dollar prices on overseas sales to fatten profit margains a bit. This is especially true of large deals, where prices are arrived at by negotiation rather than quoting from a standard list. It will result in some increase in dollar receipts from abroad, of course, but price rises partially negate effects of devaluation.

"Our U.S.-made tractors will sell for the same number of French francs or German marks, which will mean a mild increase in dollar receipts from exports," says a Deere & Co. official. "With the brisk demand for our products, we aren't really in position to try to capture a larger market share" by reducing prices.

"We normally write contracts and sell in local currencies, and we don't intend to change those prices," says a man at Dow Chemical Co. in Midland, Mich., which last year exported $275 million of plastics and chemicals. "We think we have a good share of market and don't think we'd improve it that much by cutting prices. Also, in some cases our profit margin on exports has been lower than on domestic sales."

"The bulk of U.S. exports aren't price sensitive," says A. Gary Shilling, first vice president and economist at White Weld & Co. in New York. "They are things like agricultural products, where the volume of exports depends on Russian crop failures, and aircraft and computers where people have to buy from us if they want certain technology." Price reductions on such products have little influence on sales.

Even where U.S.-made products gain some price advantage against foreign competitors, there won't always be an immediate sales increase. For some products, such as frozen chickens, there are extensive import restrictions in many countries that will limit sales gains. Some nations likewise limit imports of auto parts, or place prohibitive taxes on U.S. cars. The Nixon administration intends to try to negotiate away such barriers to U.S. exports, and the recent currency crisis may give U.S. negotiators added persuasiveness. But in any event, the barriers won't drop immediately. In fact, negotiations are likely to be very prolonged and only partially successful.

BUY NOW, DELIVER LATER

Sometimes the nature of the product itself will produce delays in benefiting from the currency revaluations. "Many of the products we export are fairly highly engineered items where buying decisions aren't made in a short period of time," says Borg-Warner's Mr. Gavin. "For instance, if some foreign manufacturer were going to use our air-conditioning compressor on an automobile, they would have to plan to put it on a model at least a year ahead of production."

Makers of complicated production machinery also normally have a substantial lag between order and shipment. And that lead time is longer now than it was a year ago because many U.S. capital-goods plants have substantial order backlogs. Besides delaying sales, these lengthening lead times are costing U.S. producers some sales in competition with European plants that have less business on their books and therefore can deliver more quickly.

Stiffer foreign competition in some product areas also tends to limit U.S. export gains from devaluation. "Our exports will go up as a result of devaluation, but only modestly," says Robert J. McMenamin, manager of marketing for International Harvester Co.'s overseas division. The 1971 dollar devaluation permitted Harvester to remain competitive on some products that were about to be knocked out of competition by the increased availability of construction machinery and heavy trucks from foreign plants, he says. A good part of the price advantage obtained from the latest devaluation also will be required for such market defense, he says, though there should be some new improvement in export sales.

SOME PLANT CONSTRUCTION

Finally, there are a number of manufactured products where foreign producers had a 25% or greater price advantage. A 10% devaluation of the dollar just isn't enough to put the U.S.-made product back into competition. For many of these items, U.S. producers long ago built foreign plants that serve overseas markets, and the latest currency revaluation won't make them switch to a U.S. source. They export mainly specialized machines not available from their overseas facilities.

"Devaluation isn't going to help our foreign sales very much, mainly because exports haven't been very high from our U.S. plants for quite a while," says an official of Warner & Swasey Co., a Cleveland-based producer of machine tools, construction machinery and textile equipment. "As machinery became available at lower prices from producers in Europe and Japan, we began producing overseas to meet competitors on their home ground. We have pretty substantial exports from our British factory, for example, but it would take a few more devaluations before we could export from the U.S. at prices competitive with those of that plant."

Over the long run, though, dollar devaluation probably will result in some U.S. plant construction to serve foreign markets. Dow Chemical, for example, probably will build more domestic capacity to meet growing demand at home and abroad, facilities that might have been built overseas if the U.S. competitive situation hadn't been improved through devaluation.

HOUSE OF REPRESENTATIVES—*Wednesday, March 14, 1973*

The House met at 12 o'clock noon.

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

God is spirit and they that worship Him must worship Him in spirit and in truth.—John 4: 24.

O God, our Father, gracious and compassionate, draw us unto Thyself that we may worship Thee in spirit and in truth. As we pray, do Thou make our hearts channels for Thy spirit in our world that being subdued by Thy love we may be loving, being supported by Thy patience we may be patient, being sustained by Thy strength we may be strong to labor diligently for the welfare of our people.

Help us to walk with Thee through life bearing no ill will, forgiving malice, carrying no resentment, and growing ever more like Thee—great in goodness and good in greatness. So may our Nation be blest with gracious and genuine leadership.

In the spirit of Christ we pray. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

THE HONORABLE DONALD E. YOUNG OF ALASKA

Mr. GERALD R. FORD. Mr. Speaker, I ask unanimous consent that the gentleman from Alaska, Mr. DONALD E. YOUNG, be permitted to take the oath of office today. His certificate of election has not arrived, but there is no contest, and no question has been raised with regard to his election.

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

There was no objection.

Mr. DONALD E. YOUNG appeared at the bar of the House and took the oath of office.

ELECTION TO COMMITTEES

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged resolution (H. Res. 305) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 305

Resolved, That Don Young of Alaska be, and he is hereby, elected a member of the following standing committees of the House of Representatives: Committee on Interior and Insular Affairs; and Committee on Merchant Marine and Fisheries.

The resolution was agreed to.

A motion to reconsider was laid on the table.

APPOINTMENTS AS MEMBERS OF BOARD OF VISITORS TO THE U.S. COAST GUARD ACADEMY

The SPEAKER laid before the House the following communication from the chairman of the Committee on Merchant Marine and Fisheries:

MARCH 1, 1973.

The HON. CARL ALBERT,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Pursuant to Section 194 of Title 14 of the United States Code, I have appointed the following members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the United States Coast Guard Academy for the year 1973.

The Honorable JOHN M. MURPHY of New York.

