have all power necessary to approve, disapprove, or modify plans proposed, or to adopt another plan; and to determine the

proportionate share of moneys available for each claimant. Any person compensated or indemnified shall be entitled to such orders as may be appropriate to implement and enforce the provisions of this subsection, including orders limiting the liability of the persons indemnified, orders approving or modifying the plan, orders staying the payment of claims and the execution of court judgments, orders apportioning the payments to be made to claimants, and orders permitting partial payments to be made before final determination of the total claims. The orders of such court shall be effective throughout the United States.

"SEC. 303. (a) If, before an owner's fund is distributed, the owner, any of his servants or agents, the owner's guarantor, or the Compensation Fund has as a result of the incident in question, paid compensation for pollution damage, such person shall, up to the amount he has paid, acquire by subrogation the rights which the person so compensated would have enjoyed under this Act.

"(b) The right of subrogation provided for in subsection (a) of this section may also be exercised by a person other than those mentioned therein in respect of any amount of compensation for pollution damage which he may have paid but only to the extent that such subrogation is otherwise permitted under law.

"(c) Subject to the provisions of Section 205 of Title II, the Compensation Fund shall, in respect of any amount of compensation for pollution damage paid by the Compensation Fund in accordance with Section 204 of Title II, acquire by subrogation the rights that the person so compensated may enjoy under Title I or the Liability Convention against the owner liable for the damage or his guarantor.

"(d) Nothing in this Act shall prejudice any right of recourse or subrogation of the Compensation Fund against persons other than those referred to in the preceding subsection. In any event the right of the Compensation Fund to subrogation to the rights of persons referred to in the preceding paragraph shall be no less favorable than that of an insurer of a person to whom compensation or indemnification has been paid.

"(e) Without prejudice to any other rights of subrogation or recourse against the Compensation Fund which may exist, the United States or any foreign country party to the Convention, or any agency thereof, shall acquire by subrogation the rights which a person it has compensated for pollution damage in accordance with the provisions of national law would have enjoyed under the Convention.

"SEC. 304. No action for compensation for such damage or preventive measures shall be maintained in the United States against an owner, a guarantor, or the Compensation Fund, otherwise than in accordance with this Act. No action for such damage or preventive measures shall be maintained in the United States against an owner's servants or agents.

"SEC. 305. This Act shall be effective upon the later of the date of its enactment or the date of the entry into force of the Convention."

IMPORT QUOTAS AND PRICES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. CLARK) is recognized for 5 minutes.

Mr. CLARK. Mr. Speaker, some myths, as we all know, stay with us long after they have been refuted by hard facts.

There is one such myth that has outlived its usefulness but it raises its head almost every time that import quotas are mentioned. The liberal trade elements immediately caution us that import quotas lead to higher prices.

Mr. Speaker, I have received a paper on this subject furnished me by O. R. Strackbein, who is head of the Nation-Wide Committee on Import-Export Policy.

Mr. Strackbein has examined the price trends of all the major products on which we have import quotas or similar restrictions having the effect of import quotas, such as the steel agreement with exporting countries that supply us most of our steel imports.

The paper demonstrates conclusively that import quotas do not lead to prices higher than the general price level, or the level of prices on products similar to or closely related to those on which we do have quotas.

As Mr. Strackbein points out, one of the prime purposes of quotas is to prevent prices from falling to disastrous levels rather than to raise prices. He examines the price trends on agricultural products, such as wheat, wheat flour, sugar, cotton, dairy products, beef and peanuts; as well as those on cotton textiles, petroleum, and steel, providing comparisons with the prices in similar products on which there are no import quotas.

Anyone who is inclined to do so can check Mr. Strackbein's statistics since he provides references to the source of his information. I offer the paper at this point in the RECORD:

IMPORT QUOTAS AND PRICES

(By O. R. Strackbein, president, the Nation-Wide Committee on Import-Export Policy)

During the great debate on a national trade policy there is one note that comes through unmistakably from those who oppose the imposition of import quotas.

This note is to the effect that import quotas raise prices and feed the fires of inflation.

After a detailed examination of available data on this question it becomes clear that there is no substance to the claim of a cause and effect relationship between import quotas and rising prices. In order to support this assertion the evidence on the subject will be set forth herein, and it can be verified or refuted by anyone who is sufficiently interested in the subject to make the effort.

I shall trace price trends on the products on which we have import quotas, compared to the price trends in general and on non-quota products that are closely related to the products on which such quotas are in effect. An example will be the comparative price trends on beef, on the one hand, and the prices on pork and poultry, on the other. Beef has been subject to a quota since 1964, until 1972 when the quota was lifted. Pork and poultry have not been subject to an import quota.

Also, petroleum and petroleum products have been subject to import quotas while coal, another, and competing fuel, has not. Steel is the beneficiary of an arrangement under which other countries restrict their exports to this country. Other metal products have no such import restrictions. Sugar is subject to an import quota while many other food products are not. The same is true of wheat and wheat flour, raw cotton and peanuts, on which imports are in effect. Textiles are subject to export restrictions by foreign countries somewhat similar to the steel restrictions.

We can make comparisons of price trends relating to these products and reach conclusions about the effect of import quotas on prices.

The quotas of longest standing are those imposed on imports of agricultural products. They are usually an outgrowth of Section 22 of the Agricultural Adjustment Act.

It may be noted right here that the purpose of these quotas, such as those on wheat flour, raw cotton, dairy products and peanuts, was not, as is so glibly charged, to raise prices but to prevent the prices from falling to ruinously low levels, which they would unquestionably have done if the import restrictions had not held the line. Our price support of agricultural products would have collapsed had these restrictions not been put into effect. Import restrictions on cheese were established when imported cheese, coming in at relatively low prices caused a heavy accumulation of domestic cheese in our warehouses because of its higher price.

The price trends on the various products that are or for a period of time have been subject to an import quota and a comparison with the trend of prices on other products are set forth under product headings below:

WHEAT AND WHEAT FLOUR

The importation of wheat and wheat flour is severely restricted in pursuance of a limitation imposed under Sec. 22 of the Agricultural Adjustment Act, in 1941. Imports are limited to a quantity that is less than 1% of our production.

Nevertheless the price of wheat (hard winter No. 2, Kansas City) has had rises and falls quite independently of the import restriction. In 1950 the price per bushel was $2.22. In 1955 the price was $2.25, or little changed from 1950. By 1960, however, the price had dropped to $2.00. If the purpose of the quota restriction was to raise the price it was singularly ineffective. By 1968 the price had shrunk to $1.46 per bushel. Then there was a turnabout, and in January 1972 the price was back up to $1.62, but still far short of the $2.25 of 1955.

These price trends may be compared with those of corn which is not subject to an import quota. The 1950 price (yellow, No. 2, Chicago) was $1.50 per bushel. By 1955 the price was down to $1.41.

The price decline continued as it did in the case of wheat. In 1960 it was down to $1.15 and in 1968 to $1.14. This was followed by a rise to $1.33 in 1970 and a decline to $1.06 in 1971. If we compare the wheat and corn prices since 1950 we find that from 1950 to January 1972 the price of wheat *dropped* 27% while that of corn dropped only 23%. *Yet it was wheat rather than corn that was under an import quota.*

From 1960 to May 1970 the price of wheat dropped from $2.00 per bushel to $1.53. This was a 23% decline. The price of corn *rose* from $1.15 per bushel to $1.30, an increase of 13%.

In 1972, of course, in response to the heavy purchase of wheat by Russia from the United States the price of wheat rose sharply. It rose from the low point of the year at $1.53 in June to $2.18 in October 1972. The price of corn (No. 3, yellow, Chicago) went from a low of $1.21 in February 1972 to only $1.31 in October 1972, after reaching $1.36 in September. Russia was buying wheat, not corn.

The rapid rise in the price of wheat cannot, however, be attributed to the existence of an import quota, but to the large Russian purchase.

(See Statistical Abstract of the United States, 1969, Table 504, p. 343; and Survey of Current Business, November 1972, pp. S–27–8.)

There is nothing in the price trends of wheat and corn that would sustain the oft-asserted view that import quotas lead to higher prices.

MEAT-BOVINE AND PORCINE

In 1964 a ceiling on imports of beef was set by law. If imports were to breach the ceiling an import quota would be triggered. In 1970 when a breach was imminent the ceiling was raised slightly. In 1971 after another breach of the ceiling a quantitative import quota was put into effect. In June 1972 the quota was set aside and it is still inoperative.

In 1964, the year the ceiling was established the price of beef, i.e., stocker and feeder steers, Kansas City, averaged $19.79 per cwt. The price rose to $25.41 in 1966, fell to $24.67 in 1967, rose to $25.90 in 1968, up to $29.30 in 1969, to $30.15 in 1970, $32.09 in 1971 and then turned sharply upward late in 1971, reaching $38.81 in July 1972 and $41.29 in September.

The 1964 price of hogs, average wholesale, all grades, Chicago, was $14.92 per cent. In 1966 the price averaged much higher, at $22.61, followed by a drop to $18.95 in 1967. The price held at $18.65 in 1968. It rose to $23.65 in 1969, fell to $22.11 in 1970 and on down to $18.41 in 1971. As in the case of beef, the prices began rising toward the end of 1971, reaching $24.02 in January 1972 and $28.41 in September 1972. It will be noted that this was also the high point in the 1972 price of beef.

The increase in the price of beef from 1964 to September 1972 was 109%; that of pork, 90%. However, during the first two years of the ceiling on beef imports, i.e., through 1966, the price of beef rose 28% compared with a rise of 51% in the price of hogs. Beef rose from $19.79 per cwt in 1964 to $25.41 in 1966. The price of hogs rose nearly twice as much, moving from $14.92 in 1964 to $22.61 in 1966. Yet, again, beef was under an import ceiling, not pork. Moreover, the import quota on beef was lifted in June 1972, so that imports might rise and stop the price increase, but prices continued to rise, or from $37.72 in May to $41.29 in September. Hog prices went from $24.76 to $28.41 in the same period. In other words, other factors than the import quota on beef were in operation. The rise in beef was 9.4% and that of hogs 14.8% from May to September 1972. At that time both were without an import quota. Beef obviously did not respond to the removal of the quota by turning downward in price.

PETROLEUM

Petroleum and petroleum products became the subject of an import quota on a voluntary basis in 1958 and then on a mandatory basis in March 1959.

One more there is nothing to suggest, much less prove, that the price of refined petroleum products increased more rapidly than the price of products that were not under an import quota.

Where 1967 equals 100 the wholesale petroleum price in 1969, which was the year the mandatory import quota went into effect, stood at 99.6. It rose to 101.1 in 1970, to 106.8 in 1971 and to 111.5 by October 1972. However, the All-Commodities index had risen to 120.0. That of Industrial Commodities had risen a little less sharply, or to 118.8. Thus, the price of refined petroleum products, wholesale, lagged distinctly behind the general wholesale price level.

If we compare the petroleum price increase with that of a competing fuel, namely, coal, which is not and has not been under an import quota, we encounter a great contrast. Again on the basis of 1967 the wholesale price of coal had risen to 192.4 by October 1972, compared with 111.5 for refined petroleum. Once more it may be remarked that if it is the purpose of import quotas to raise prices, something evidently went awry in another instance of an import quota.

As for petroleum prices at the wells (Oklahoma) it was $3.18 per barrel in 1969, $3.23 in 1970, $3.41 in 1971 and $3.51 in October 1972. (See Survey of Current Business, April 1970, p. S-8 and S-35; November 1972, p. S-8 and S-35). The increase was only 10.4%, or a little less than the increase in the price of the refined product.

COTTON TEXTILES AND APPAREL

An arrangement was made with Japan whereby that country undertook to restrict its exports of cotton textiles to this country, beginning January 1, 1957. In 1961 this arrangement was superseded by the so-called Long-Term Arrangement negotiated under GATT. This Arrangement covered some 30 countries and about 90% of our total cotton textile imports. In 1972 manmade fiber textile products and wool products were brought under similar quota restrictions.

Indeed, the price of wool products had fallen well below the level of 100, going as low as 91.5 in December 1971, compared with 115.4 for all commodities. This was an instance of imposing a quota limitation on imports in an effort to prevent the price from falling to disastrous levels. It had fallen 23.9 points below the general level of commodity prices and 7.9 points below its own level in 1971. When it is said that the purpose of import quotas is to raise prices this case can be cited as a specific instance of an effort to prevent further price declines when the current price is already abnormally low.

The wholesale price of cotton products did rise after 1967, but not as rapidly as the wholesale price of All Commodities. The latter had risen to 106.5 by 1969, that of cotton products, to 104.5. In 1970 the All-Commodities index was 110.4, that of cotton products, 105.6 By October 1972 the All-Commodities index was 120.0 while that of cotton products had indeed reached higher, to 124.0. The upward trend in this price began late in 1971, when it was still below the All-Commodities level.

A heavy component of the textile products classification is apparel, including the manmade fiber and woolen apparel. In October 1972 this price still lagged at 114.8, or behind the general level of 120.0 for all Commodities. (Survey of Current Business, Apr. 1971, and Nov. 1972).

Once more we find no evidence that supports the claim that import quotas feed the fires of inflation, or indeed, lead to higher prices out of line with the price level of other goods.

SUGAR

Sugar is another product that is subject to an import quota. The quota antedates World War II.

The *retail price* of sugar in 1955 was 10.4¢ per lb. Ten years later (1965) the price was 11.8¢, an increase of 10% in ten years—not a very exciting increment for a price-raising venture. In 1969 the price was 12.4¢; and in September 1972 it reached 13.9¢. The increase since 1955 was therefore 33.6%. (Ref. Same). Yet retail prices for *all food* in selected urban areas rose from an index of 81.6 in 1955 to 118.4 in 1971, or 45%. (Statistical Abstracts of the United States, 1972, Table 571, p. 352).

Obviously the price of sugar did not outrun the price of other food products. Quite the contrary.

DAIRY PRODUCTS

Import quotas were imposed on dairy products under Sec. 22 of the Agricultural Adjustment Act in 1953. Since 1967 the price index of dairy products had risen to 120.0 by October 1972. This is the same increase recorded by the All-Commodities index, which also rose to 120.0 by October 1972. However, the index of "farm products, processed foods and feeds" had risen 123.3, or 3.3 points more than the dairy products index.

Thus, while the price of dairy products rose as much as the All-Commodities index it rose less than some other farm products and processed foods. Once more we find that the import quota on dairy products did not lead to a price increase beyond the average since 1967, i.e., within the past five years. (Ref: Survey of Current Business, November 1972, p. S-8). Why then the quota? The answer is once more—to prevent a sharp price decline or to avoid falling too far behind other prices that dairy farmers have to pay.

RAW COTTON

Raw cotton imports have been severely restricted (to less than 5% of domestic production) for many years under Sec. 22 of the Agricultural Adjustment Act. Yet, the price dropped sharply during the greater part of the years from 1951 to 1970. The average price during the 1950–55 period was 34¢ per lb. The 1959 price was still 33.2¢; in 1962 the price held at the same level exactly. In 1965 it was down to 29.6¢, followed by a sharp decline that reached 22.0¢ in August 1966. An upward trend brought the price back to 27.0¢ by December 1967. In 1968 the average price was down again, to 22.9¢. There was little recovery until 1971 when an upward trend set in carrying to 30.1¢ by December of that year. In May 1972 the price reached 35.0¢, but then fell again, sharply, reaching 24.9¢ in October 1972. The prices quoted are those for middling 1-inch, average in 12 markets of the United States. (Ref: Survey of Current Business, pertinent monthly issues).

From these price trends it is obvious that the import quota did not succeed in keeping prices up. Only in 1971 did the price go above that prevailing as far back as 1959. Surely the quota as a price-raising mechanism did poorly enough. No doubt it prevented ruin of the cotton-growing industry by preventing a total price collapse and consequent ruin of the cotton farmers.

PEANUTS

Peanuts are under price support of the Department of Agriculture. An import quota was established in 1953 under Sec. 22. The price of peanuts has had little variation, following a slow upward trend that raised the 1953 price from 11.1 cents per lb. to 13.6 cents by December 1971 (est). This was an increase of 22½%, or much less than the general wholesale price level or that on food products.

STEEL

An international arrangement was achieved in 1968 under the provisions of which the principal exporting countries of steel to this country was to be limited, beginning in January 1969.

According to the Survey of Current Business for July 1970 the wholesale iron and steel price index, where 1967 equals 100, stood at 106.1 in December 1968, or immediately before the "arrangement" limiting exports to this country took effect. The price had advanced to 115.1 in 1970, but that of nonferrous metals (copper, lead and zinc, aluminum, etc.) had risen to 125, where 1967 equals 100. Yet the nonferrous metals were not subject to import quotas or foreign export limitations. In 1971 the price of the latter classification dropped to 116.0 while that of iron and steel rose to 121.8. By October 1972, however, the iron and steel prices reached 128.9 while nonferrous metals had reached only 117.3. The price of steel had also outrun the durable goods index which had reached only 121.7.

If we compare iron and steel prices with those of lumber we find the latter far outstripping the iron and steel level. Lumber prices reached 166.1 in October 1972, representing a rise more than twice that of iron and steel since 1967. Leather prices had reached 153.3, hides and skins, 270.8. Nonmetallic mineral product prices almost kept pace with iron and steel, i.e., 127.3 compared with 128.2. Concrete products reached 127.2. Yet none of these products, lumber, leather, hides and skins, nonmetallic mineral products or concrete products were under import quotas or were parties to an arrangement such as iron or steel under which foreign countries limited their exports to this country.

The iron and steel industry had not shown a profit increase since the increase in prices through 1971. Indeed the profits were well below those of previous years and below those of the durable goods industries. In 1968 the durable goods industries had a profit of 5.1% of sales (after taxes), the steel industry 4.6%. In 1970, the durables profit was 4.0%, iron and steel, 2.5%. In 1971 the two percentages were respectively 4.2% and 2.5%. Profits on the basis of stockholders equity in 1970 and 1971 were less than half those of all durable goods, or 9.3% and 9.7% in 1970 and 1971 for the durable and 4.3% and 4.5% for iron and steel. (Statistical Abstract, 1972, Table 777, p. 483). The data were derived by the Federal Trade Commission and the Securities and Exchange Commission.

Similarly profits of the textile mill products industry have been less than half of those of the nondurable goods industries.

Thus it can be seen that import limitations under which these industries have operated did not lead to exorbitant profits, nor indeed to normal profits. To say that their price rises fed the fires of inflation are therefore unfounded.

CONCLUSION

This review completely dispels the cry so frequently heard that import quotas give rise to inflation. There is simply no ascertainable relation between import quotas and higher prices. All fair comparisons demonstrate the contrary.

OBSCENE RADIO BROADCASTING—V

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (JAMES V. STANTON) is recognized for 5 minutes.

Mr. JAMES V. STANTON. Mr. Speaker, pursuant to the issue I first raised in this Chamber on February 5, I would like to insert in the RECORD at this point some materials that will bring my colleagues up to date on developments that have occurred since that time.

First, it should be known that on February 8, Mr. Paul Neuhoff, vice president and general manager of station WERE in Cleveland—in accord with a request made by him—came to my office in the Longworth Building for the purpose of discussing this situation. Accompanying him were Howard Lund, a member of his staff, and Michael Bader, a Washington attorney. The conversation lasted about an hour, and it was conducted in the presence of Mr. William Treon, Washington correspondent for the Cleveland Plain Dealer, who had been notified by me about the meeting.

The highlights were as follows: Mr. Neuhoff made an exposition of what he termed the public service projects attributable to his station. I said in reply that, so far as I was concerned, there was no need for Mr. Neuhoff to justify his operation to me. I pointed out it was not I who must be satisfied that the station is being operated within the law and in the public interest but rather that the officials who must be persuaded, should they need persuading, are the U.S. attorney in Cleveland and the members of the Federal Communications Commission. I continued that my role was to relay to these officials complaints I had been receiving from my constituents, and to ask them to take appropriate action. I added that I would not undertake in any way an attempt to dictate—or even to suggest—what ought to be, or what ought not to be, broadcast by station WERE. Mr. Neuhoff asked me why I had acted publicly without first conferring with him privately about the complaints I had been receiving from my constituents. The reply was that I was being completely open about this situation because I regard it as a public matter, not a private matter. I explained that I must insist that there be no in camera proceedings in this controversy. I added it would be highly inappropriate for anyone holding the office of U.S. Congressman to influence programing by a public radio station through action behind the scenes, as it were. In my view, as I told Mr. Neuhoff, this would be tantamount not only to attempted censorship but, what is even worse, exercising the powers of this office out of view of the public.

Second, it should be known that, on February 20, Mr. Bader, the attorney who accompanied Mr. Neuhoff, telephoned my office. He asked that I grant an appointment in my office to Mr. Ralph Guild, president of ASI Communications, the parent corporation of radio station WERE. When I learned that Mr. Guild had in mind an informal discussion of the controversy regarding station WERE, I politely declined to schedule such an appointment because, as I saw it, the same ground had been covered in my discussion with Mr. Neuhoff, and I felt that I had nothing further to add.

Again, for the information of my colleagues sitting here, I would like to insert in the RECORD two items. One is a second letter I have written to the U.S. attorney in Cleveland. The second is a newspaper column that appeared last Sunday in the Cleveland Plain Dealer. Mr. William Hickey, the television-radio editor of that excellent newspaper, raises many points that are not necessarily germane to the questions I have raised, but I feel that the column nonetheless is of considerable interest. I am mailing a copy of it to Mr. Dean Burch, Chairman of the Federal Communications Commission. In addition, for background purposes, I might add that my previous insertions in the RECORD on this matter were on February 5, 6, 7, and 8. The aforesaid letter and the newspaper column read as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 9, 1973.

MR. FREDERICK M. COLEMAN,
U.S. Attorney, Northeast District,
Cleveland, Ohio

DEAR MR. COLEMAN: As an addendum to my January 30 letter to you regarding the Station WERE matter, I would like to call your attention to:

1. Your December 6 letter to me, in which you said: "The recordings of other broadcasts by Gary Dee were missing and could not be located."

2. My February 1 letter to Chairman Dean Burch of the Federal Communications Commission, a copy of which was sent to you, in which I refer, on Page 7, to this same problem.

In your reply to my January 30 letter, which I assume is in the process of preparation by you, I would appreciate your informing me as to whether all the tapes you requested of the January 17 broadcasts by Station WERE were made available to you by the station.

Whatever difficulties you may have had in this connection, either with respect to the November 1 or January 17 broadcast days, would be of interest to me, since it is conceivable that legislation might be required to correct these problems.

Therefore, it would be very helpful to me if you could send me a complete report on this aspect of the situation—again, as an addendum to the information I have already requested from you.

Kindest personal regards.

Sincerely,

JAMES V. STANTON,
Member of Congress.

"PEOPLE POWER RADIO"—A CLASSIC RIP-OFF
(By William Hickey)

In the razzle-dazzle world of broadcasting, catchy phrase words are commonplace and misnomers are all too conspicuous by their presence.

It is doubtful, however, that any phrase has been so deviously used as "People Power Radio," the current slogan of WERE Radio, 1300 on your dial.

At its best, talk radio is a questionable format, for by its very structure, a democratic or even exchange between caller and host is a rare and many-splendored thing, because all the power to control the ebb and flow of words lies in the hands of the man at the radio station.

At its worst, as in the case of WERE, it is everyday a sham and on many a day, a very dangerous thing. If ever a group of men proved that they had no right to retain a license to broadcast, it is those who front the local outlet of ASI Communications.

It is not enough they spew racist matter over the air, or mindless appeals to class hatreds, or even that their constant thrust is to the lowest common denominator of mankind; their electronic sin lies in the fact that they simply do not care what the consequences are, as long as their current controversy stirs interest, morbid or otherwise, and attracts listeners.

This is not to say that they do not play the game well, for they do. If U.S. Rep. James V. Stanton writes letters condemning their broadcast fare, they hie themselves down to Washington and plead their case adroitly.

At other times, the management team, including the station's community service director, are running about explaining the glories of "People Power Radio" and the pure intentions of the men who introduced it to WERE.

WERE is comprised for the most part of transient types, both in management and in the talent end of the business, the kind of people you pencil in one day and erase the next. In fact, the programming genius who devised the "People Power Radio" format is long gone.

It is an old story in radio, a group of broadcast carpetbaggers hit town, do their thing for a year or so and take their leave before the stunned citizenry knows what hit them, or how badly they were taken.

The management of WERE chose as their hit man, a loudmouth, rabblerousing type named Gary D. Gilbert, who learned some years back that a boy from Arkansas can make good money screaming invectives into a radio microphone.

Gilbert, who uses the professional handle of Gary Dee, is the perfect example of a broadcast personality who misuses the public's air waves. There is simply no dialogue on his show, merely monologue—his. It doesn't even matter in most cases if the caller agrees with him or not, Dee cuts them off before they can utter more than a few words, all the while yelling a boorish litany of slogans into the microphone.

Dee has great appeal to those rather strange

members of our society, who either like to yell at others (back at him) or take his abuse. He also appeals to the less gifted and disadvantaged, because in his phony anger, they sense one of their own crying out against the many injustices of society.

What is so patently cruel about Dee representing a fellow sufferer is that he often forgets what role he is playing on any given day—one moment he's a Bible-quoting tower of righteousness and the next a sniggering semi-swinger, making pathetic attempts to question listeners about their sex habits.

Recently, Dee debased himself by posing for a picture with another WERE personality standing with his foot on his chest. This was after an "on-air" fist-fight, which by the way made headlines in a local newspaper, the exact intent of it all.

If Dee is not engaged in imaginary fistfights he is staging imaginary strikes, squabbles with management and heaven only knows what else.

All of Dee's and the WERE management's protestations aside, you can imagine how much good is being done for area citizens, especially those who have the temerity to call the station with the purpose of expressing an opinion.

Being inexperienced at this sort of thing, they are nervous to begin with, and usually, when they have had to wait any length of time, doubly so. To heighten their state of anxiety, they know that a professional mouth waits at the other end of the phone to insult them or embarrass them in some other way, even if only by cutting them off.

This then is WERE is great "People Power Radio," the average person's only recourse to speak his mind on issues of the day, the last bastion of democratic exchange of views, the ultimate in enabling citizens to control their destinies.

Even when men of the utmost civility served as hosts on local talk shows, they still played the game of one-upmanship, leaving the caller at a decided disadvantage. What shred of hope does the caller to WERE personalities have of being given a respectful hearing of his views? Not a snowball's chance in hell.

It is one thing to stage hokey radio formats for fun and profit and I have absolutely no objection to anyone in the business doing it. However, when the abovementioned is done by men ostensibly under the cloak of self-righteousness, it is more than any intelligent person can bear.

THE PUBLIC EMPLOYMENT PROGRAM (PEP) MUST CONTINUE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. McFALL) is recognized for 5 minutes.

Mr. McFALL. Mr. Speaker, I wish to join my colleagues, Representative CARL D. PERKINS, chairman of the Education and Labor Committee, and Representative DOMINICK V. DANIELS, chairman of the Select Subcommittee on Labor, in cosponsoring legislation that will provide for funding the Emergency Employment Act of 1971 for 2 additional years.

The public employment program—PEP—is a well-designed program that most Members of the Congress can support. The purpose of Public Law 92–54 is to provide during times of high unemployment for programs of public service employment for unemployed persons, to assist States and local communities in providing needed public services.

The administration plans massive cutbacks of employment in many of our Federal agencies, plans to eliminate the Economic Development Administration which has done so much to stimulate employment, plans other far-reaching actions that will have serious impact on the future unemployment and welfare rolls. To terminate the PEP program at this time can only lead to a serious increase in welfare and unemployment. It follows that when unemployment rates increase, welfare rolls also increase.

I believe the present act is a well thought-out plan to meet the needs of local governments and at the same time concentrate assistance in areas of high unemployment. Much of my own congressional district is classified by the Department of Labor as having "substantial and persistent" unemployment. Under the Emergency Employment Act, 1,126 public jobs have been established to assist communities in my own congressional district in their efforts to provide much-needed services. It is a well designed program that works.

I am glad to give my unqualified support for this legislation and urge early action by this body of the Congress.

At a later date I believe this act should be expanded to assist the private sector of our economy and I plan to introduce a bill soon that will accomplish this purpose.

LOUIS DREYFUS CORP., THE CLOSED-BOOKS COMPANY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Montana (Mr. MELCHER) is recognized for 5 minutes.

Mr. MELCHER. Mr. Speaker, my mail reflects a continuing interest among people in the country about the great Russian grain deal, which some people prefer to characterize as a sale and others regard as a bargain that would be a horse trader's dream.

In any event, our transportation facilities in this country are clogged with wheat worth at least $2.50 per bushel at the gulf, based on current U.S. prices, which we are delivering under contract to the astute Russian purchasers at $1.63 per bushel less the 10 percent we recently devalued the dollars with which the Russians are paying for it.

Last fall, I asked the General Accounting Office to look into this grain sale. In an interim report during the fall, the GAO advised that the Department of Agriculture's method of administering the export subsidy program was haphazard and unbusinesslike, with no check or audit of the recipients to verify the accuracy of their claims on the Government. Without getting into the question of favoritism, proprieties, misfeasance, malfeasance or nonfeasance, the GAO said the administration of export subsidies require reform.

As a part of its investigation, the GAO has been examining the books of five of the six big grain firms which made the supersale to the Russians.

Five of them have cooperated with GAO in conducting the study which I requested that the GAO make—Cargill, Continental, Bunge, Cook and Garnac.

Just one, Louis Dreyfus Corp., has declined access to its books. Dreyfus Corp. has sold 19 percent of the 400 million bushels the Russians contracted to buy.

Interestingly, although Cargill Corp. early made a public announcement that it would take a small loss on the Russian transaction, the Louis Dreyfus Corp. declares that it is not possible for their company nor, in their view, any other company in the grain export business, to accurately segregate the final results of a particular transaction.

The other five companies have pointed out that an appraisal of the results of the sale, as of last September 30, can only approximate the final results. But they have given the GAO access to records to make such an approximation. Only Louis Dreyfus Corp. is holding out.

Beyond their objection to the pinpoint accuracy of any study of their experience in this sale, the Dreyfus Corp. also has made the point that the GAO study is being made at my request—the request of an individual Congressman. They obviously do not think that amounts to very much.

I agree, but I think this single Congressman's desire to have an agency independent of the administration which engineered the big deal, sale or giveaway, look into it has the backing of other Congressmen and a great many citizens and taxpayers in the Nation. They would like to know what is being done with the hundreds of millions of dollars being paid out under the export subsidy program, whether it is being administered wisely, how the books are kept, and many other things.

Because I believe public business should be public, I also believe that citizens and taxpayers are entitled to know that Louis Dreyfus Corp. alone has said "No" to the GAO's request for a look at their records on this deal.

MAURICE H. THATCHER: MEMORY HONORED IN CANAL ZONE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD), is recognized for 5 minutes.

Mr. FLOOD. Mr. Speaker, in an address to the House of Representatives on January 24, 1973, I eulogized our former colleague, the late Hon. Maurice H. Thatcher of Louisville, Ky., who died on January 6 at the age of 102 after a dedicated career of 80 years of public service in the law and politics.