The Honorable PAUL S. SARBANES of Maryland.

The Honorable WILLIAM S. COHEN of Maine.

As Chairman of the Committee on Merchant Marine and Fisheries, I am authorized to serve as an ex officio member of the Board.

Sincerely,

LEONOR K. SULLIVAN,
Chairman.

HOUSING SUBCOMMITTEE HEARING ON HUD MORATORIUM

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

Mr. BARRETT. Mr. Speaker, on Tuesday morning at 9:30, March 20, the Subcommittee on Housing of the House Committee on Banking and Currency will conduct a 1-day hearing on the moratorium and suspension of the federally assisted housing and community development programs.

The subcommittee will hear from HUD Secretary, James T. Lynn, and also hear from him in his capacity as Counselor to the President on community development matters. The Secretary will also address himself to the moratorium on the rural housing programs under the Farmers Home Administration. The hearing will be held in room 2128, Rayburn House Office Building.

PRESIDENT IS PERMITTING GOVERNMENT TO "FLOAT" WITHOUT POLICY OR DIRECTION

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

Mr. HANNA. Mr. Speaker, it seems that the recent flurry of governments floating their currency in the international exchange has had a curious side effect on the current administration. Having just reviewed the reports on the President's housing proposals it appears to me that he is trying to manage our Government by permitting it to "float" without policy or direction.

We are first told that what has been done was wrong and a moratorium is imposed to avoid continuing on our misguided and "wasteful" way. Then we are told that the future is too difficult to deal with immediately and we must wait for at least 6 months while "new" programs are developed which "will provide aid to genuinely needy families and eliminate waste."

First of all, I must concede that I have less than full confidence that we will see the promised comprehensive housing proposals on the President's time schedule. Second, I must ask, even if the schedule is followed, what does he offer to compensate for the waste in the interim of that most important of commodities—time?

With painstaking effort and, admittedly, with some albeit limited failures, we have developed an unparalleled capability to produce housing for all segments of our economy. How does the President propose to keep this capability alive for even the minimum of 6 months now facing us? The companies, workmen, and material supply system can be irretrievably lost in less time than they are now confronting. I would hope the President is cognizant of this fact and is prepared to account for this highly questionable hiatus.

NOMINATION OF H. R. CRAWFORD, OF WASHINGTON, D.C., TO BE ASSISTANT SECRETARY OF HUD

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

Mr. O'HARA. Mr. Speaker, I have not often been pleased by the identity of new nominees for policy positions in the Nixon administration, but I was pleasantly surprised a few days ago to read in the newspaper that the President had nominated Mr. H. R. Crawford, of Washington, D.C., to be an Assistant Secretary of the Department of Housing and Urban Development. I became acquainted with Mr. Crawford by chance a couple of years ago and was impressed by his knowledge of Federal housing programs and of the construction industry. Since that first meeting, I have had an opportunity on several occasions to discuss housing programs with Mr. Crawford and to make an inspection trip with him of federally subsidized housing in the Southeast section of Washington, D.C. I found Mr. Crawford to be a man of compassion who understood the housing needs and problems of low- and moderate-income families. I also found him a man who is intensely unhappy with housing efforts designed to meet the needs of low- and moderate-income families that fail to do so. I believe that his understanding of the Nation's housing problems and his commitment to satisfying the housing needs of all Americans will make a real contribution to the formulation of new housing efforts.

PERMISSION FOR COMMITTEE ON HOUSE ADMINISTRATION TO FILE PRIVILEGED RESOLUTIONS

Mr. THOMPSON of New Jersey. Mr. Speaker, I ask unanimous consent that the Committee on House Administration may have until midnight tonight to file several privileged resolutions.

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

There was no objection.

HIGH GOVERNMENT OFFICIAL IN CHARGE OF OIL SHALE JOINS OIL SHALE DEVELOPMENT CORP.

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

Mr. VANIK. Mr. Speaker, a press release of March 12, 1973, from the Department of the Interior announced that Mr. Hollis M. Dole, Assistant Secretary of the Interior for Mineral Resources, left the Department on March 12 to become senior executive in charge of the jointly sponsored oil shale development program of the Atlantic Richfield Co. and the Oil Shale Corp., headquartered in Denver. The group also goes by the name of Colony Development.

It is interesting to note, Mr. Speaker, that Mr. Dole had oversight of the Office of Oil Shale. It is further interesting to note that the head of the Office of Oil Shale is Mr. Reed Stone, who came to the Department of the Interior 6 years ago—from Atlantic Richfield.

This is—quite possibly—another case of the "revolving door," in which oil men come into the Government, have access to special, detailed, and technical information, and pass this information on to their colleagues who are rejoining the oil industry.

I have no indication or proof that any special inside information has been "leaked out" of the Government by this "job transfer"—but the potential exists for abuse of the public trust.

This is no small program in which these men are involved. The oil shale deposits of the United States are estimated to be worth $8 trillion. Eighty percent of this oil shale is on public land. Six leases will soon be made—by Mr. Stone's office—and the way that those leases are developed will be determined by the Department of the Interior.

Mr. Dole, now with private industry, will be developing an oil shale mine on some of the 20 percent of the oil shale land which is privately held. What special technology information does he carry with him? What information about the timing of the leases on the public lands? What head starts on water rights and avoidance of environmental impact statements?

These appointment maneuvers suggest that Atlantic Richfield has been assigned these positions in the Interior Department—an impropriety which assaults the public trust and weakens public confidence.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 46]

Andrews, N.C.	Findley	Mills, Ark.
Badillo	Foley	Minshall, Ohio
Bafalis	Fraser	Moorhead, Pa.
Bergland	Fulton	Nichols
Blaggi	Gibbons	Nix
Blatnik	Harvey	Price, Tex.
Breckinridge	Hébert	Rarick
Burke, Calif.	Heckler, Mass.	Rooney, N.Y.
Carey, N.Y.	Holifield	Roy
Chisholm	Hosmer	Stubblefield
Clark	Johnson, Colo.	Stuckey
Collier	Jones, Ala.	Sullivan
Conyers	Jones, Tenn.	Symington
Davis, Ga.	King	Teague, Calif.
Dorn	Kuykendall	Teague, Tex.
Drinan	Kyros	Waldie
Dulski	Lehman	Whitten
Eckhardt	McEwen	Wolff
Edwards, Calif.	Martin, N.C.	