Since he was the last surviving member of the Isthmian Canal Commission that supervised the construction of the Panama Canal during peak construction, 1910–13, Gov. David S. Parker of the Canal Zone by official proclamation designated January 9, 1973, the day of the Governor's funeral in Washington, as the occasion to honor his memory in the zone.

The Panama Canal Spillway, official publication of the Panama Canal Company, Balboa Heights, Canal Zone, in a newsstory in the January 12 issue, quoted Governor Parker's proclamation. The newsstory follows:

DEATH TAKES FRIEND OF CANAL EMPLOYEES

The Honorable Maurice H. Thatcher, the last surviving member of the Isthmian Canal

Commission and one of the outstanding men of the construction day era, died January 6 at the age of 102.

His life spanned more than half the years the United States has been in existence as a republic but his mind remained sharp to the end.

Born in Chicago, Ill., and reared in Kentucky, Governor Thatcher dedicated 80 years to public service through law and politics. His Canal involvement went back to 1910 when he began his service as a member of the ICC. His avid interest in the Panama Canal continued throughout the years and during his long association with the waterway, he accumulated probably more surveys, books and mementoes relating to the building and operation of the Canal than any other individual. He was believed to have been directly involved in the Canal enterprise longer than any other person.

Governor Thatcher served as a member of Congress from the Louisville District of Kentucky from 1923–33 and as a member of the House Committee on Appropriations, he rendered important services to his district, state and nation, and the Panama Canal and its employees, promoting various pieces of legislation in their favor. In recent years, he encouraged action by Congress which provided retirement pay for non-U.S.-citizen employees of the Canal. He was instrumental in amending the Canal Zone Code to provide cost-of-living adjustments in cash relief payments to certain former employees.

While serving in Congress, Governor Thatcher made several visits to the Canal Zone and made several more after World War II. He came in October 1962 for the dedication of the bridge that bears his name. His last visit to the Isthmus was in 1964 when he participated in the celebration of the 50th anniversary of the opening of the Panama Canal.

Governor Thatcher was the author of legislation for the establishment, maintenance and operation of the Gorgas Memorial Laboratory in Panama dedicated to the research of tropical diseases and which has become one of the outstanding institutions of its kind in the world.

Governor Thatcher was honored by the Government of Panama which bestowed upon him the medal and plaque of the Order of Vasco Núñez de Balboa. Venezuela and Ecuador also honored him for his services to tropical America.

In memory of Governor Thatcher, Gov. David S. Parker has issued the following Proclamation which reads as follows:

Whereas the Honorable Maurice H. Thatcher, last surviving member of the Isthmian Canal Commission, dedicated his long and distinguished career to the service of mankind, and

Whereas his work was of particular benefit to the Canal Zone community and to the peoples of Panama and the United States who have been associated with the Canal enterprise, and

Whereas funeral services for Mr. Thatcher are being held on Tuesday, January 9, 1973:

Now Therefore, I, David S. Parker, Governor of the Canal Zone, call upon the Canal Zone community to reflect upon the exemplary life of this great man and to honor his memory on this day.

In Witness Whereof, I have hereunto set my hand and caused the Seal of the Canal Zone to be affixed at Balboa Heights this eighth day of January in the year nineteen hundred and seventy-three.

DAVID S. PARKER.

INTRODUCTION OF BILL TO CORRECT "OVERSIGHT" IN SOCIAL SECURITY HIKE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WOLFF) is recognized for 15 minutes.

Mr. WOLFF. Mr. Speaker, today I am introducing legislation designed to correct an oversight created by the Congress when it enacted the 20-percent social security increase last year. Virtually every Member in the House and Senate has heard from constituents in his or her district who have experienced a loss in other Federal benefits because of the increase. Veterans, for example, have found their pensions reduced, and in some cases totally eliminated, because the increase has to be counted as income for purposes of determining pension eligibility. The same holds true for other Federal benefits programs which use "income" as a criterion for participation. The major areas in which social security recipients stand to lose all or some of their benefits, and thus not receive the full effect of the 20-percent increase, are: Federally assisted welfare payments, such as old-age assistance, food stamps, low-rent public housing, medicaid and, of course, veterans' pensions and benefits.

In enacting the social security increase, Congress inadvertently created a "give with the one hand, take with the other" situation by not taking into account the effect which the increase would have on these Federal assistance programs where outside income is an all-important eligibility factor. In addition, this oversight defeats the purpose of the 20-percent increase for many social security recipients who find their other benefits reduced precisely because of the increase. I feel that Congress must, in good conscience, act quickly to correct this situation and restore to these recipients the full benefits of the 20-percent increase and the other Federal benefits to which they are entitled without penalty from the increase. The significant, bipartisan support which the bill I am introducing today has generated indicates that a good many Members feel as I do and would like to see corrective action taken.

Very simply, my bill is designed to keep the 20-percent increase from being counted as part of an individual's income for purposes of participating in Federal programs, including all of the major assistance programs mentioned above. The measure will also insure that all social security recipients will receive the full benefit of the 20-percent increase, as Congress intended when it enacted the increase. This bill is identical to a measure originally introduced last session by Congressman Dow, which I cosponsored and which also received considerable support from Members of both sides of the aisle.

Although there have been several bills introduced this session to deal with the adverse effect created by the 20-percent increase on other Federal benefits, many of them overlap, and some areas of concern have not been dealt with at all. I feel that my bill offers a comprehensive means of insuring that all social security recipients will receive the full effect of the increase, and I urge favorable consideration for it at the earliest possible time.

The text of my bill follows, along with the names of those Members who have joined me as cosponsors:

LIST OF COSPONSORS

Mr. Broomfield, Mr. McSpadden, Mr. Pepper, Mr. Biaggi, Mr. Jones of Alabama, Ms. Jordan, Mr. Rosenthal, Mr. Conyers, Mr. Meeds, Mr. Tiernan, Mr. De Lugo.

Mr. Brasco, Mr. Ken Hechler, Mr. Won Pat, Mr. Podell, Mr. Harrington, Mr. Drinan, Mr. Murphy of Illinois, Mr. Yatron, Mr. Wilson of Texas.

Mr. Melcher, Mr. Rodino, Mr. Roy, Mr. Eilberg, Mr. Waldie, Mr. Price of Illinois, Mr. Wm. Green of Pennsylvania, Mr. Sarbanes, Mr. Gude, Mr. Young of Florida.

Ms. Holtzman, Mr. Riegle, Mr. Stuckey, Mr. Roncalio of Wyoming, Mr. Roe, Ms. Schroeder, Ms. Chisholm, Mr. Moakley, Mr. Mitchell of Maryland, Mr. Culver, Mr. Rangel.

H.R. 4570

A bill to require States to pass along to individuals who are recipients of aid or assistance under the Federal-State public assistance programs or under certain other Federal programs, and who are entitled to social security benefits, the full amount of the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the requirements imposed by law as a condition of approval of a State plan to provide aid or assistance to individuals under title I, X, XIV, or XVI, or part A of title IV, of the Social Security Act, there is hereby imposed the requirement (and the plan shall be deemed to require) that, in the case of any individual found eligible (as a result of the requirement imposed by this Act or otherwise) for aid or assistance for any month after August 1972 who also receives in such month a monthly insurance benefit under title II of such Act which is increased (or is greater than it would otherwise be) by reason of the enactment of section 201 of Public Law 92–336, the sum of the aid or assistance received by him for such month, plus the monthly insurance benefit received by him in such month, shall not be less than the sum of—

(1) the aid or assistance which would have been received by him for such month under the State plan as in effect for August 1972, plus

(2) the monthly insurance benefit which was or would have been received by him for August 1972, plus the amount by which such benefit (effective for months after August 1972) was or would have been increased by section 201,

whether this requirement is satisfied by disregarding a portion of his monthly insurance benefit or otherwise.

SEC. 2. (a) Subsection (g) of section 415 of title 38, United States Code, is amended by adding at the end thereof the following new paragraph:

"(4) Notwithstanding the preceding provisions of this subsection, in the case of any individual who for any month after August 1972 is entitled both to—

"(A) a monthly insurance benefit payable under section 202 or 223 of the Social Security Act, and

"(B) compensation under the provisions of this section,

there shall not be counted, in determining the annual income of such individual, so much of the insurance benefit referred to in subparagraph (A) for such month as is equal to the amount by which such insurance benefit was increased by reason of (or would not be payable but for) the enactment of section 201 of Public Law 92–336."

(b) Section 503 of title 38, United States

Code, is amended by adding at the end thereof the following new subsection:

"(d) In the case of any individual who for any month after August 1972 is entitled both to—

"(1) a monthly insurance benefit payable under section 202 or 223 of the Social Security Act, and

"(2) payment of pension under the provisions of this chapter, or under the first sentence of section 9(b) of the Veterans' Pension Act of 1959,

there shall not be counted, in determining the annual income for such individual, so much of the insurance benefit referred to in clause (1) for such month as is equal to the amount by which such insurance benefit was increased by reason of (or would not be payable but for) the enactment of section 201 of Public Law 92–336."

SEC. 3. Notwithstanding any other provision of law, in the case of any individual who is entitled for any month after August 1972 to a monthly insurance benefit payable under section 202 or 223 of the Social Security Act, any part of such benefit which results from (and would not be payable but for) the general increase in benefits under such sections provided by section 201 of Public Law 92–336, shall not be considered as income or resources or otherwise taken into account for purposes of determining the eligibility of such individual or his or her family or the household in which he or she lives for participation in the food stamp program under the Food Stamp Act of 1964, for admission to or occupancy of low-rent public housing under the United States Housing Act of 1937, or for benefits, aid, or assistance in any form under any other Federal program, or any State or local program financed in whole or in part with Federal funds, which conditions such eligibility to any extent upon the income or resources of such individual, family, or household.

SEC. 4. The amendments made by the first section of this Act shall be effective with respect to calendar quarters ending on or after September 30, 1972. The amendments made by section 2 of this Act shall apply with respect to annual income determinations made pursuant to sections 415(g) and 503 (as in effect both on and after June 30, 1960) of title 38, United States Code, for calendar years after 1971. Section 3 of this Act shall be effective with respect to benefits, aid, or assistance furnished after August 1972.

ADMINISTRATION'S ECONOMIC RECORD

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'NEILL) is recognized for 5 minutes.

Mr. O'NEILL. Mr. Speaker, the President of the United States was going on radio at noon today to talk about the economic policies of his administration. As long as we are discussing economic records, let us talk about the one the administration set last month.

Retail food prices—that is, the price the American housewife pays each week to feed her children and husband—went up some 2 to 3 percent. That would be the highest jump for a single month in the past 20 or 25 years. The Secretary of Agriculture was obviously nettled and upset about having to break such bad news to Mr. and Mrs. Consumer. His solution to the problem of rising prices was to blame the press for making a big fuss about it. Mr. Butz' friend, Arthur Burns, has little better to offer. In a land of agricultural abundance, Mr. Burns suggests that we substitute cheese for meat and endure 1 meatless day a week, as in the lean days of the depression.

Secretary Butz said the press was going to project last month's jump into a 24- to 36-percent annual rate of increase in grocery prices. Mr. Speaker, it was not the press that raised food prices. It is the Government, as the largest single shareholder in the Nation's economy, that plays the single most important role in guiding this Nation's economic destinies.

And in the case of food prices, I would like to point out that this administration's farm policies, as reflected in the administration's fiscal 1974 budget, point to even more expensive groceries in the future. The withdrawal of price supports and the "freedom to plant" policies of this administration will mean economic death for thousands of farms. In the long run, that will mean fewer producers and higher food prices in supermarkets in every city and community in the Nation.

I understand that the increase in food prices, as reflected in the Consumer Price Index, is scheduled for official announcement by the Bureau of Labor Statistics in a few days. I am a bit worried about the official who is going to make that announcement. I remember well that what happened to the official, now departed and of fond memory, who kept giving the President all that bad news about unemployment last year.

CONGRESSIONAL SELF-EXAMINATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ADDABBO) is recognized for 15 minutes.

Mr. ADDABBO. Mr. Speaker, I have taken this time to address the House because I believe we have reached the point where it is imperative that Congress seriously devote itself to self-examination.

The Congress has recently been criticized, and I believe, justifiably so, for being unable to respond quickly to the needs of the Nation. I believe this inability stems not from any lack of commitment on behalf of the Members, but from the outdated procedures under which we have labored so long.

Certainly, in the last two Congresses we have taken large strides to update our operating rules, and to provide a beginning for a sophisticated computer information system. But these actions remain only the frosting on the cake. We are still left with an information gap of outrageous proportions in any comparison with the executive branch.

All of us know just how much information is available in today's world. Our primary problem, as I see it, is to get that information in our hands, in a simple, direct method that does not tie up either office or committee staff indefinitely.

I serve on the House Appropriations Committee, and I am deeply proud of that. We work extremely hard there. But it is through the work on that committee, that I have come to realize how greatly we in the Congress lack the needed facilities to provide us with detailed information quickly.

We all understand the all-but-impossible task of absorbing any large-scale agency budget. The Defense Department budget is nearly unfathomable because of its massiveness and complexity.

It is almost an impossible task for any individual Member, or a committee itself, to go through such a massive budget item by item to cull the bad from the good, the fat from the lean. We must often rely on the Department involved or the Office of Management and Budget to make the justification for us on occasion.

Certainly, on the average, several specific programs get most of the attention and most of the time, and even those of us who are specifically charged with oversight on spending must occasionally compromise our curiosity with the demands of time and other responsibilities.

And, so I say, that if the Congress is truly to seek equal status with the Presidency, our first step in that direction must be to provide ourselves with the technical equipment necessary to give us the information we need when we need it.

I would urge the Congress to expand our computer system and to go beyond the present thinking as to its ultimate capability. Let the system be so expanded that any Member may seek the detailed budget information he desires by hooking into the central computer. Let us staff that office with the best accountants, statisticians, and other specialized occupations available so that the computer system can service all our needs.

Let the information gathered from all available sources, official and otherwise, be programed in, as well, so that we can gain a multisided view of any particular agency's operation.

And I would urge the House leadership to continue the search for newer and better ways of operating the House of Representatives.

Today is the 52d day of the new year and the House is still not ready for any serious business. I applaud and fully endorse the suggestion made by the Speaker several weeks ago that in the future, the new Congress organize itself after the November elections, so that when January comes, the House is ready to go to work immediately.

Though it has long been urged, I would again propose that the Congress consider making appropriations on a calendar-year basis. This, I believe, would have a stabilizing effect on programs to be funded, and would allow the House more time for budget analysis, as well as the consideration of new programs or the improvement of existing programs.

I would urge the leadership of both parties to confer together and devise a system for designating programs of priority status, so that those important legislative bills could be moved quickly through the House.

In summary, I believe this House to be filled with Members determined to do the best possible job for the Nation. I believe that we have failed to keep pace with the technological advances which have allowed the White House to surpass the Congress in information-gathering facilities. In any confrontation with the

White House today, the Congress is sorely lacking in the ability to use available information, simply because we have not provided ourselves with the equipment to "put it all together."

In the end, any action by Congress is a collective judgment of its Members. I, for one, want to make those judgments based on every scrap of information I can get my hands on. I believe other Members feel the same, and I would hope the House would act soon to provide itself with the equipment capable of doing just that.

PRESIDENT NIXON ADDRESSES SOUTH CAROLINA GENERAL ASSEMBLY

(Mr. DORN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DORN. Mr. Speaker, we were honored that President Nixon spoke in our historic State Capitol Building to a joint session of the South Carolina General Assembly. This was the President's first major address since the cease-fire. South Carolinians were thrilled and proud the President chose this occasion to thank the American people for standing firm for a peace with dignity and honor. Gov. John Carl West introduced the President, delivering a very timely, appropriate, and superb introduction. Each Member of the South Carolina delegation to the Congress attended, and among the special guests of the joint assembly were Mrs. James F. Byrnes, Secretary of Commerce Fred Dent, Gen. William C. Westmoreland, and other distinguished South Carolinians.

Mr. Speaker, we call to the attention of our colleagues and of people the world over who revere peace and justice the following address by the President of the United States and the introduction by Governor West:

[From the Columbia (S.C.) State, Feb. 21, 1973]

INTRODUCTION OF PRESIDENT NIXON BY GOVERNOR WEST

Mr. President, Mr. Speaker, distinguished guests, members of the General Assembly, ladies and gentlemen:

On this special occasion for South Carolinians, it is my great pleasure to share with the citizens of our state a moment of truly historical significance. Never before in our 200 years has a President of this nation ever addressed the General Assembly of South Carolina. The honor paid our state today is one which belongs to all the people, because in addressing this legislature, Mr. President, you are addressing what I consider to be the most effective, and the most truly representative governing body in our nation today.

I am aware that in presenting our distinguished guest, an introduction is unnecessary and almost improper. His great presence with us is occasion instead for me to use these few moments to extend on behalf of our state the warmest of welcomes and an expression of gratitude which transcends people, places or politics.

There is no greater tribute which can be paid an individual than to identify him simply as "a man of peace." Mr. President, this is the designation which fully and properly belongs to you, and one for which you shall richly earn your place in history. If our state has played a role in that achievement, we are proud; and if our state has somehow assisted your efforts to bring about a meaningful peace, then we are honored. Most of all, if our state can continue to be a part of the new stability which you are creating in this world, we stand more than ready to do our part.

The motto of the State of South Carolina is told in the Latin words, "Dum Spiro, Spero"—"While I breathe, I hope." Mr. President, for all the thousands of American fighting men in Southeast Asia, and most especially for all the hundreds of brave men who were taken captive by the enemy, you have given a special meaning to those words. On behalf of two and one half million South Carolinians—who are proud to be Americans—who are proud of what you have done on our behalf—and who are proud of what you have helped us to do for ourselves—I say, "Thank you," and welcome to the heart of American patriotism. It is an honor for me now to present to the people of South Carolina the President of the United States.

[From the Columbia (S.C.) State, Feb. 21, 1973]

TEXT OF PRESIDENT NIXON'S ADDRESS TO SOUTH CAROLINA GENERAL ASSEMBLY

Governor West, Mr. Speaker, Mr. President, Sen. Thurmond, Sen. Hollings, my colleagues from the House of Representatives in Washington, D.C., all of the distinguished members of the Senate and the House of Representatives of the State of South Carolina:

I had not realized until the governor had introduced me so eloquently that this is the first time that a President of the United States has stood in this place. I am honored to be here for that reason, and I am also honored to be here because this is the first state legislature in the nation which passed a resolution supporting a peace settlement in Vietnam.

Before speaking of that settlement, I would like to refer briefly to some of the distinguished people who are here in this chamber today, and first, to one of the truly great first ladies of America, Mrs. James Byrnes.

All of you know of the friendship that I was privileged to have with Gov. Byrnes. You will remember that I mentioned the fact on his death that no man in the whole history of this country had held more offices and more high offices at both the state and federal level than he had held during his long and distinguished career. He was also a very wise and farsighted man who was willing to give good counsel on occasions when he was asked.

I remembered when I was defeated when I ran for president in 1960, I asked Gov. Byrnes whether I should run for governor of California. He thought a moment and said, "Yes, you should." I ran for governor. I lost, but the advice was very farsighted because if I had not run for governor and had not lost, I wouldn't be standing here today.

I also want to pay tribute on this occasion to Speaker Blatt. It was interesting for me to note, and I note it now for the whole nation, that he has been speaker in this House longer than any man has held that position in the whole history of America, and I pay tribute to him for having that high position today.

I am also very proud today that Secretary Dent, secretary of commerce, is present with us. He is the first man from South Carolina to serve in a President's Cabinet since James Byrnes was secretary of state.

And then, too, I wish to pay my respects on this occasion to the delegation from Washington, D.C. I could say much about them in terms of their very strong support of policies that we believe are best for America. I will simply say that on this occasion, under the very strong leadership of Sen. Strom Thurmond, there is no delegation from any state in the union that has given more firm support to the policies that made the achievement of a peace settlement possible.

It is interesting to note that the delegation in the Senate is half and half, Republican and Democratic. The delegation in the House of Representatives is about half and half, Republican and Democratic. But as the late Mendel Rivers used to say, when the defense of America and the honor of America is involved, we are not Republicans, we are not Democrats, we are Americans, and that is the spirit which has motivated the delegation from South Carolina always in the House of Representatives and the U.S. Senate.

Now I would like to turn to the settlement which has been discussed at considerable length, and also throughout the country since that settlement was announced. I should like to speak to you quite candidly about the settlement in terms of what it really means—what it means to America, what it means to the people of South Vietnam, and what it means to the world.

In referring to that settlement, I think it is important for us to note that I have often used the term "peace with honor." What does peace with honor mean? And here we go back into the long history of this terribly difficult war, the longest in this nation's history.

Because the war has been so long, and because it has been so difficult, there is a tendency for us to forget how the United States became involved, and why. It would be very easy now, looking back, to point out the mistakes that were made in the conduct of the war, to even question whether or not the United States should have become involved in the first place. But let us get one thing very clear: when, during the course of President Kennedy's administration, the first men were sent to Vietnam for combat, when, during the course of President Johnson's administration others were sent there to continue the activities in the military area, they were sent there for the most selfless purpose that any nation has ever fought a war.

We did not go to South Vietnam, and our men did not go there, for the purpose of conquering North Vietnam. Our men did not go to South Vietnam for the purpose of getting bases in South Vietnam or acquiring territory or domination over that part of the world. They went for a very high purpose, and that purpose can never be taken away from them or this country. It was very simply, to prevent the imposition by force of a Communist government on the 17 million people of South Vietnam. That was our goal and we achieved that goal, and we can be proud that we stuck it out until we did reach that goal.

Now the question, of course, will be raised by historians, the instant historians of the present and those who look at it in the future and attempt to evaluate this long and difficult war.

Was the purpose worth it? Was the sacrifice worth it? Only historians in the future, perhaps, will be able to judge that accurately, but we, at this time, and you, as you passed your resolution, must have considered the alternatives.

We had alternatives. I recall when I first became President there were those of my own party who suggested that after all, I had not made the decision that involved the United States with combat troops in Vietnam in the first place and, therefore, from a political and partisan standpoint, the better course of action and the easy course of action was to get out of Vietnam, to bring our men home, and to get our prisoners of war back regardless of what happened to South Vietnam.

That would have been a rather easy position, politically, to take. On the other hand, when we examine it for what it really meant and, could have meant to the United States, we can see why I had to reject it and why

the people of the United States have supported that rejection during the four years which finally ended with the peace settlement.

If, for example, the North Vietnamese would have accepted the proposition of returning our prisoners of war simply for our getting out our own troops from Vietnam, and that is a highly doubtful proposition, but if they had, let us see what it would have meant.

We would have fought a long war. We would have lost tens of thousands of Americans who were killed in action and we would have fought it for what purpose? Only to get our prisoners of war back. If you wonder whether or not that purpose would have been adequate, let me say that a letter that I received from a mother in California perhaps will answer the question.

"As a mother of a young man who gave his life in this war, I felt very strongly about wanting an honorable peace agreement. Had you agreed to anything less, you would have let down not only the boys remaining in Vietnam, but also those who died in this war. It was difficult enough to accept our son's death, but to know it was all in vain would have been even more a tragedy. We feel that our son James would have felt as we do, and would have supported your policy."

I say to the members of this assembly gathered here that James did not die in vain, that the men who went to Vietnam and have served there with honor did not serve in vain, and that our POWs, as they return, did not make the sacrifices they made in vain, and I say it because of what we did in Vietnam.

It is my firm conviction that the United States can now exercise more effective leadership in the cause of world peace which the governor has so eloquently described a moment ago. On this occasion, I think it is well for us to think of a number of people whom we should honor today. We, of course, should honor our prisoners of war who have come back after their great ordeal standing tall, proud of their country, proud of their service.

We should honor also those who have died, and in honoring them, let's honor some of the bravest women this nation has ever seen, the wives, the mothers, not only of the POW's, but of those who died, the mother of a boy like James.

And finally, let us honor the two and half million men who served, who did not desert America, but who served, served in a difficult war, came back, often not with honor in terms of what they found from their neighbors and friends, but came back to what could have been a rather discouraging reception.

Now that we have brought an end to the war, let us honor them all, and the way to honor them, I say, is for us to work together to build a lasting peace in the world, a peace that can last not only in Southeast Asia, but a peace that the United States can help to build for this whole world in which we live.

Ending a war is not usual or unusual for the United States. After all, in this century we ended World War I, we ended World War II, we ended Korea, and now we have ended the American involvement in Vietnam. The critical question is: how do we end a war and then go from there to build a peace? And I address that question in relationship to this war for just a moment.

The year 1972 saw some historic breakthroughs in terms of America's search for peace, along with other nations: the opening of the dialogue with the People's Republic of China, with leaders who represent one-fourth of all the people who live on the face of the globe; the discussions that took place in Moscow last May and early June, discussions which led to a number of agreements, but particularly an agreement between the two superpowers to limit nuclear arms, the first step toward arms limitation, and, of course, more talks will take place this year with the leaders of the Soviet Union.

Now, when we consider those great events, combined with the end of the war in Vietnam, there could be a tendency for us to sit back and assume that we are going to have peace, instant peace, because of these new developments. What we must recognize is that we would not have had the kind of fruitful and constructive discussions that we had with the Soviet Union, and in my view we would not have had the opening of the dialogue with the People's Republic of China unless the United States had been strong—strong not only in its arms, but also unless the United States had been strong in terms of its will, it determination.

A nation which is strong militarily and yet is not respected is not a nation that is worth talking to. America is strong militarily, and America has demonstrated by its willingness to stand by a small, weak country, until we achieved an honorable peace, that we deserve, first, the trust of our allies and the respect of our potential adversaries in the world. And that, again, gives us a reason why we can look back on this long and difficult war and say that American men sacrificed—some their lives, some long imprisonment, and some away from home in a land which most of them did not know—that Americans have made that sacrifice in a cause that was important not just for Vietnam, but for America's position of leadership in the whole world.

Had we taken another course, had we, for example, followed the advice of some of the well-intentioned people who said, "Peace at any price. Get our prisoners of war back in exchange for withdrawing," had we taken that course, then respect for America, not only among our allies but particularly among those who might be our potential adversaries, would have been eroded, perhaps fatally.

So I say to you here today as we look to the future, the chances for us to build a peace that will last are better than they have been at any time since the end of World War II. We will continue the dialogue with the Soviet leaders; we will continue the dialogue with the People's Republic of China, and in this year ahead, we will renew discussions that we have been having in the past with our friends in Europe and in other parts of the world, because as we talk to those who have been our adversaries in the past, we must not overlook the vital necessity of strengthening the bonds we have with our allies and our friends around the world.

But as we conduct those discussions, I would urge upon this legislative body what I have often urged upon the Congress of the United States: let us be sure that as the President of the United States and his representatives negotiate with great powers in the world, let us be sure that he never goes to the negotiating table representing the second strongest nation in the world.

Because America is strong and has been strong, we have been able to negotiate successfully. We must maintain our strength and, of course, we will reduce it, but it must be on a mutual basis and not on a unilateral basis, because reducing unilaterally would remove any incentive for others in the world to reduce their strength at the same time.

Having spoken of military strength, let me also speak briefly of other kinds of strength that we need if we are going to build a world of peace and if America is going to continue the great role that we are destined to play as we near our 200th birthday as a nation.

It is essential that government—and here in this legislative chamber all of us are participants in the role of government—it is essential that government in America be strengthened in terms of being more responsive to the people.

By that I mean that government must get closer to the grass roots, and by getting closer to the grass roots, what I am very simply suggesting is this: for much too long, power has been flowing from the people, from the cities, from the counties, from the states, to Washington, D. C. And that is why, beginning with an historic move on revenue-sharing, and in other areas, I feel firmly we must turn it around, and that power should flow away from the concentration in Washington back to the states and the people. That is where it belongs and that is where it should stay.

Let us also remember that if America is to play the kind of a role that it must play and we want it to play, we need to be a united country. By being a united country, that doesn't mean that we agree on everything. It means that we have disagreements between parties, disagreements on a number of issues. That is the very essence of a free society.

But let the time be gone when this country is divided region against region, North versus South, race against race, black versus white, one economic group against another, labor versus management, simply because they are members of different groups. Let the time be gone when we divide Americans by age, the old against the young; in terms of what they produce, the cities against the farms.

It does not mean that we all have the same interest. It does not mean that we do not have areas where we disagree. But what it does mean is that this nation, when the great issues are involved—the security of America, the honor of America—let us speak of those issues and speak to those issues as one united people.

In that connection, as I speak for the first time as President of the United States to a legislature in the South, one of the things I am most proud of during the time I have served as President, and during the three times I have had the great honor to run for President, is that I have never divided this country North against South, East against West, one region against the other.

I believe this is one country, and let us all work to make it one country, because it is one United States of America that can lead the world to peace, the kind of peace that all of us want in the years ahead.

Finally, today, if we are to play the role that we are destined to play, we need faith. I think that the faith of all Americans was restored by what we have seen in the past few days as our prisoners of war came down the ramp of those planes and set foot for the first time on American soil, some of them after six, seven years of imprisonment.

You wonder how this nation, or any nation, could have brought into life men who would be so strong, men who could endure so much. And the important thing is, as we saw them come down those stairs, they came down with their heads high, proud of their country, proud of what they had done, and that is another reason why peace with honor was so vitally important. Because if this war, long and difficult as it was, had been ended solely for the basis of obtaining their release, you can see that for them it would have been the greatest disappointment.

I close with a message from one of them. When he sent this cable to me a few days ago, he did not know, and could not have known, that I would be addressing the South Carolina State Legislature today. The cable was to me, but as you can see as I read it, it is to all of you as well.

It is from Robert N. Daughtrey, Major, United States Air Force.

"My faith in our fellow Americans never faltered. Thank you for returning us with honor. I assure you we returned filled with pride and faith in the future.

"God bless you. God bless America."

THE U.S. PRESS MUST REMAIN FREE

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

Mr. BINGHAM. Mr. Speaker, today I am introducing legislation aimed at preserving freedom of the press in this Nation. This bill is identical to S. 158, introduced in the Senate by the distinguished gentleman from California, Senator CRANSTON.

This proposal guarantees an absolute privilege to the working press of this country which would protect it from judicial attempts to force disclosure of information and confidential sources.

Last June, the Supreme Court ruled in the *Earl Caldwell* case that under existing law the press does not have an absolute right to protect its news sources against compulsory disclosure. Since then, in case after case, Government prosecutors have threatened reporters with contempt of court for refusal to disclose the sources of their news tips or additional information which they did not include in their original stories. Several reporters have actually been jailed.

This pattern of growing encroachment upon the liberty of the press is a highly dangerous one. If allowed to continue, the result will be the muzzling of the watchdog of our free society. Thomas Jefferson warned that—

> When the press is free and every man able to read, all is safe. No government ought to be without censors, and where the press is free, none ever will be.