The SPEAKER. On this rollcall 376 Members have recorded their presence by electronic device, a quorum.

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

PERSONAL EXPLANATION

Mrs. SULLIVAN. Mr. Speaker, I would just like to ask that I may have the RECORD show that I am present in the Chamber, even though I walked into the Chamber just after the lights on the electronic voting machine went off.

FURTHER LEGISLATIVE PROGRAM

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

Mr. O'NEILL. Mr. Speaker, I take this time to announce that at the conclusion of today's business that the EDA bill will be up for consideration tomorrow, and may I also say that we are adding to the schedule for tomorrow House Resolution 279, a resolution of a special committee of five Members to be appointed by the Speaker to investigate and report to the House matters of election expenditures.

PROVIDING FOR CONSIDERATION OF S. 583, FEDERAL RULES OF EVIDENCE

Mr. BOLLING. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 294 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 294

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 583) to promote the separation of constitutional powers by securing to the Congress additional time in which to consider the Rules of Evidence for United States Courts and Magistrates, the Amendments to the Federal Rules of Civil Procedure and the Amendments to the Federal Rules of Criminal Procedure which the Supreme Court on November 20, 1972, ordered the Chief Justice to transmit to the Congress. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill as an original bill for the purpose of amendment under the five-minute rule. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER. The gentleman from Missouri (Mr. BOLLING) is recognized for 1 hour.

Mr. BOLLING. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. DEL CLAWSON) pending which I yield myself such time as I may consume.

Mr. Speaker, those who listened to the reading of the rule know that it makes in order an amendment in the nature of a substitute to the bill, now printed in the bill as an original bill for the purpose of amendment.

Mr. Speaker, I know of no controversy whatsoever on the rule, and I have heard of little controversy on the matter which the rule makes in order. I therefore reserve the balance of my time.

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

Mr. Speaker, House Resolution 294 provides an open rule with 1 hour of general debate on S. 583. The rule also provides that the substitute bill reported by the Committee on the Judiciary be made in order as an original for purposes of amendment.

Mr. Speaker, the purpose of S. 583 which is made in order by this resolution, is to provide that the new rules of evidence and procedure laid down by the Supreme Court on November 20, 1972, and December 18, 1972, will not go into effect, except to the extent and with such amendments, as are approved by Congress.

If Congress does not act, the new rules of evidence and procedure will become effective on July 1, 1973, as provided in the Supreme Court order. According to Senator ERVIN who introduced S. 583, the July 1 deadline would not allow sufficient time to consider in depth such basic changes in the rules of evidence and procedure.

The American Bar Association is in favor of S. 583.

Mr. Speaker, I urge adoption of this resolution so that the House may proceed to consider S. 583.

Mr. Speaker, I have no requests for time. I reserve the balance of my time.

Mr. BOLLING. 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.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. HUNGATE. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

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

[Roll No. 47]

Ashbrook	Ford, William D.	Nix
Badillo	Fulton	O'Hara
Bafalis	Gibbons	Price, Tex.
Bergland	Hansen, Wash.	Rarick
Biaggi	Harsha	Rees
Blatnik	Harvey	Rooney, N.Y.
Boland	Hébert	St Germain
Breaux	Holifield	Steiger, Wis.
Breckinridge	Hosmer	Stubblefield
Burke, Calif.	Johnson, Colo.	Stuckey
Chisholm	Jones, Ala.	Symington
Clark	King	Teague, Calif.
Cleveland	Kyros	Teague, Tex.
Cochran	Long, La.	Thompson, N.J.
Collier	McEwen	Waggonner
Conyers	Mills, Ark.	Waldie
Davis, Ga.	Minshall, Ohio	Wampler
Dorn	Montgomery	Wilson, Bob
Downing	Murphy, N.Y.	Wolff
du Pont	Nichols	Young, Alaska
Flowers		

The SPEAKER. On this rollcall 371 Members have recorded their presence by electronic device, a quorum.

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

FEDERAL RULES OF EVIDENCE

Mr. HUNGATE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (S. 583) to promote the separation of constitutional powers by securing to the Congress additional time in which to consider the rules of evidence for U.S. courts and magistrates, the Amendments to the Federal Rules of Civil Procedure and the Amendments to the Federal Rules of Criminal Procedure which the Supreme Court on November 20, 1972, ordered the Chief Justice to transmit to the Congress.

The SPEAKER. The question is on the motion offered by the gentleman from Missouri (Mr. HUNGATE).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, S. 583, with Mr. WRIGHT in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from Missouri (Mr. HUNGATE) will be recognized for 30 minutes; and the gentleman from New York (Mr. SMITH) will be recognized for 30 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. Mr. Chairman, I rise in support of S. 583, a bill which as reported by the Committee on the Judiciary properly assures that the proposed Federal rules of evidence will not go into effect without the affirmative approval of Congress.

On February 5, 1973, the Chief Justice of the United States sent to the Congress 77 proposed rules of evidence for use in the Federal courts. Pursuant to the Supreme Court order and the enabling acts under which it issued, the rules will be placed in operation on July 1, 1973, unless the Congress disapproves them before that date.

In passing S. 583, the Senate recognized, without objection, that the complexity of the rules made it impossible for the Congress to work its will within the time frame established by the court order. Therefore, the Senate passed this legislation deferring the effective date of the proposed rules to the end of the first session of the 93d Congress, unless they are earlier approved by the Congress.

Because of the great importance of this subject to our entire Federal judicial system, I, as chairman of the House Judiciary Committee, appointed in this Congress a Special Subcommittee to consider the proposed rules of evidence in depth. That subcommittee, which is chaired by our able and distinguished colleague, the genleman from Missouri (Mr. HUNGATE) has proceeded diligently and expeditiously. The subcommittee now as a yeoman task ahead of it if it is intelligently, responsibly, and conscientiously to shoulder its responsibility.

The rules are, of course, of primary concern to judges, lawyers, civil litigants, and criminal defendants in our Federal courts. But some of the rules will have a major impact on the day-to-day activities of millions of people who never become involved in litigation. Let me illustrate.

In many States communications between husband and wife are privileged. Disclosure of such communications cannot be compelled in a civil or criminal case. Rule 505, as proposed, eliminates this privilege in the Federal courts in all civil cases and in certain criminal cases. Is this desirable? Will it affect the daily relationships of husbands and wives? Will confidential family communications no longer be encouraged for fear that some day, in some Federal court, one of the couple will be compelled to testify against the other? Should State created policies protecting with relationships be changed by Federal rules of evidence?

Proposed rule 504 eliminates what most of us understand to be universally the law—what we tell our doctor is confidential. Under the proposed rule, only if the information is given to the doctor for purposes of diagnosis or treatment of mental or emotional conditions would the information be privileged. As one witness testified, if a patient sees a doctor about his ulcer and he is considered to be seeing the doctor for the physical ulcer, the information given to the doctor is not privileged. If, however, he is considered to be seeing the doctor concerning the underlying cause of the ulcer—the emotional strain—the information given to the doctor is privileged.

Furthermore, by definition the doctor-patient privilege will exist as between a nondoctor licensed psychologist and patient in some instances, while not existing as between a licensed physician and his patient in other instances. Again, grave public policy and Federal-State relations questions are posed. We have had medical testimony that the quality of medical service may well be affected by the failure of patients to be completely frank for fear that some day, in some Federal court, personal, private information passed on to their doctor will become public. I am speaking of the millions of patients who may never be involved in litigation in a Federal court.

Newsman's privilege, an issue which is the subject of highly controversial hearings presently in progress by another of our subcommittees, is eliminated under these rules in litigation in the Federal courts. This, despite the fact that some 19 States have shield laws which extend such a privilege to newsmen involved in litigation in the courts of those States. Should the happenstance of the court into which the newsman comes—Federal or State—determine his rights? Will this lead to forum shopping and, in effect, eliminate the privilege in those States which have determined as a matter of State policy that such a privilege is in the public interest?

I cite these three issues merely to demonstate some of the problems with which the Congress must wrestle. The final determinations to be arrived at with respect to them are not of concern to us today, for the legislation before the House is in no way directed to the substantive issues—constitutional or policy. S. 583 is directed at only one objective—assuring the people of the United States that the Congress will have ample opportunity to review the rules developed by distinguished committees of the Judicial Conference. There is only one way to do that—provide that the rules will not be operative until approved by the Congress.

As a result, Mr. Chairman, the Judiciary Committee has amended the bill, S. 583, to require affirmative action by the Congress before the rules can go into effect. The committee amendment, which our committee has approved, was originally offered in the special subcommittee by our distinguished colleague from New York, Congresswoman ELIZABETH HOLTZMAN. The Holtzman amendment is a good amendment and I would like at this time, to commend our distinguished colleague from New York for every constructive role that she has played in the development of this legislation.

I have been assured by the chairman of the subcommittee that the subcommittee proposes diligently to proceed with its hearings and with consideration of the proposed rules. Passage of this bill will in no way alter that plan.

As you know, the Committee on the Judiciary consists exclusively of attorneys, 38 members from 21 States, many of whom have been prosecutors and defense counsel in both State and Federal courts. The committee, by a virtually unanimous vote, reported S. 583. As a result, I urge all of my colleagues here today to give this measure their full support.

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

Mr. RODINO. I yield to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I wish to compliment the distinguished chairman of the full committee and also the able gentleman from Missouri in taking this step. These rules, as proposed by the Supreme Court, do raise extremely serious legal questions.

I know that the gentleman's committee will be concerned in its deliberations about questions like newspapermen at present.

Mr. Chairman, if we should act now, it seems to me we would act prematurely on many matters that deserve deep consideration, and as I understood the statement of the chairman of the committee, which I think was very clear, the statement was that if we act now, we will not act substantively to preclude any particular course.

Mr. RODINO. The gentleman is absolutely correct.

Mr. ECKHARDT. And the import was that we will not discard the work of the Supreme Court, but we will simply permit an input by this body to that work.

Mr. Chairman, I compliment the distinguished gentleman for his consideration of this matter.

Mr. RODINO. I thank the gentleman for his contribution.

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

Mr. RODINO. I yield to the gentleman from Iowa (Mr. GROSS).

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

Let me see if I have this straight. Did we request the Supreme Court to provide new and different rules of evidence, or how does this come about?

Mr. RODINO. The Supreme Court in the enabling statutes has this authority and transmitted these rules to us as a result.

Mr. GROSS. Yes, and this bill has as its purpose to stop the new rules of evidence from going into effect?

Mr. RODINO. Until such time as the Congress has had an opportunity to study them and come back with its recommendations.

Mr. GROSS. And you will come back to the House asking for affirmative action to put the rules into effect?

Mr. RODINO. That is correct.

Mr. GROSS. Did the gentleman say that these new rules promulgated by the Supreme Court affect the relationship of husband and wife?

Mr. RODINO. Yes, sir. The privileged communications between husband and wife that are presently permitted are affected and are restricted as a matter of fact.

Mr. GROSS. I have been wedded to the same woman for some 44 years. I just wonder how the new rules would affect that relationship. I suppose the proposed new rules of evidence are available to all Members.

Mr. RODINO. They are available.

Mr. GROSS. Yes. I am worried. Are these rules promulgated by the Court with respect to the new women's liberation movement or equal rights movement? Does the gentleman know?

Mr. RODINO. I would leave it up to the gentleman to inquire into that. I am sure he can answer his own question.

Mr. GROSS. I thank the gentleman.

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

Mr. RODINO. I yield to the gentleman.

Mr. WYLIE. Does this bill provide a new procedure? Are we entering into a new area here for the first time? Have we not heretofore allowed the Supreme Court to adopt rules of evidence on its own under the Enabling Acts?