The proposal which I am introducing has the support of the American Newspaper Publishers Association. It would protect journalists serving all the communications media, including newspapers, magazines, periodicals, news services, pamphlets, books, radio, and television. The proposal explicitly provides that no journalist could be required to disclose in any Federal or State proceeding his news sources or unpublished information. This would be an absolute privilege, and no cracks in the foundation of the law would remain into which prosecutors could seek to drive wedges which threaten a free press and a free society.

The Virginia statesman George Mason wrote at the birth of our Nation that—

> The freedom of the press is one of the great bulwarks of liberty, and it can never be restrained except by despots.

That maxim is as true today as it was two centuries ago, and in the hope that freedom of the press shall remain unfettered, I am introducing this bill.

ASSISTANCE TO RESIDENTS OF NORTHERN IRELAND

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

Mr. BINGHAM. Mr. Speaker, on February 8, I introduced legislation to help alleviate the situation of the residents of war-torn Northern Ireland. Bombings, murders, reprisals, arrests, and searches have created an atmosphere of terror which many residents of that area wish to escape. However, present immigration laws sharply restrict the number of Northern Irish who are permitted to enter the United States as immigrants.

The bill which I introduced, H.R. 4195, would authorize the issuance of 25,000 special immigrant visas to residents of Northern Ireland who are seeking admission to the United States in order to escape the consequences of the civil war or religious, political, or economic persecution. These persons would not be subjected to the labor certification restrictions which currently impede residents of Northern Ireland who seek to emigate to the United States. In addition, my proposal would permit those residents of Northern Ireland who have entered the United States on nonimmigrant visas to adjust their status to that of special immigrants while they are in this country.

Our Nation has benefited enormously from the contributions made by generations of Irish-Americans. In all walks of life, including politics, law, medicine, the military, industry, and the clergy, Irish-Americans have distinguished themselves as outstanding citizens.

The people of Northern Ireland are now turning to this country in their hour of need and seeking entry into the United States to escape the violence and tragedy of civil war. In 1903, the immortal words of Emma Lazarus were engraved upon the Statue of Liberty in New York Harbor:

> Give me your tired, your poor,
> Your huddled masses yearning to breathe free . . .
> Send these, the homeless, tempest-tossed to me:
> I lift my lamp beside the golden door.

The national sentiment which inspired those lines is as strong today as it was at the turn of the century, and it is the responsibility of the Congress to enact the legislation necessary to respond to the needs of the war-weary residents of Northern Ireland. I have introduced H.R. 4195 in the hope that the sanctuary of our shores can be offered to them.

L. PATRICK GRAY—FBI

(Mr. DEVINE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, President Nixon has nominated Acting FBI Director L. Patrick Gray III, to become the Director and I trust the Senate confirms his nomination at an early date.

Meanwhile, Mr. Gray recently made a speech entitled "Law Enforcement and Social Progress," which I commend to the attention of all Members as well as the general public:

LAW ENFORCEMENT AND SOCIAL PROGRESS

(By L. Patrick Gray III)

We are hearing much today, even from prominent people who should know better, that law enforcement is not compatible with social progress and what is good for the individual citizen.

A FALSE ALLEGATION

This is a serious and false allegation which, if accepted by our people, could not only damage the professionalism and effectiveness of the police, but could undermine the legal basis of our society.

Recently, for example, former Attorney General Ramsey Clark, speaking in Washington, D.C., charged that American police departments, by obtaining new technical equipment and other resources to carry out their responsibilities, were in fact engaged in a program "to control blacks and other minorities instead of protecting them against the crime that often wracks their neighborhoods."

Mr. Clark then went on to say, in his words, "If we seek to use the police simply to make people keep their places . . . then we will know violence, and we should."

Others have echoed the refrain that law enforcement today is helping bring about a "repressive society" and thereby impeding legitimate social reform.

When I read such utterances about law enforcement in this country, reactions swell so fast within me that I have difficulty deciding which to speak of first. Above all, I feel strongly that those in law enforcement and investigative work should discuss this subject from a professional standpoint, and not in political terms. I intend to stay strictly within that framework as I answer Mr. Clark.

IGNORE MAGNITUDE OF CRIME

The first point to be made is that the viewpoint expressed by these critics ignores the magnitude of the crime problem in the United States.

It ignores the fact that serious crime increased 147 percent in the decade of the 1960's.

It ignores the feeling by many if not most city dwellers, white and black, that they could not venture in the streets at night without risking injury or death.

It ignores the obvious corollary that a society with this level of lawlessness is losing the very freedom that it is supposed to secure.

Under these circumstances, law enforcement personnel should be congratulated, not shamed, in the pursuance of their duty. For today, after a redoubled crusade against crime, we are beginning to see a turning of the tide.

In 1966, crime rose in the United States by 11 percent. In 1967, the rate of increase was 16 percent and in the following year 17 percent.

Then the rate of increase began to decline. In 1969, it dropped to 12 percent, in 1970 to 11 percent, and in 1971 to seven percent. During the first six months of the current year, the rate of increase of crime arose only one percent over the first half of 1971.

Let's look at some other pertinent statistics. During the first half of this year, a total of 72 of the Nation's major cities reported an absolute decrease in serious crimes compared with 34 cities showing a decrease in 1970 and 53 in 1971.

We all admit that any increase in crime is a matter of concern. There is still much work to be done by every citizen. Now is not the time to relax.

However, the very fact that the rate of increase has declined so appreciably is a tribute not only to the increasing effectiveness of a better trained and more highly professional police force but also to an aroused and concerned citizenry—a citizenry which says, "Yes, something positive can be done about the problem of crime."

Let's take another area of national concern—organized crime. For years this Nation has been plagued by criminal mobs which extorted, bribed, or otherwise illegally obtained millions of dollars from the public.

HIT ORGANIZED CRIME

In fiscal year 1972, the FBI's drive against organized crime hit an all-time high with a continuing series of major gambling raids,

and the conviction of more than 800 racket figures, including some of the country's ranking syndicate leaders.

The lifeblood of the organized criminal element stems from illegal funds acquired in its tremendous illegal gambling combines and narcotics throughout the country. This investment capital enables representatives of the underworld to involve themselves in schemes of corruption, as well as fraudulent activities in legitimate business and industry.

Similar progress is being made in the war against narcotics. In 1971, Federal agents removed five times as much heroin and equivalent opium derivatives from the world market as in the year 1968. For the first time the United States has won the genuine cooperation of foreign countries that have been sources of narcotics, and they are cracking down on the traffic. Early in 1972, all this effort achieved, for the first time in history, a noticeable shortage of heroin in some major cities, including New York and Washington, D.C.

This drive against crime by agencies at all levels of government benefits all Americans. It certainly benefits those Americans who live in the inner cities where so much crime occurs.

These are the people who can least afford the cost of crime. They are the principal victims of the criminal. Their homes, offices and places of business are constant targets of the thief and the robber.

HURTS GHETTO DWELLERS

Crime brings serious economic consequences for the ghetto dweller. Businesses are closed, insurance rates soar, tax revenues decline. Individuals hoping to start or expand a business are discouraged.

Fear supplants hope. Residents move from the crime-infected areas. Vacant dwellings become the object of vandalism.

Other crimes, especially the drug traffic, flourish and debilitate a portion of the young people.

The ravages of crime are one of the most serious penalties inflicted upon inner city neighborhoods. And the battle against crime is, among other things, a battle to remove this scourge from those neighborhoods.

Yet, what the critics are really saying is that law enforcement is somehow anti-social. Ignoring the fact that crime impacts most heavily against the disadvantaged, and ignoring the alarming rise in crime for the past dozen years, they interpret society's efforts to combat crime as being repressive. In an article in *The New Yorker*, Richard Harris claims that programs to control crime are really programs to keep Negroes in their place."

On behalf of all law enforcement agencies throughout the country, I simply cannot overstate the outrage with which I reject these monstrous accusations. Those of us charged with investigating lawlessness and enforcing the law have a sober duty to live by our Nation's constitutional principles. We perform that duty. We enforce, and we investigate possible violations of, specific statutes. We do so regardless of the race, color, or political creed of persons suspected of the violation.

To depart from the law and enforce our personal ideas of right and wrong would be an utter default of our duty.

To pick and choose which laws to enforce and which to ignore would also be a flagrant dereliction of duty.

Unfortunately, there are a very few in our honored profession who do on occasions breach the law and bring dishonor to their fellow officers. Every effort is made to investigate and bring these individuals before the bar of justice.

NO FREEDOM IN ANARCHY

However, to equate law enforcement with repression is one of the most dangerous threats to a free society. Because freedom is not possible in a state of anarchy, where the heaviest club decides the issue, Lord Mansfield, a great English jurist, put it well when he said, "To be free is to live under a government by law."

What is the alternative to law enforcement in dealing with crime? Those who would degrade law enforcement answer that the true response to crime is to remove its causes—disadvantage and discrimination. This is assuredly a national goal. It has been and is being undertaken by administrations of both parties. This long-term approach gives no relief to those who are the victims of crime today.

And if we were, again, to follow this argument to its logical conclusion, we could strip most of the funds from our law enforcement agencies and direct this money into social channels. It is not an either-or proposition. Our task is the allocation of national resources into parallel channels dealing with crime itself and its social causes.

Those who equate enforcement with repression are hurling a ghastly insult at the very people they purport to defend. Their inference is that crime is simply an expression of discontent, and they attempt to legitimize this expression by discrediting our efforts to curb it. The disadvantaged communities do not need friends of this stripe. For the vast majority are law-abiding. They deplore crime —first, because it is wrong, and second, because they themselves are the principal victims of the criminal.

A SOURCE OF RESENTMENT

There is no greater source of resentment in these communities than the feeling that they are being deprived of adequate police protection.

Government is respected in communities where the presence of a *bona fide* law enforcement effort guarantees equal protection under the law.

Still another misconception is the failure to distinguish between peaceful demonstrations and violent disorders. The difference is vital. If we blur the two and try to justify them both, we end by losing both our peace and our freedom.

Referring to the 1971 May Day activities in Washington, D.C., Professor Alan M. Dershowitz of the Harvard Law School states that, "The First Amendment's 'right of the people peaceably to assemble and to petition' was emasculated last year when the government indiscriminately rounded up more than 10,000 war protestors, most of whom—as the courts later held—were engaging in entirely legal behavior."

I do not know whether Professor Dershowitz was in Washington during the May Day riots. But no one observing the protest activities on that day could possibly call them peaceful—unless the burning and overturning of automobiles, the physical obstruction of motorists, and countless other acts of arson and vandalism may be called peaceful.

DERSHOWITZ' CLAIMS WRONG

I do not know whether Professor Dershowitz has read the rulings of the Washington judges in the May Day cases. His claim that "the government indiscriminately rounded up" the protestors is wrong on several counts. It was the Metropolitan Police Department of Washington, D.C., and not "the government" that made the arrests. The arrests were not indiscriminate. In the vast majority of cases, convictions were not possible only because there was insufficient evidence. The reason why convictable evidence was not secured was that the police were necessarily preoccupied with the essential task of preventing 20,000 disrupters from carrying out their publicly announced intention of stopping the government.

The Chief Judge of the Superior Court of the District of Columbia commented: "The fact is that thousands of persons were arrested under circumstances which in many instances would not permit the gathering of evidence. This court has no criticism of that procedure."

The truth is that the great majority of rulings by the Washington judges did not declare, as Professor Dershowitz claims they did, that the protestors "were engaging in entirely legal behavior."

The generalization made by Professor Dershowitz does nothing but urge Americans to ignore the difference between peaceful dissent and mob violence.

But this difference is crucial to our preservation as a free people. Peaceful dissent is guaranteed by the Constitution. Violence as a political weapon is anathema to freedom.

Unwarranted attacks upon law enforcement, and the effort to characterize the repression of crime as the repression of liberty, invite more crime and more violence.

When law enforcement is equated with the police state, then crime is equated with liberation.

I'm reminded of the observation that if depriving a man of his freedom to speak or move, or almost depriving him of his life, is a political activity—and hence unpunishable—then rape is a social event and sticking up a gas station a financial transaction.

In a society with built-in means of redress through the courtroom and the ballot box, there is no excuse for violence in any cause, bad or good.

BLACK LEADERS AGREE

Among those who have expressed agreement with this concept are some 60 leaders of the black community in Washington, D.C. According to press reports, they recently stated publicly that for years, war protestors have been coming to Washington to stage demonstrations without regard for the tax dollar cost to black residents in police and other expenses. And they expressed the view that such efforts would be used better in the electoral process in the communities.

The dedicated men and women who serve their fellow citizens in law enforcement and investigative professions in this country are not and must not be put on the defensive.

If there is any repression, it is the repression of crime.

And the truth is that law enforcement—far from being anti-social—is in reality the foundation—the cornerstone of a free society.

As the people of our inner cities are able to throw off the shackles of organized crime, they take the decisive step toward a community life of pride and achievement.

As the Nation defeats the threat of narcotics, it will assure the continuing health and vitality of the youth who are the masters of the future.

And as that Nation controls all crime and violence, it brings to itself that state of security, trust, and confidence out of which all other accomplishments are born.

DISTRESSING QUESTIONS RAISED BY MANPOWER BUDGET

(Mr. DOMINICK V. DANIELS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DOMINICK V. DANIELS. Mr. Speaker, the President's budget for manpower is a disturbing document. The Labor Department appropriations for manpower training and employment programs under the Manpower Development and Training Act, the Economic Opportunity Act, and the Emergency Employment Act are being cut in half—from $2.6 billion in fiscal 1972 to $1.3

billion in fiscal 1974. That can only be considered shocking at a time when we have not solved the problems of unemployment and poverty to which these programs are directed.

While I fully acknowledge the President's right to propose a budget no matter how inadequate, I also recognize the duty of the Congress to assess that budget and to raise the amounts that are inadequate to meet our pressing human problems.

But, Mr. Speaker, I do not recognize any right of the President to amend or disregard existing law in his proposed implementation of the budget. The manpower budget raises disturbing questions as to whether the Labor Department intends to comply with existing manpower statutes. I posed these questions in a letter to Secretary of Labor Brennan on February 5 and I have received no answer to my letter. For the information of Members who may not realize the implications of the "manpower revenue sharing" proposals in the budget, I ask unanimous consent that the text of my letter be inserted at the close of my remarks. It is the glory of this country that this is a government of laws and not of men, but it will not remain so if a mere budget submission is used as an excuse to violate the laws duly enacted by the Congress.

The text of the letter follows:

CONGRESS OF THE UNITED STATES,
Washington, D.C., February 5, 1973.

Hon. PETER J. BRENNAN,
Secretary of Labor,
Washington, D.C.

DEAR MR. SECRETARY: I was most disturbed to see in the President's Budget for 1974 that the Department of Labor proposes to implement manpower revenue-sharing without seeking legislative authorization for that program. This is particularly disturbing when one recalls that a bill to establish manpower revenue-sharing was decisively *defeated* in the last Congress. (See Congressional Record, vol. 117, pt. 13, p. 17488.) Is this consistent with the views of an Administration that has always subscribed to the view that "law and order is the first business of government?"

Before discussing the issues raised by this revenue-sharing proposal, I want to make clear that I am not opposed—in fact, I strongly favor—the decategorization and decentralization of certain manpower programs. (See my bill, H.R. 11167, 92nd Congress). I am also aware that the 1967 amendments to the Economic Opportunity Act and the 1968 amendments to the Manpower Development and Training Act provided legislative mandates for decategorization and decentralization which have not been followed by the Department of Labor in its administration of manpower programs. If the Department intends no more than to follow the requirements of Section 123(b) of the Economic Opportunity Act, requiring the consolidation of all work and training programs into a comprehensive work and training program funded through a single prime sponsor, and the requirements of Section 301(b) of the Manpower Development and Training Act authorizing state agencies to approve project applications consistent with a plan approved by the Secretaries of Labor and Health, Education and Welfare—I commend the initiative. My only comments would be that it has taken the Department of Labor a long time to come into compliance with the law, and that it is regrettable that such compliance should be given the misleading name of "manpower revenue-sharing."

But "manpower revenue-sharing" as presented to—and rejected by—the Congress contained two principles besides decategorization and decentralization which are inconsistent with existing law and which I strenuously oppose. First, it provided grants to state and local governments without the *prior* approval of a state or local plan. Second, it abdicated the supervisory responsibility of the Secretary of Labor for insuring the proper administration of manpower programs. Manpower revenue-sharing relied on the local electorate to correct maladministration of manpower programs.

I find no clear statement in the Budget Message whether the proposed manpower revenue-sharing is intended to incorporate these two principles, and I urgently request that you inform me whether or not the proposal is so intended.

There is one other matter in the Budget relating to manpower that raises a serious question: whether the Executive Branch intends to comply with the law as duly enacted by the Congress and approved by the President. Under the Budget submission, it appears that the Department is planning to stretch out the Budget authority under the Emergency Employment Act to fund 82,000 man-years of employment in Fiscal 1974. At the specific request of the Administration, the Emergency Employment Act was limited to a two-year program beginning in July 1971 and ending in June 1973. Funds for the program were to be used to subsidize jobs in that period and the proposed stretch-out, in effect, reduces the number of man-years of employment that can be provided in Fiscal 1973. I am confident that the Congress will extend the Emergency Employment Act and provide funds for 1974, and I believe it is inconsistent with the legislative history of that Act to use the funds intended to provide jobs this year for financing a transition to its abolition. I also request your urgent attention to this matter so that the Department of Labor can fund immediately the urgently needed jobs that should be provided in this Fiscal Year.

Mr. Secretary, I recognize that you have only recently assumed your office and that there must be many matters claiming your attention. As Chairman of the Subcommittee having jurisdiction over manpower legislation, it is, however, essential that I have a prompt indication of your views on these matters so that the Subcommittee may proceed with the development of appropriate legislation. I have also sent a copy of this letter to the Chairman of the Labor-HEW Appropriations Subcommittee so that he may be aware of these issues during the consideration of the Department's Manpower Budget.

There are also a number of more technical questions raised by the Budget proposal which I have listed on the attachment to this letter. I would appreciate your forwarding these questions to your Solicitor or other appropriate official and requesting him to submit a prompt response.

Sincerely.

DOMINICK V. DANIELS,
Chairman.

SUPPLEMENTAL QUESTIONS RAISED BY DOMINICK V. DANIELS, CHAIRMAN OF THE HOUSE SELECT SUBCOMMITTEE ON LABOR, CONCERNING MANPOWER REVENUE SHARING AS PROPOSED IN THE BUDGET OF THE UNITED STATES FOR FISCAL YEAR 1974

1. If funds are not separately identified as MDTA and EOA. how will you comply with the apportionment provisions of Section 301 (a) of the MDTA and Section 166 of the EOA?

2. How will states and localities determine which trainees are eligible for allowances under Section 203(a) of the MDTA?

3. How will the duties of the Secretary of HEW under Section 231 of the MDTA be carried out if EOA and MDTA funds are not segregated?

4. How will the different eligibility requirements of the MDTA and EOA be applied by states and localities if they receive funds unsegregated by statutory source?

5. Will local prime sponsors receive only EOA funds? If not, how will the requirements of Section 301(b) of the MDTA be met?

6. Will the JOBS Program be funded as a national program?

7. What level of funding do you propose for the various national programs listed on Page 633 of the Budget Appendix? Please compare the proposed level with the 1972 and 1973 figures.

8. You favor decentralization of manpower programs, but the only manpower program that receives a budget increase is the WIN Program which is not decentralized to Governors and Mayors. Why?

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. DU PONT) to revise and extend their remarks and include extraneous matter:)

Mr. DUNCAN, for 30 minutes, today.

Mr. BLACKBURN, for 5 minutes, today.

Mr. CRONIN, for 5 minutes, today.

(The following Members (at the request of Mr. BOWEN) to revise and extend their remarks and include extraneous matter:)

Mr. HAMILTON, for 5 minutes, today.

Mr. COTTER, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. MORGAN, for 5 minutes, today.

Mr. CLARK, for 5 minutes, today.

Mr. JAMES V. STANTON, for 5 minutes, today.

Mr. MCFALL, for 5 minutes, today.

Mr. MELCHER, for 5 minutes, today.

Mr. FLOOD, for 5 minutes, today.

Mr. WOLFF, for 15 minutes, today.

Mr. O'NEILL, for 5 minutes, today.

Mr. ADDABBO, for 15 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. FRASER and to include extraneous matter notwithstanding the fact that it exceed two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $637.50.

Mr. BENNETT to revise and extend his remarks in three instances.

(The following Members (at the request of Mr. DU PONT) and to include extraneous matter:)

Mr. COHEN in two instances.

Mr. O'BRIEN in two instances.

Mr. HASTINGS.

Mr. PEYSER in five instances.

Mr. ROBISON of New York in two instances.

Mr. DU PONT.

Mr. DUNCAN.

Mr. ERLENBORN.

Mr. WINN.

Mr. YOUNG of Florida in five instances.

Mr. KEMP in three instances.
Mr. THOMSON of Wisconsin.
Mr. BOB WILSON in two instances.
Mr. BROTZMAN.
Mr. FRELINGHUYSEN.
Mr. MILLER.
Mr. ASHBROOK in three instances.
Mr. HOGAN in three instances.
Mr. BROOMFIELD in three instances.
Mr. HEINZ.

(The following Members (at the request of Mr. BOWEN) and to include extraneous matter:)

Mr. EILBERG in 10 instances.
Mr. LEHMAN.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. BINGHAM in two instances.
Mr. DELANEY.
Mr. GIAIMO in three instances.
Mr. MURPHY of New York.
Mrs. GRASSO in five instances.
Mr. DINGELL in two instances.
Mr. DE LUGO in two instances.
Mr. JAMES V. STANTON.
Mr. STEED.
Mr. BROWN of California in 10 instances.
Mr. MINISH.
Mr. KARTH.
Mr. CHARLES H. WILSON of California.
Mr. COTTER.
Mr. CULVER.
Mr. RONCALIO of Wyoming.
Mr. ST GERMAIN.
Mr. HUNGATE.
Mr. DOWNING.
Mr. HAWKINS.
Mr. REID.
Mr. ANDREWS of North Carolina.
Mr. BIAGGI in five instances.
Mr. KOCH in four instances.
Mr. WALDIE in 10 instances.
Mr. DOMINICK V. DANIELS in three instances.
Mr. ANDERSON of California in three instances.
Mr. BARRETT.

ADJOURNMENT

Mr. BOWEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 1 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Thursday, February 22, 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:

463. A letter from the Secretary of Defense, transmitting a report covering calendar year 1972 on the disposal of Government-owned communications facilities in Alaska, pursuant to section 206 of Public Law 90-135; to the Committee on Armed Services.

RECEIVED FROM THE COMPTROLLER GENERAL

464. A letter from the Comptroller General of the United States, transmitting a report on improvements needed in the collection of data for the U.S. Postal Service's revenue and cost analysis system; to the Committee on Government Operations.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 4451. A bill to amend the Public Works and Economic Development Act of 1965 to extend the authorizations for a 1-year period; to the Committee on Public Works.

By Mr. ANNUNZIO:

H.R. 4452. A bill to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

Mr. BADILLO:

H.R. 4453. A bill to make additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

H.R. 4454. A bill to permit officers and employees of the Federal Government to elect coverage under the old age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. BIESTER:

H.R. 4455. A bill to provide for a procedure to investigate and render decisions and recommendations with respect to grievances and appeals of employees of the Foreign Service; to the Committee on Foreign Affairs.

By Mr. BINGHAM:

H.R. 4456. A bill to insure the free flow of information to the public; to the Committee on the Judiciary.

H.R. 4457. A bill to permit officers and employees of the Federal Government to elect coverage under the old age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. BLACKBURN (for himself, Mr. YOUNG of Florida, Mr. BAKER, Mr. FISHER, Mr. ESHLEMAN, Mr. SEBELIUS, Mr. STEPHENS, Mr. ARCHER, Mr. PARRIS, Mr. MARTIN of North Carolina, Mr. ERLENBORN, Mr. BUCHANAN, Mr. DENNIS, Mr. STEIGER of Arizona, Mr. COLLINS, Mr. CAMP, Mr. ROBINSON of Virginia, Mr. ROBERT W. DANIEL, JR., Mr. RARICK, Mr. DICKINSON, Mr. WHITEHURST, Mr. STEELMAN, and Mr. KETCHUM):

H.R. 4458. A bill to protect the freedom of choice of Federal employees in employee-management relations; to the Committee on Post Office and Civil Service.

By Mr. BURKE of Florida:

H.R. 4459. A bill to amend the act of March 4, 1909, as amended, to obtain information for agricultural estimates from county extension agents; to the Committee on Agriculture.

H.R. 4460. A bill to equalize the retired pay of members of the uniformed services retired prior to June 1, 1958, whose retired pay is computed on laws enacted on or after October 1, 1949; to the Committee on Armed Services.

H.R. 4461. A bill to amend the Occupational Safety and Health Act of 1970 to require the Secretary of Labor to recognize the difference in hazards to employees between the heavy construction industry and the light residential construction industry; to the Committee on Education and Labor.

H.R. 4462. A bill to establish nondiscriminatory school systems and to preserve the rights of elementary and secondary students to attend their neighborhood schools, and for other purposes; to the Committee on Education and Labor.

H.R. 4463. A bill to provide training and employment opportunities for those individuals whose lack of skills and education acts as a barrier to their employment at or above the Federal minimum wage, by means of subsidies to employers on a decreasing scale in order to compensate such employers for the risk of hiring the poor and unskilled in their local communities; to the Committee on Education and Labor.

H.R. 4464. A bill to require the suspension of Federal financial assistance to colleges and universities which are experiencing campus disorders and fail to take appropriate corrective measures forthwith, and to require the suspension of Federal financial assistance to teachers participating in such disorders; to the Committee on Education and Labor.

H.R. 4465. A bill to create a catalog of Federal assistance programs, and for other purposes; to the Committee on Government Operations.

H.R. 4466. A bill to amend section 620 of the Foreign Assistance Act of 1961 to suspend, in whole or in part, economic and military assistance and certain sales to any country which fails to take appropriate steps to prevent narcotic drugs, produced or processed, in whole or in part, in such country from entering the United States unlawfully, and for other purposes; to the Committee on Foreign Affairs.

H.R. 4467. A bill to establish the Commission for the Improvement of Government Management and Organization; to the Committee on Government Operations.

H.R. 4468. A bill to prohibit the furnishing of mailing lists and other lists of names and addresses by Government agencies to the public; to the Committee on Government Operations.

H.R. 4469. A bill to provide for study of a certain segment of the Oklawaha River for potential addition to the national wild and scenic rivers system; to the Committee on Interior and Insular Affairs.

H.R. 4470. A bill to amend the Interstate Commerce Act to provide increased fines for violation of the motor carrier safety regulations, to extend the application of civil penalties to all violations of the motor carrier safety regulations, to permit suspension or revocation of operating rights for violation of safety regulations, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4471. A bill to provide additional Federal assistance for State programs of treatment and rehabilitation of drug addicts; to the Committee on Interstate and Foreign Commerce.

H.R. 4472. A bill to amend the International Travel Act of 1961 to provide for Federal regulation of the travel agency industry; to the Committee on Interstate and Foreign Commerce.

H.R. 4473. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to authorize design standards for schoolbuses, to require certain standards be established for schoolbuses, to require the investigation of certain schoolbus accidents, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4474. A bill to amend the Federal Aviation Act of 1958 in order to establish certain requirements with respect to air traffic controllers; to the Committee on Interstate and Foreign Commerce.

H.R. 4475. A bill to assist in the effective and suitable disposal of passenger cars at the time of the discontinuance of their use on the highways by encouraging the disposal of such cars through persons licensed by the Secretary of Transportation, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 4476. A bill to amend title 18 of the United States Code to provide a penalty for persons who interfere with the conduct of judicial proceedings, and for other purposes; to the Committee on the Judiciary.

H.R. 4477. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide a system for the redress of law enforcement officers' grievances, and to es-

tablish a law enforcement officers' bill of rights in each of the several States, and for other purposes; to the Committee on the Judiciary.

H.R. 4478. A bill to amend section 245 of title 18, United States Code, to make it a crime to deny any person the benefits of any educational program or activity where such program or activity is receiving Federal financial assistance, and to provide for injunctive relief; to the Committee on the Judiciary.

H.R. 4479. A bill to make any alien who becomes a public charge within 24 months of his arrival in the United States subject to deportation, and for other purposes; to the Committee on the Judiciary.

H.R. 4480. A bill to provide a penalty for unlawful assault upon policemen, firemen, and other law enforcement personnel, and for other purposes; to the Committee on the Judiciary.

H.R. 4481. A bill to provide for the appointment of additional U.S. district judges; to the Committee on the Judiciary.

H.R. 4482. A bill to provide increased annuities under the civil service retirement program; to the Committee on Post Office and Civil Service.

H.R. 4483. A bill to provide for the issuance of a commemorative postage stamp in honor of the first enlisted women in the U.S. Armed Forces; to the Committee on Post Office and Civil Service.

H.R. 4484. A bill to provide for the issuance of a commemorative postage stamp in honor of the veterans of World War I; to the Committee on Post Office and Civil Service.

H.R. 4485. A bill to provide for the issuance of a commemorative postage stamp in honor of the veterans of World War II; to the Committee on Post Office and Civil Service.

H.R. 4486. A bill to provide for the issuance of a commemorative postage stamp in honor of the veterans of the Spanish-American War; to the Committee on Post Office and Civil Service.

H.R. 4487. A bill to amend the Act of August 13, 1946, to increase the Federal contribution to 90 percent of the cost of shore restoration and protection projects; to the Committee on Public Works.

H.R. 4488. A bill limiting the use for demonstration purposes of any federally owned property in the District of Columbia, requiring the posting of a bond, and for other purposes; to the Committee on Public Works.

H.R. 4489. A bill to permit the release of certain veterans from liability to the United States arising out of loans made, guaranteed, or insured under chapter 37 of title 38, United States Code; to the Committee on Veterans' Affairs.

H.R. 4490. A bill to amend title 38 of the United States Code to provide that travel allowances paid to veterans traveling to and from Veterans' Administration facilities shall in no event be less than those paid to employees of the Federal Government traveling on official business; to the Committee on Veterans' Affairs.

H.R. 4491. A bill to liberalize the granting of assistance for certain Vietnam disabled veterans requiring specially equipped automobiles; to the Committee on Veterans' Affairs.

H.R. 4492. A bill to provide for the establishment of a national cemetery in Florida; to the Committee on Veterans' Affairs.

H.R. 4493. A bill to provide for a national cemetery in the area of Broward County or Dade County, Fla.; to the Committee on Veterans' Affairs.

H.R. 4494. A bill to amend the Internal Revenue Code of 1954 to increase the penalties for the unlawful transportation of narcotic drugs, and to make it unlawful to solicit the assistance of or use of a person under the age of 18 in the unlawful trafficking of any such drug; to the Committee on Ways and Means.

H.R. 4495. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

H.R. 4496. A bill to amend title II of the Social Security Act to permit an individual receiving benefits thereunder to earn outside income without losing any of such benefits; to the Committee on Ways and Means.