Mr. RODINO. May I yield to the distinguished chairman of the subcommittee?

Mr. HUNGATE. I thank the gentleman for yielding.

The Federal rules of civil and criminal procedures, as the gentleman probably knows, were promulgated by the Supreme Court many, many years ago and went into effect.

Mr. WYLIE. Without any action by this body?

Mr. HUNGATE. I was not here then, but I do not think any action was taken. If you please, they went in by default as far as the Congress is concerned.

Mr. WYLIE. That is the point I wanted to make.

Mr. HUNGATE. Further, I think there is a distinction made as to those who believe the Courts perhaps properly set their own time that they will meet or how long they will meet and certain proper housekeeping matters which you may want to argue about are truly procedural matters. We have substantial testimony that when you get into the rules of evidence you necessarily get into some areas that are substantive.

Mr. WYLIE. Will the gentleman yield for another question?

Mr. RODINO. Yes.

Mr. WYLIE. I notice the bill we have before us only pertains to a set of rules which have already been promulgated by the Supreme Court and do not pertain to any rules which might be promulgated in the future. Was that question considered in the Committee on the Judiciary as to whether we should pass a law which would provide for a similar procedure for subsequent rules that might be adopted by the Supreme Court?

Mr. HUNGATE. If the gentleman will yield further, this general idea was discussed. I might say to the gentleman that there are other areas such as the bankruptcy rules promulgated by the courts which go into effect that way, but we are dealing with a bill originally which we received from the Senate and which we thought had much merit to it, and we hoped that we might possibly approve it. We did not want to undertake too far-ranging an exhibition as to all the enabling acts before the Congress. We thought we would confine ourselves to this one at this point.

Mr. WYLIE. I see. I thank the gentleman.

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

Mr. SMITH of New York. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, I support S. 583 as reported by the committee. This proposed legislation serves two valuable purposes. First, it provides the Congress with additional time needed to study the rules of evidence transmitted by the Supreme Court which would otherwise became operational on July 1, 1973. Second, by providing that the rules shall not become effective until such time, and with such amendments, as they are approved by the Congress, the bill as reported recognizes both the importance of, and the problems with, the proposed rules of evidence, and so requires the Congress to play an active role in their promulgation.

It should be noted that the bill, S. 583, which passed the other body on February 7, 1973, would satisfy only the goal of extending the time of Congress in which to consider the rules; it would not, as does the bill as reported by the committee, assert the primacy of the Congress in connection with these rules, by making their effectiveness dependent upon affirmative congressional action.

The need for both additional time to study the rules and for the Congress actively to participate in the rulemaking process in this instance was demonstrated by the evidentiary hearings held on the proposed rules of evidence by the Special Subcommittee on Reform of Federal Criminal Laws of the Judiciary Committee.

Four days of hearings at which more than 20 witnesses testified, as well as an examination of the lengthy and complicated rules themselves, showed plainly that these rules were not of the ordinary character, affecting only technical procedural matters, which the Supreme Court has heretofore promulgated. Rather, the hearings revealed that, among other things, there were constitutional difficulties with some of the proposed rules insofar as they purported, in certain civil cases, to supplant State laws in the area of privilege; that, because of the arguably substantive nature of some of the proposed rules, there was also a serious question whether the rules were within the authority granted by Congress to the Supreme Court in the enabling acts to promulgate rules of "practice and procedure"; that the method of promulgation of these rules by the Advisory and Standing Committees of the Judicial Conference may have been deficient in not affording all interested persons and organizations an opportunity for comment; and that the content and wisdom of a number of specific rules was open to extensive debate.

Mr. Chairman, the bill as reported by the committee will permit the Congress to consider these problems and, if deemed appropriate, to amend the rules to try to solve them. I note that the bill as reported has had overwhelming support. It was reported by the subcommittee with only one dissenting vote and in the full committee by a similarly near-unanimous voice vote. The member of the Judiciary Committee of the other body, who introduced S. 583, has written a letter stating that he will support the bill as reported here. The ranking member of the Judiciary Committee of the other body also has assured the committee of his satisfaction with the bill as reported.

The sole concern expressed has been that this bill not be used as a means to unduly forestall or prevent rules of evidence from being promulgated, thereby destroying the valuable work of the eminent judges, scholars, and practitioners who labored for many years to produce the proposed rules. Let me state in response to this concern that there is no intention by this bill to scuttle the rules of evidence. As the committee report makes clear, the committee intends to proceed as promptly as possible toward a consideration of the rules. Indeed the Special Subcommittee on Reform of Federal Criminal Laws, on which I serve, has already scheduled meetings for the following week to this end.

Mr. Chairman, the bill as reported will greatly facilitate the Congress study of these rules. I therefore urge that it be passed.

The only objection to this bill that we heard was that this might be just a method of stalling action on these rules of evidence, and that no action would be taken. I think probably the chairman of the subcommittee, the distinguished gentleman from Missouri (Mr. HUNGATE) will tell the Members that he has no such intention, and I believe he has already introduced a bill as a working tool for the handling of this matter.

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

Mr. SMITH of New York. I will be happy to yield to the gentleman from Missouri.

Mr. HUNGATE. Mr. Chairman, I have indeed, under the sponsorship of other colleagues on the Committee on the Judiciary, introduced a bill which involves all of the proposed rules. And I will make a statement of disclaimer, if you wish, that while some of these rules may improve the administration of justice there are others I might amend myself, but that the purpose of that bill is to bring all of the rules before the Congress, and not so as to take on a do-nothing attitude, but to examine the work that has been done for 7 or 8 years by a very distinguished committee, and certainly it would be very unusual if they have not found contributions that add to the administration of justice. We have just one more day of hearings, and then we have scheduled markup sessions.

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

Mr. SMITH of California. I yield to the gentleman from New York.

Mr. WYDLER. Mr. Chairman, I think it would be helpful if a member of the committee would give us some idea as to the way they will handle these problem areas. The gentleman stated, I believe, that 80 or 85 percent of the proposed rules changes are not controversial, and that leaves another 20 percent that we would have to worry about. We had one of these areas mentioned which involved the husband and wife privilege, but I wonder if we could have some idea of the other controversial areas touched on so that we may have some idea as to what they are?

Mr. SMITH of New York. I would say to the gentleman from New York, Mr. Chairman, that because I am not an expert in the field of the controversial proposed new rules, I am going to let someone else answer the gentleman's question, but before I do so I would state to the gentleman from New York that that matter is not before us today.

Mr. WYDLER. I understand that.

Mr. SMITH of New York. Because essentially this subcommittee and the full committee have not had the opportunity yet to go into the rules that may or may not be controversial, and to have hearings on them.

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

Mr. SMITH of New York. I yield to the gentleman from Missouri.

Mr. HUNGATE. To zero in on an area of ready controversy, I recommend article V to the Members which deals with all of the privileges: husband and wife; doctor and patient; where they have newsman privilege, there would be no such privilege; secrets of State; and official information. I have not covered it all, and that is a shorthand version of the section.

Another section would be hearsay; but I think my colleagues on the Committee would agree that article V is where we heard a general amount of concern.

Mr. WYDLER. I thank the gentleman.

Mr. GROSS. Will the gentleman yield?

Mr. SMITH of New York. I yield to the gentleman from Iowa.

Mr. GROSS. I wonder if when the Committee brings their report or bill to the House, will it be considered, would the gentleman think, under an open rule? I ask that question because of this element of the husband-and-wife relationships. I might want to offer an amendment to that, after spending the years I have in that relationship.

Mr. SMITH of New York. I would say to the gentleman as far as I know, as far as this person is concerned, we have had only the barest preliminary discussion on this matter. No decision has been reached and we have not come anywhere near it.

Mr. HUNGATE. Will the gentleman yield?

Mr. SMITH of New York. I yield to the gentleman from Missouri.

Mr. HUNGATE. The gentleman from Iowa as usual asks very perceiving questions. This is precisely the question the distinguished Committee on Rules put to us. I think our response there was: It was, of course, difficult to speak for all of the members of the Committee on the Judiciary to say what sort of a rule we would be back seeking.

My comment in the committee was that after we have examined this thoroughly, for my part I do not have much fear of putting it to an open rule.

The gentleman has raised an interesting point twice. I think this husband-and-wife situation could concern us all. We realize in some cases it may be a privilege on one side and a hardship post on the other.

Mr. GROSS. Will the gentleman yield further?

Mr. SMITH of New York. I yield to the gentleman from Iowa.

Mr. GROSS. I would be happy if it would be an open rule, but I can see a field day for the lawyers, with nonlawyers taking a back seat, if the rules of evidence come up under an open rule. There would be one big field day for the lawyers.

Mr. SMITH of New York. Mr. Chairman, the bill as reported I think would greatly facilitate the Congress study of these proposed rules.

I urge that it be passed. I reserve the balance of my time.

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

Mr. Chairman, the distinguished former Member of Parliament, A. T. Herbert, once wrote:

> The question "What is the law?" is one which frequently arises in our courts and sometimes receives a satisfactory answer.

We on this committee propose at least to consider very carefully this area of the rules of evidence and to seek what might be some appropriate answers.

The bill before us is a short, simple bill.

It provides that the 77 Rules of Evidence which have been proposed for use in the Federal courts shall not become effective except to the extent, and with such amendments, as they may be expressly approved by act of Congress. By an overwhelming voice vote the Committee on the Judiciary has recommended its passage.

Permit me briefly to outline some of the background and events which have brought us to the point where S. 583 is before this committee for approval.

By orders dated November 20, 1972, and December 18, 1972, the Supreme Court of the United States authorized the Chief Justice to send to Congress proposed Federal Rules of Evidence and amendments to the existing Rules of Civil Procedure and Rules of Criminal Procedure. This he did on February 5, 1973. In its initial authorization order, the Court stated that the proposed evidence rules were prescribed pursuant to sections 3402, 3771 and 3772, title 18, United States Code, and sections 2072 and 2075, title 28, United States Code.

The cited sections of law are commonly known as rules enabling acts. In essence, they empower the Supreme Court to prescribe rules of practice and procedure. Sections 2072 and 2075 of title 28 authorize the promulgation of civil and bankruptcy rules, and section 3771 of title 18, authorizes the promulgation of criminal rules for use up to and including verdict. These three sections provide, in pertinent part:

> Such rules shall not take effect until they have been reported to Congress by the Chief Justice * * * and until the expiration of ninety days after they have been thus reported.

Sections 3402 of title 18 and 3772 of title 28 relate respectively to proceedings before U.S. magistrates and criminal proceedings after verdict. They do not contain the 90-day provision; rather section 3402 is silent as to effective dates, and section 3772 provides that the Supreme Court may fix the effective dates of rules promulgated pursuant to that section.

There is some confusion as to whether the rules will become law for any purposes on May 6, 1973—90 days after their transmittal of February 5—even though their implementation date has been fixed by the Court as July 1, 1973.

In either case, unless an act of Congress is signed into law by the President before July 1, 1973, the rules would be effective on that date in the 11 U.S. circuit courts of appeals, the 93 U.S. district courts, the District Court for the District of the Canal Zone, and the district courts of Guam and the Virgin Islands, and in proceedings before U.S. magistrates.

The special subcommittee of the Committee on the Judiciary opened hearings on the proposed rules on February 7, 2 days after they were received by the Congress from the Chief Justice. We have to date had 5 days of hearings—each running into the afternoon. We continue on March 15.

It is clear from the testimony, and from the materials submitted for our hearing record, that there are substantial constitutional, other legal, and policy questions to be resolved with respect to the proposed rules before any of them should be permitted to become effective.