H.R. 4497. A bill to amend the Internal Revenue Code of 1954 to permit individuals to deduct all expenses for their medical care, and for other purposes; to the Committee on Ways and Means.

H.R. 4498. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to employers for the expenses of providing job training programs; to the Committee on Ways and Means.

H.R. 4499. A bill to amend the Internal Revenue Code of 1954 to permit individuals to deduct all expenses for their medical and dental care, and for other purposes; to the Committee on Ways and Means.

H.R. 4500. A bill to amend the Internal Revenue Code of 1954 to allow a deduction for expenses incurred by a taxpayer in making repairs and improvements to his residence, and to allow the owner of rental housing to amortize at an accelerated rate the cost of rehabilitating or restoring such housing; to the Committee on Ways and Means.

H.R. 4501. A bill to amend the Internal Revenue Code of 1954, to allow a credit against income tax to individuals for certain expenses incurred in providing higher education; to the Committee on Ways and Means.

H.R. 4502. A bill to amend the Internal Revenue Code of 1954, by imposing a tax on the transfer of explosives to persons who may lawfully possess them and to prohibit possession of explosives by certain persons; to the Committee on Ways and Means.

By Mr. BROTZMAN:

H.R. 4503. A bill establishing a Council on Energy Policy; to the Committee on Interstate and Foreign Commerce.

By Mr. BROYHILL of North Carolina:

H.R. 4504. A bill to amend the Small Business Act to provide loans to small businesses for certain expenditures incurred as a result of complying with the Consumer Product Safety Act, the Flammable Fabrics Act, the Federal Hazardous Substances Act, and the Poison Prevention Packaging Act of 1970; to the Commission on Banking and Currency.

By Mr. BROYHILL of Virginia (for himself, Mr. HOGAN, Mr. HICKS, Mr. WHITE, Mr. HUDNUT, Mr. PARRIS, Mrs. HOLT, Mr. DICKINSON, Mr. BOB WILSON, Mr. WHITEHURST, Mr. KETCHUM, Mr. EILBERG, Mr. STEELE, and Mr. BRINKLEY):

H.R. 4505. A bill to provide for payments in lieu of real property taxes, with respect to certain real property owned by the Federal Government; to the Committee on Interior and Insular Affairs.

By Mr. CARTER:

H.R. 4506. A bill to authorize the U.S. District Court for the Eastern District of Kentucky to hold court at Pineville, Ky.; to the Committee on the Judiciary.

By Mr. CAMP (for himself, Mr. JARMAN, Mr. JONES of Oklahoma, Mr. McSPADDEN, and Mr. STEED):

H.R. 4507. A bill to provide for the striking of medals in commemoration of Jim Thorpe; to the Committee on Banking and Currency.

H.R. 4508. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Iowa Tribe of Oklahoma and the Iowa Tribe of Kansas and Nebraska and in Indian Claims Commission docket No. 135 and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. COLLIER:

H.R. 4509. A bill to strengthen the penalty provisions of the Gun Control Act of 1968; to the Committee on the Judiciary.

By Mr. CORMAN:

H.R. 4510. A bill to amend the Internal Revenue Code of 1954, to tax cigarettes on the basis of their tar and nicotine content; to the Committee on Ways and Means.

H.R. 4511. A bill to amend the Internal Revenue Code of 1954, to allow a business deduction under section 162 for certain ordinary and necessary expenses incurred to enable an individual to be gainfully employed; to the Committee on Ways and Means.

H.R. 4512. A bill to amend the Internal Revenue Code of 1954, to provide a 5-year carryforward for unused medical expenses; to the Committee on Ways and Means.

H.R. 4513. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. CRONIN (for himself, Mr. BOLAND, Mr. BURKE of Massachusetts, Mr. CONTE, Mr. DONOHUE, Mr. DRINAN, Mr. HARRINGTON, Mrs. HECKLER of Massachusetts, Mr. MACDONALD, Mr. MOAKLEY, Mr. O'NEILL, and Mr. STUDDS):

H.R. 4514. A bill to provide for the establishment of an urban national park known as the Lowell Historic Canal District National Cultural Park in the city of Lowell, Mass., and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DUNCAN (for himself and Mr. SAYLOR):

H.R. 4515. A bill to amend the tariff and trade laws of the United States to encourage the growth of international trade on a fair and equitable basis; to the Committee on Ways and Means.

By Mr. WILLIAM D. FORD:

H.R. 4516. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. FRELINGHUYSEN:

H.R. 4517. A bill to amend title 5, United States Code, to provide for the granting of college scholarships by the Federal Government to Federal employees' sons and daughters having superior scholastic attainments; to the Committee on Post Office and Civil Service.

H.R. 4518. A bill to amend the Internal Revenue Code of 1954, to provide a 30-percent credit against the individual income tax for amounts paid as tuition or fees to certain public and private institutions of higher education; to the Committee on Ways and Means.

By Mr. FRELINGHUYSEN (for himself, Mr. RHODES, and Mr. MAZZOLI):

H.R. 4519. A bill to amend the Federal Election Campaign Act of 1971, with respect to expenditures made for the use of communications media in order to oppose the candidacy of a legally qualified candidate for Federal elective office; to the Committee on Interstate and Foreign Commerce.

By Mr. FULTON:

H.R. 4520. A bill to amend section 832(e) of the Internal Revenue Code of 1954; to the Committee on Ways and Means.

By Mr. HANNA:

H.R. 4521. A bill to amend the Communications Act of 1934, in order to prohibit the broadcasting of any advertising of alcoholic beverages; to the Committee on Interstate and Foreign Commerce.

By Mr. HAWKINS:

H.R. 4522. A bill to amend the provisions of law providing compensation for work injuries suffered by Federal employees with respect to the entitlement of firefighters in certain cases; to the Committee on Education and Labor.

H.R. 4523. A bill to enforce the Treaty of Guadalupe-Hidalgo as a treaty made pursuant to article VI of the Constitution in regard to lands rightfully belonging to descendants of former Mexican citizens, to recognize the municipal status of the community land grants, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 4524. A bill to require the President to notify the Congress whenever he impounds funds, or authorizes the impounding of funds, and to provide a procedure under which the House of Representatives and the Senate may approve the President's action or require the President to cease such action; to the Committee on Rules.

By Mr. HELSTOSKI:

H.R. 4525. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. HILLIS:

H.R. 4526. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

H.R. 4527. A bill to amend title 18 of the United States Code, to provide certain tort indemnity for officers and employees of the Bureau of Prisons; to the Committee on the Judiciary.

H.R. 4528. A bill to authorize the contribution of Federal funds for the establishment and operation of a National Commission on Accreditation for Corrections; to the Committee on the Judiciary.

By Mr. HOWARD:

H.R. 4529. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

H.R. 4530. A bill to prohibit the importation into the United States of commercially produced domestic dog and cat animal products; and to prohibit dog and cat animal products moving in interstate commerce; to the Committee on Ways and Means.

By Mr. KASTENMEIER (for himself, Mr. ASPIN, Mr. BERGLAND, Mr. BURLISON of Missouri, Mr. BURTON, Mr. HARRINGTON, Mr. OBEY, Mr. ROSENTHAL, Mr. SEIBERLING, and Mr. ZWACH):

H.R. 4531. A bill to amend the Clayton Act to provide for additional regulation of certain anticompetitive developments in the agricultural industry; to the Committee on the Judiciary.

By Mr. KOCH:

H.R. 4532. A bill to permit officers and employees of the Federal Government to elect coverage under the old-age, survivors, and disability insurance system; to the Committee on Ways and Means.

By Mr. LEGGETT:

H.R. 4533. A bill to amend title II of the Social Security Act to permit a State, under its section 218 agreement, to terminate social security coverage for State or local policemen or firemen without affecting the coverage of other public employees who may be members of the same coverage group (and to permit the reinstatement of coverage for such other employees in certain cases where the group's coverage has previously been terminated); to the Committee on Ways and Means.

By Mr. LEHMAN:

H.R. 4534. A bill to strengthen and improve the Older Americans Act of 1965, and for other purposes; to the Committee on Education and Labor.

By Mr. McDADE:

H.R. 4535. A bill to abolish the U.S. Postal Service, to repeal the Postal Reorganization Act, to reenact the former provisions of title 39, United States Code, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 4536. A bill to amend title II of the Social Security Act to provide monthly insurance benefits for qualified dependent brothers and sisters of certain insured individuals; to the Committee on Ways and Means.

By Mr. McFALL:

H.R. 4537. A bill to provide for funding the Emergency Employment Act of 1971 for 2 additional years, and for other purposes; to the Committee on Education and Labor.

By Mr. McSPADDEN:

H.R. 4538. A bill to amend USCA 16 section 460(1)-6a, subsection (b); to the Committee on Interior and Insular Affairs.

By Mr. MARAZITI:

H.R. 4539. A bill to amend title 38, United States Code, to stabilize and "freeze" as of January 1, 1973, the Veterans' Administration Schedule for Rating Disabilities, 1945 edition, and the extensions thereto; to the Committee on Veterans' Affairs.

By Mr. MINSHALL of Ohio:

H.R. 4540. A bill to reserve a site for the use of the Smithsonian Institution; to the Committee on House Administration.

H.R. 4541. A bill to authorize the Smithsonian Institution to plan museum support facilities; to the Committee on House Administration.

By Mr. MOORHEAD of Pennsylvania:

H.R. 4542. A bill to amend section 1130 of the Social Security Act to make inapplicable to the aged, blind, and disabled the existing provision limiting to 10 percent the portion of the total amounts paid to a State as grants for social services which may be paid with respect to individuals who are not actually recipients of or applicants for aid or assistance; to the Committee on Ways and Means.

By Mr. NELSEN:

H.R. 4543. A bill to amend chapter 4 of title 23 of the United States Code, relating to highway safety, to provide a standard distress symbol for physically handicapped drivers; to the Committee on Public Works.

H.R. 4544. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. PATMAN:

H.R. 4545. A bill to amend the National Housing Act concerning primary and secondary reserves; to the Committee on Banking and Currency.

By Mr. PATMAN (for himself and Mr. WIDNALL):

H.R. 4546. A bill to amend the Par Value Modification Act; to the Committee on Banking and Currency.

By Mr. PATTEN:

H.R. 4547. A bill to amend the Communications Act of 1934, to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

H.R. 4548. A bill to amend title 38, United States Code, to stabilize and "freeze" as of January 1, 1973, the Veterans' Administration Schedule for Rating Disabilities, 1945 edition, and the extensions thereto; to the Committee on Veterans' Affairs.

By Mr. PEPPER:

H.R. 4549. A bill to amend the Federal Aviation Act of 1958, to provide for an evidentiary hearing before a mandatory retirement age is prescribed for pilots; to the Committee on Interstate and Foreign Commerce.

By Mr. PODELL:

H.R. 4550. A bill to amend the Legislative Reorganization Act of 1946, to provide for annual reports to the Congress by the Comptroller General concerning certain price increases in Government contracts and certain failures to meet Government contract completion dates; to the Committee on Government Operations.

By Mr. QUILLEN:

H.R. 4551. A bill to protect hobbyists against the reproduction or manufacture of imitation hobby items and to provide additional protections for American hobbyists; to the Committee on Interstate and Foreign Commerce.

By Mr. RODINO:

H.R. 4552. A bill to provide that appointments to the Office of Director and Deputy Director of the Office of Management and Budget shall be subject to confirmation by the Senate; to the Committee on Government Operations.

By Mr. ROGERS:

H.R. 4553. A bill to amend section 4171 of the Revised Statutes to allow the endorsement on certificates of registry of alternate masters; to the Committee on Merchant Marine and Fisheries.

H.R. 4554. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; and to remove rate inequities for married persons where both are employed; to the Committee on Ways and Means.

By Mr. ROE:

H.R. 4555. A bill to provide that, after January 1, 1973, Memorial Day be observed on May 30 of each year and Veterans Day be observed on the 11th of November of each year; to the Committee on the Judiciary.

By Mr. RONCALLO of New York:

H.R. 4556. A bill to provide more effective means for protecting the public interest in national emergency disputes involving the transportation industry, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROY:

H.R. 4557. A bill to amend title 5, United States Code, to correct inequities in connection with the loss by employees of entitlement to travel and transportation expenses under travel agreements which have expired while the employees remained on duty outside the continental United States, and for other purposes; to the Committee on Government Operations.

By Mr. SATTERFIELD:

H.R. 4558. A bill to amend the Internal Revenue Code of 1954, to permit taxpayers to elect to deduct certain disaster losses in the taxable year immediately succeeding the taxable year in which the disaster occurred; to the Committee on Ways and Means.

By Mr. SEBELIUS:

H.R. 4559. A bill to provide for the mandatory inspection of rabbits slaughtered for human food, and for other purposes; to the Committee on Agriculture.

By Mr. STAGGERS (for himself and Mr. DEVINE):

H.R. 4560. A bill to authorize appropriations for the fiscal year 1974, for the Corporation for Public Broadcasting; to the Committee on Interstate and Foreign Commerce.

By Mr. STEPHENS:

H.R. 4561. A bill to provide that the recent action taken by the Federal Housing Commissioner in abolishing the adjusted premium charge imposed by section 203(c) of the National Housing Act shall be effective with respect to certain mortgage prepay-

ments occurring on or after March 1, 1972; to the Committee on Banking and Currency.

H.R. 4562. A bill to provide for adjustments in the lands or interests therein acquired for the Clark Hill Reservoir, Ga., by the reconveyance of certain lands or interests therein to former owners thereof; to the Committee on Public Works.

By Mr. STOKES (for himself, Ms. ABZUG, Mr. BADILLO, Mr. BINGHAM, Mrs. BURKE of California, Mrs. CHISHOLM, Mr. CLAY, Mr. CONYERS, Mr. DOMINICK V. DANIELS, Mr. DANIELSON, Mr. DE LUGO, Mr. DENHOLM, Mr. DIGGS, Mr. DRINAN, Mr. EDWARDS of California, Mr. EILBERG, Mr. FASCELL, Mr. FLOOD, Mr. FRASER, Mr. GUDE, Mr. HARRINGTON, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, and Mr. HICKS):

H.R. 4563. A bill to amend title II of the Social Security Act to provide that an individual may qualify for disability insurance benefits and the disability freeze if he has enough quarters of coverage to be fully insured for old-age benefit purposes, regardless of when such quarters were earned; to the Committee on Ways and Means.

By Mr. STOKES (for himself, Miss HOLTZMAN, Mr. KOCH, Mr. LEHMAN, Mr. MATSUNAGA, Mr. METCALFE, Mrs. MINK, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. MOSS, Mr. NIX, Mr. PEPPER, Mr. PODELL, Mr. RANGEL, Mr. RIEGLE, Mr. ROSENTHAL, Mr. ROY, Mr. ROYBAL, Mr. ST GERMAIN, Mr. SARBANES, Mr. SEIBERLING, Mr. TIERNAN, Mr. CHARLES H. WILSON of California, Mr. WON PAT, and Mr. YATRON):

H.R. 4564. A bill to amend title II of the Social Security Act to provide that an individual may qualify for disability insurance benefits and the disability freeze if he has enough quarters of coverage to be fully insured for old-age benefit purposes, regardless of when such quarters were earned; to the Committee on Ways and Means.

By Mr. STUCKEY:

H.R. 4565. A bill to provide price support for milk at not less than 85 percent of the parity price therefor; to the Committee on Agriculture.

By Mr. TEAGUE of Texas:

H.R. 4566. A bill to repeal the taxes which go into the highway trust fund; to the Committee on Ways and Means.

By Mr. TEAGUE of Texas (for himself and Mr. MOSHER):

H.R. 4567. A bill to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; to the Committee on Science and Astronautics.