Witnesses, including former Supreme Court Justice Arthur Goldberg, Chief Judge Henry J. Friendly of the Court of Appeals for the Second Circuit, and Attorney General Robert W. Warren of Wisconsin, who is the president-elect of the National Association of Attorneys General, as well as spokesman for the American College of Trial Lawyers, the National Legal Aid and Defender Association, and the Department of Justice, and indeed, those who appeared on behalf of the Judicial Conference, have brought to the attention of the committee numerous issues, of which the following are illustrative:

First. Can the Supreme Court constitutionally promulgate rules of evidence? Is that a legislative prerogative? Can even the Congress enact rules which impinge on State-created substantive rights?

Second. Are the rules of evidence within the purview of the authority granted the Supreme Court by the enabling acts? Are they rules of practice and procedure? Justice William O. Douglas, dissenting from the Court action, said he doubted that they were.

Third. Assuming no constitutional or other legal problems, and that the rules are within the authority conferred by the enabling acts, is it wise and is there a need as a matter of policy to have rules of evidence uniform in the Federal courts across the country? It is more desirable to have rules uniform as between the Federal courts and the States in which they sit?

Fourth. Has there been enough exposure of the proposed rules for interested and affected persons and organizations to comment? For example, the American Bar Association itself is not yet in a position to speak to the rules. As reflected in correspondence from the president of the association to the chairman of the Committee on the Judiciary:

> The Rules of Evidence * * * which were authorized to be submitted to the Congress * * * have never been submitted to any Committee of the American Bar Association, and contain new matters which were not included in any earlier draft submitted or considerd by the ABA.

A number of specific rules have been the focus of considerable adverse testimony. Among these are rules relating to the role of the judge at trial—rules 105 and 706; presumptions—rules 301 to 303; privileges—lawyer-client, rules 503; doctor-patient, rules 504; husband-wife, rule 505; and secrets of state and other official information, rules 509—newsmen's privileges where existent, 18 States. Other rules which have been the subject of considerable attention by the witnesses include those relating to the disclosure of the identity of informers—rule 510; impeachment of witnesses by evidence of conviction of crime—rule 609; and those relating to hearsay evidence. The questions which have been raised are most difficult and complex. They involve not only law and policy questions, but delicate questions of Federal-State relations.

Even before the proposed rules were sent to the Congress, it was clear they would generate considerable controversy. As a result, Senator ERVIN introduced S. 583, to defer to the end of the first session of the 93d Congress the effective date of the rules. This bill passed the

Senate without objection on February 7, 2 days after the Senate Committee on the Judiciary reported it, also without objection.

The hearings conducted by our subcommittee serve to emphasize that Congress should not have to act under the gun. Clearly, the 168 pages of rules and advisory committee notes which were almost 8 years in the making deserve deliberate, careful congressional consideration. The rules should not be permitted to become effective without affirmative action by the Congress.

There are some who have interpreted the Judiciary Committee bill as intended to kill the rules. This is not so. Other members of the special subcommittee and I and members of the full Committee on the Judiciary have stated in open hearings and meetings our intention to proceed diligently with consideration of the work product of the distinguished Judicial Conference Committee on Rules of Practice and Procedure and its Advisory Committee on Rules of Evidence. We propose to fulfill this commitment.

In this connection, I might mention that the first markup sessions for the rules are scheduled for March 21 and 23. Also, on March 12, I introduced, along with a number of my Judiciary Committee colleagues, H.R. 5463, a bill to enact the rules as proposed by the court. The bill is intended as a vehicle on which the Congress may work its will. It is not necessarily intended by its sponsors as a blanket endorsement of the rules, or even of the concept that uniform rules are necessary or desirable. There is no doubt that some Members will conclude we should not have uniform rules. Others will take issue with specific articles or rules, recommending they be stricken in their entirety or amended in some respects. I, myself, may well propose some changes. On the other hand, some of the proposed rules have, to date, engendered no substantial controversy at the hearings.

To summarize, the nature, complexity, and potential impact of the subject before the Congress make clear that the proposed rules of evidence should not be permitted to go into effect by congressional inaction. The fundamental rights and human relationships which will be affected by the rules, both in and out of the courts, require that the rules be permitted to become effective only if, when, and to the extent they are affirmatively approved by the Congress.

I urge the committee to approve S. 583 in its present text.

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

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

Mr. HUTCHINSON. Mr. Chairman, first I would ask the gentleman whether he would agree this bill does not represent any kind of confrontation with the Court. The Court agrees that the power is in the Congress to do as it will with these rules of evidence.

Mr. HUNGATE. The gentleman makes a point that should be made. The testimony of the Federal judges before us agreed on that, and the members of this distinguished committee unanimously said this province belongs to the Congress and if the Congress chooses to assert it, the judges do not question that power.

Mr. HUTCHINSON. The other point I wanted to raise with the gentleman has already, I think, adequately been touched upon, but because of some fear that has been expressed in other areas I would like to join the gentleman in his statement that the Judiciary Committee wants to state in the clearest possible way that it has no intent to delay or to take any course of action which might result in inaction. It is the purpose of the committee not only to have these 2 days of markup sessions next week but also we are going to continue and there are going to be some positive results in this session of the Congress, hopefully by this summer. Is that correct?

Mr. HUNGATE. Correct.

I thank the gentleman for his contribution and I would like to concur in his remarks and state I have a tentative deadline. There are nine members of the subcommittee as the gentleman knows, and there is also the full committee, but my deadline is the 1st of July. I would like to see us finish several weeks ahead of that if we could. We are working on this legislation to postpone that effective date, but until it is passed we had better be ready on these substantive questions also. There is no intention on the part of this committee of which I am aware to delay this in any way.

Mr. HUTCHINSON. Mr. Chairman, I thank the gentleman.

Mr. SMITH of New York. Mr. Chairman, I yield 1 minute to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Chairman, I rise in support of this measure. I hope the House will act favorably upon it.

I cannot help but remark that the committee which developed these rules has done a highly commendable job. I have joined with the gentleman from Missouri (Mr. HUNGATE) as a cosponsor of these rules as legislation. This does not indicate my full support of all the rules, but it does indicate that a substantial part of these codified rules should be given prompt approval by the Congress.

I hope that we will act affirmatively on the measure before us today, and that we will give approval to substantially all of these codified Federal rules of evidence at an early date.