By Mr. WALDIE:

H.R. 4568. A bill to amend the Federal Food, Drug, and Cosmetic Act to include a definition of food supplements, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WALDIE (for himself, Mr. MAILLIARD, Mr. TEAGUE of California, Mr. BELL, Mr. MCCLOSKEY, Mr. PETTIS, Mr. ROYBAL, Mr. REES, Mr. LEGGETT, Mr. STARK, Mr. HAWKINS, Mr. BURTON, Mr. CORMAN, Mr. BROWN of California, Mr. EDWARDS of California, Mr. DANIELSON, Mr. VEYSEY, Mr. MOSS, Mr. RYAN, and Mr. DELLUMS):

H.R. 4569. A bill to designate the San Joaquin Wilderness, Sierra National Forest, and Inyo National Forest in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. WOLFF (for himself, Mr. BROOMFIELD, Mr. MCSPADDEN, Mr. PEPPER, Mr. BIAGGI, Mr. JONES of Alabama, Mr. CONYERS, Mr. MEEDS, Mr. TIERNAN, Mr. DE LUGO, Mr. BRASCO, Mr. HECHLER of West Virginia, Miss JORDAN, Mr. ROSENTHAL, Mr. WON PAT, Mr. PODELL, Mr. HARRINGTON, Mr. DRINAN, Mr. MURPHY of Illinois, Mr. YATRON, Mr. CHARLES WILSON of Texas, Mr. MELCHER, Mr. RODINO, Mr. ROY, and Mr. EILBERG):

H.R. 4570. A bill to require States to pass along to individuals who are recipients of aid or assistance under the Federal-State public assistance programs or under certain other Federal programs, and who are entitled to social security benefits, the full amount of the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. WOLFF (for himself, Mr. WALDIE, Mr. PRICE of Illinois, Mr. GREEN of Pennsylvania, Mr. SARBANES, Mr. GUDE, Mr. YOUNG of Florida, Miss HOLTZMAN, Mr. RIEGLE, Mr. STUCKEY, Mr. RONCALIO of Wyoming, Mr. ROE, Mrs. SCHROEDER, Mrs. CHISHOLM, Mr. MOAKLEY, Mr. MITCHELL of Maryland, Mr. CULVER, Mr. RANGEL, and Mr. ADDABBO):

H.R. 4571. A bill to require States to pass along to individuals who are recipients of aid or assistance under the Federal-State public assistance programs or under certain other Federal programs, and who are entitled to social security benefits, the full amount of the 1972 increase in such benefits, either by disregarding it in determining their need for assistance or otherwise; to the Committee on Ways and Means.

By Mr. WYMAN:

H.R. 4572. A bill to amend title 38 of the United States Code to liberalize the provisions relating to payment of disability and death pension; to the Committee on Veterans' Affairs.

By Mr. YOUNG of Florida:

H.R. 4573. A bill to amend chapter 55, title 38, United States Code, so as to increase the amount of benefits payable to certain hospitalized veterans; to the Committee on Veterans' Affairs.

By Mr. BURKE of Florida:

H.J. Res. 356. Joint resolution expressing the sense of the Congress with respect to the foreign economic policy of the United States in connection with its relations with the Soviet Union and any other country which uses arbitrary and discriminatory methods to limit the right of emigration, and for other purposes; to the Committee on Foreign Affairs.

H.J. Res. 357. Joint resolution Stable Purchasing Power Resolution of 1973; to the Committee on Government Operations.

H.J. Res. 358. Joint resolution providing for the display in the Capitol Building of a portion of the moon; to the Committee on House Administration.

H.J. Res. 359. Joint resolution providing for the establishment of the Astronauts Memorial Commission to construct and erect with funds a memorial in the John F. Kennedy Space Center, Fla., or the immediate vicinity, to honor and commemorate the men who serve as astronauts in the U.S. space program; to the Committee on House Administration.

H.J. Res. 360. Joint resolution proposing an amendment to the Constitution of the United States with respect to the offering of prayer in public buildings; to the Committee on the Judiciary.

H.J. Res. 361. Joint resolution proposing an amendment to the Constitution of the United States relating to the busing or involuntary assignment of students; to the Committee on the Judiciary.

H.J. Res. 362. Joint resolution to redesignate the area in the State of Florida known as Cape Kennedy as Cape Canaveral; to the Committee on Science and Astronautics.

By Mr. EDWARDS of Alabama:

H.J. Res. 363. Joint resolution authorizing the President to proclaim the week of May 27 through June 2, 1973, as "National Stamp Collecting Week", and to proclaim June 1, 1973, as "National Stamp Collectors' Day"; to the Committee on the Judiciary.

By Mr. ERLENBORN:

H.J. Res. 364. Joint resolution proposing an amendment to the Constitution of the United States to insure that due process and equal protection are afforded to an individual from conception; to the Committee on the Judiciary.

By Mr. GONZALEZ:

H.J. Res. 365. Joint resolution relating to sudden infant death syndrome; to the Committee on Interstate and Foreign Commerce.

By Mr. O'HARA:

H.J. Res. 366. Joint resolution to authorize the President to proclaim the period from March 11 through March 17, 1973, as "National Learning Disability Week"; to the Committee on the Judiciary.

By Mr. SIKES (for himself and Mr. MIZELL):

H.J. Res. 367. Joint resolution asking the President of the United States to declare the fourth Saturday of each September "National Hunting and Fishing Day"; to the Committee on the Judiciary.

By Mr. BURKE of Florida:

H. Con. Res. 118. Concurrent resolution expressing the sense of the Congress regarding steps to strengthen the foreign policy of the United States through measures relating to the domestic economy; to the Committee on Foreign Affairs.

H. Con. Res. 119. Concurrent resolution expressing the sense of the House of Representatives objecting to the eligibility of the Byelorussian Soviet Socialist Republic and the Ukrainian Soviet Socialist Republic for membership in the United Nations; to the Committee on Foreign Affairs.

H. Con. Res. 120. Concurrent resolution creating a Joint Committee to Investigate Crime; to the Committee on Rules.

H. Con. Res. 121. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. DICKINSON:

H. Con. Res. 122. Concurrent resolution to collect overdue debts; to the Committee on Ways and Means.

By Mr. KOCH (for himself, Ms. ABZUG, Mr. BROWN of California, Mr. BUCHANAN, Mr. BURTON, Mr. BYRON, Mr. CONTE, Mr. COTTER, Mr. DERWINSKI, Mr. DRINAN, Mr. EDWARDS of California, Mr. EILBERG, Mr. FASCELL, Mr. FISH, Mr. FORSYTHE, Mr. HARRINGTON, Miss HOLTZMAN, Mr. MOAKLEY, Mr. PODELL, Mr. RIEGLE, Mr. RODINO, Mr. ROSENTHAL, Mr. SARBANES, and Mrs. SCHROEDER):

H. Con. Res. 123. Concurrent resolution expressing the sense of the Congress with respect to the treatment of Jews in Iraq and Syria; to the Committee on Foreign Affairs.

By Mr. BLACKBURN (for himself, Mr. WYLIE, Mr. DERWINSKI, Mr. DICKINSON, Mr. ZWACH, Mr. FRENZEL, Mr. CRONIN, Mr. ROBINSON of Virginia, Mr. ARCHER, Mr. CLEVELAND, Mr. KETCHUM, Mr. WINN, Mr. PRITCHARD, Mr. MCKINNEY, Mr. BUTLER, and Mr. DENNIS):

H. Res. 227. Resolution to amend the Rules of the House of Representatives to provide for the efficient operation of congressional committees and to insure the rights of all committee members to have equal voice in committee business; to the Committee on Rules.

By Mr. BLATNIK:

H. Res. 228. Resolution authorizing the Committee on Public Works to conduct studies and investigations within the jurisdiction of such committee; to the Committee on Rules.

By Mr. BURKE of Florida:

H. Res. 229. Resolution to express the sense of the House of Representatives that the United States maintain its sovereignty and jurisdiction over the Panama Canal Zone; to the Committee on Foreign Affairs.

H. Res. 230. Resolution to express the sense of the House with respect to peace in the Middle East; to the Committee on Foreign Affairs.

H. Res. 231. Resolution calling upon the Voice of America to broadcast in the Yiddish language to Soviet Jewry; to the Committee on Foreign Affairs.

H. Res. 232. Resolution to provide for equitable and effective minority staffing on House standing committees; to the Committee on Rules.

By Mr. EDWARDS of California (for himself and Mr. REUSS):

H. Res. 233. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. HOWARD:

H. Res. 234. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on Transportation, and for other purposes; to the Committee on Rules.

By Mr. STAGGERS:

H. Res. 235. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 182; to the Committee on House Administration.

By Mr. WALDIE (for himself, Mr. SEIBERLING, Mr. LEHMAN, Mr. CORMAN, Mr. REID, Mrs. CHISHOLM, Mr. WOLFF, Mr. BADILLO, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. RIEGLE, Mr. FORSYTHE, Mr. MOSS, Mr. ROYBAL, Mr. MOAKLEY, Mr. PODELL, Mr. RANGEL, Mr. CULVER, Mr. BERGLAND, Miss JORDAN, Mr. STOKES, Mr. PRITCHARD, Mr. YOUNG of Georgia, Mrs. SCHROEDER, and Mr. YATES):

H. Res. 236. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. WALDIE (for himself, Miss HOLTZMAN, Mr. LEGGETT, Mr. CLAY, Mr. EVANS of Colorado, Mr. FAUNTROY, Mr. TIERNAN, Mr. FRASER, Mr. EILBERG, Mr. THOMPSON of New Jersey, Mr. DANIELSON, Mr. ECKHARDT, Mr. ASPIN, Mr. DRINAN, Mr. OWENS, Mr. GUDE, Mr. ASHLEY, Mr. BRASCO, Mr. MEEDS, Mr. CONYERS, Mr. STARK, Mr. ROSENTHAL, Mr. HOWARD, Mr. REES, and Mr. MCCLOSKEY):

H. Res. 237. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. WALDIE (for himself, Mrs. BURKE of California, and Mr. CAREY of New York):

H. Res. 238. Resolution to abolish the Committee on Internal Security and enlarge the jurisdiction of the Committee on the Judiciary; to the Committee on Rules.

By Mr. CHARLES H. WILSON of California:

H. Res. 239. Resolution Canal Zone Sovereignty and Jurisdiction Resolution; to the Committee on Foreign Affairs.

MEMORIALS

Under clause 4 of rule XXII,

43. The SPEAKER presented a memorial of the Legislature of the State of South Carolina, relative to exempting prisoners of war returning from Southeast Asia from the payment of Federal income tax; to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BIESTER:

H.R. 4574. A bill for the relief of the Newtown Presbyterian Church; to the Committee on the Judiciary.

By Mr. CLEVELAND:

H.R. 4575. A bill for the relief of Filippo Sardo; to the Committee on the Judiciary.

By Mr. CORMAN:

H.R. 4576. A bill for the relief of Rodolfo S. Guadiana; to the Committee on the Judiciary.

H.R. 4577. A bill for the relief of Mrs. Rosita I. Ines; to the Committee on the Judiciary.

H.R. 4578. A bill for the relief of Alfredo Angulo-Rocha; to the Committee on the Judiciary.

H.R. 4579. A bill for the relief of Meyer Weinger and Fay Weinger; to the Committee on the Judiciary.

By Mr. DICKINSON:

H.R. 4580. A bill for the relief of Mrs. Modesta Ugalino; to the Committee on the Judiciary.

By Mr. EDWARDS of Alabama:

H.R. 4581. A bill for the relief of Victor Conte; to the Committee on the Judiciary.

By Mr. FULTON:

H.R. 4582. A bill for the relief of the Andrew Jackson Lodge No. 5, Fraternal Order of Police, of Nashville, Tenn.; to the Committee on Public Works.

By Mr. KASTENMEIER:

H.R. 4583. A bill to provide for the free entry of five carillon bells for the use of the University of Wisconsin, Madison, Wis.; to the Committee on Ways and Means.

By Mr. KAZEN (by request):

H.R. 4584. A bill for the relief of Peter M. Spanner; to the Committee on the Judiciary,

By Mr. MARAZITI:

H.R. 4585. A bill for the relief of Tai Kwon Jang and Man Kwon Jang; to the Committee on the Judiciary.

By Mr. NELSEN:

H.R. 4586. A bill to incorporate in the District of Columbia the National Inconvenienced Sportsmen's Association; to the Committee on the District of Columbia.

By Mr. NIX:

H.R. 4587. A bill for the relief of Maria La Valle Arrigo; to the Committee on the Judiciary.

By Mr. ROSENTHAL:

H.R. 4588. A bill for the relief of Maria Giovanna Loyero; to the Committee on the Judiciary.

H.R. 4589. A bill for the relief of Roger Stanley, and the successor partnership, Roger Stanley and Hal Irwin, doing business as the Roger Stanley Orchestra; to the Committee on the Judiciary.

By Mr. TEAGUE of California:

H.R. 4590. A bill for the relief of Melissa Catambay Gutierrez; to the Committee on the Judiciary.

H.R. 4591. A bill for the relief of Milagros Catambay Gutierrez; to the Committee on the Judiciary.

By Mr. THOMSON of Wisconsin:

H.R. 4592. A bill for the relief of Abbey Ogolo; to the Committee on the Judiciary.

By Mr. NELSEN:

H. Res. 240. Resolution to refer the bill (H.R. 3539) entitled "A bill for the relief of Robert A. Carleton" to the Chief Commissioner of the Court of Claims pursuant to sections 1492 and 2509 of title 28, United States Code, as amended; to the Committee on the Judiciary.

By Mr. STEPHENS:

H. Res. 241. Resolution for the relief of William H. Spratling; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

53. The SPEAKER presented the petition of the city council, San Leandro, Calif., relative to dissatisfaction with the U.S. Postal Service; to the Committee on Post Office and Civil Service.

EXTENSIONS OF REMARKS

JIM LYNCH, BROOKLINE'S POPULAR RECREATION DIRECTOR, RETIRES AFTER 48 YEARS

HON. THOMAS P. O'NEILL, JR.

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, February 21, 1973

Mr. O'NEILL. Mr. Speaker, it is somewhat of a painful duty that has evolved upon me today as I afford myself the privilege of announcing through CONGRESSIONAL RECORD columns the formal retirement of my good friend, James J. "Jim" Lynch, as director of recreation in the town of Brookline, Mass. This distinguished and popular recreational leader is a lifetime citizen of that great township which is virtually bounded by the city of Boston. He will long be remembered as part of Brookline's glorious history, especially the progressive chapters he wrote in its physical fitness and recreational endeavors. But he will also be more easily recalled as a man of deep compassion and understanding—a man whose generous heart and humanitarian spirit hails him as one of the most remarkable examples of true charity that was ever evidenced.

I felt a keen personal loss when the town of Brookline was removed as part of my congressional district in the 1972 Massachusetts reapportionments. But be assured that nothing in such a geographical constituency shift caused me to lose my many fine friends there. It goes without saying that foremost amongst the many friendships I boast in that town, one of the most cherished is that which I enjoy with Jim Lynch.

I recollect the happy experience when meeting with his wonderful family for the first time. I met his 10 splendid children and his beautiful and devoted wife, May, enjoying a huge outdoor party on a lovely summer's Sunday in 1970. It was a typical Brookline get-together—wholesome and carefree. At that time it was so becoming of Jim Lynch to make everybody in attendance feel warmly greeted and made comfortably right at home—like a guest of honor. My invitation—a pleasant surprise—and my participation at this affair will ever be cataloged in my memory of wonderful and joyous celebrations as long as I live. It is my distinct recollection that I never met so many fun-loving and friendly