Mr. SMITH of New York. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman and members of the Committee, I, too, am on the subcommittee headed by the gentleman from Missouri (Mr. HUNGATE). I, too, support the action of the subcommittee in regard to these proposed new rules of evidence for the Federal courts. That action has already been described to the Committee and it consists, as the members have been told, basically in a bill which, rather than having the rules which the court has transmitted become law automatically on the expiration of the date unless we act to the contrary, will result in these rules not becoming law until and unless we enact them into law.

I favor that approach on general principles, and also because there are controversial portions of these rules which I think many Members of the House will be interested in addressing themselves to. The rules in general are good. They are the product of the work for a number of years of a very distinguished committee of lawyers. I would like to emphasize what has already been said, that it is no part of the intention of this subcommittee to fail to act.

We are going to present promptly a bill to the House which will in its essentials be these rules, possibly with some amendments made by the committee, and which we will offer as a piece of legislation to the Congress in the near future.

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

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

Mr. WYLIE. Let us assume for the moment that this bill is passed and that the Congress acts on this new set of rules and that they become law. Could the Supreme Court after Congress adjourns sine die adopt a change of those rules?

Mr. DENNIS. I would assume that in theory they could, so long as the enabling acts under which these rules were adopted remain on the books, but I think it would be exceedingly unlikely that they in fact would do so, because the bill we will present will be essentially the Court's rules, which the Court has transmitted after having its commission work on them for about 8 years.

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

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

Mr. HUTCHINSON. I should like to respond to the question raised by the gentleman from Ohio.

Of course, the gentleman understands that if the Supreme Court should propose to promulgate a rule under the law after we adjourn it could not become effective until after that rule had again been transmitted to the Congress for 90 days.

Mr. DENNIS. That is correct also.

Mr. WYLIE. I know that is correct.

Mr. Chairman, will the gentleman yield for a followup question?

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

Mr. WYLIE. This bill applies only to this particular set of rules, and would apply only until the next 90 days or so. Is it 90 days?

Mr. DENNIS. The bill before us now, of course, will provide that these rules will have no force and effect until and unless we adopt them by future legislation.

Mr. WYLIE. I believe the point I want to make is, why did not the committee recommend legislation which would apply to future recommendations?

Mr. DENNIS. I will have to say on that subject—and I will be glad to yield to my distinguished chairman—to do that we would have to get into the whole matter of the enabling acts, which apply not only to these rules but also to the authority to adopt, for instance, the Rules of Civil Procedure and the Rules of Criminal Procedure, and where the authority of the Court to act is plainer than

it is in this field. I may say that the committee did not want at this time to get into that fundamental type of revision.

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

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

Mr. HUNGATE. I thank the gentleman for yielding.

In further response to the inquiry of the gentleman from Ohio, the gentleman from Michigan, I believe, very ably stated the situation regarding the possibility of the court extending the rules.

Section 2072 of title 28, Judiciary and Judicial Procedure, specifically provides:

> Such rules shall not take effect until they have been reported to Congress by the Chief Justice at or after the beginning of a regular session thereof but not later than the first day of May, and until the expiration of ninety days after they have been thus reported.

I have used the gentleman's time, and I will yield him an additional minute.

I want to say to the gentleman from Ohio that I believe we felt we were breaking new ground on the proposed evidence code when compared to prior handling of the bankruptcy rules, the Federal rules of civil procedure, the Federal criminal rules, all coming into effect without congressional action. We were hesitant to do that.

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

Mr. SMITH of New York. Mr. Chairman, I yield the gentleman from Indiana 2 additional minutes.

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

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

Mr. HUTCHINSON. I believe we should make the point again that there is an honest question as to whether the enabling acts which refer to the rules of practice and procedure were intended to cover the rules of evidence.

The rules of evidence, in the minds of many attorneys, at least, are something different from the rules of practice and procedure. So there is a question as to whether those enabling acts cover the rules that have been promulgated.

I believe that under these circumstances the Congress had a duty to act affirmatively on this question.

Mr. DENNIS. I will say that I concur with the remarks of the distinguished gentleman from Michigan.

I might add—and this goes to the point asked by the gentleman from New York (Mr. WYDLER) a minute ago—that question particularly arises on this subject of privilege.

There is not only the husband and wife privilege, but the physician and patient privilege, the privilege with respect to Government secrets, the privilege, if any, with respect to police informers, and so on.

Mr. Chairman, there is a very serious question whether those may, in fact, be matters of substantive law, rather than procedure, and, if so, whether they should not be governed by the laws of the States where the court sits under the normal doctrine of Erie versus Tompkins. That is one of the things to which the committee will be addressing itself.

Other portions are less controversial in that sense, but there are other rules of evidence which do not pertain to substance, so much, but which also may be matters on which people have various views, such as modifications of the hearsay rule, for instance, which is a basic, fundamental part of the laws of evidence, matters of impeachment of witnesses, presumptions, and other things which may need our attention.

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

Mr. DENNIS. I yield to the gentleman from New York (Mr. WYDLER).

Mr. WYDLER. Mr. Chairman, what bothers me is this, for example: I have just read this article 5 that the chairman of the subcommittee referred to. That particular article does not say one word about newsmen's privileges at all; it does not even mention it. It just avoids the question and, I suppose, leaves you with the assumption there is none.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUNGATE. Mr. Chairman, I yield 2 additional minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, I thank the gentleman for yielding.

I will yield further to the gentleman from New York (Mr. WYDLER).

Mr. WYDLER. Mr. Chairman, what I can see developing here is a very difficult legislative situation. The Committee on the Judiciary, as I understand it, has a special subcommittee looking into this particular question of newsmen's privilege. I do not know whether they are going to act or what kind of action they may take or may not take, but that particular matter alone could tend to hold up the whole consideration of this overall review, the current review and reform of the rules of evidence.

Mr. Chairman, I would like to ask that, as a matter of policy, as far as the Committee on the Judiciary is concerned, how is this matter going to be handled? Is this going to be handled by one subcommittee or the other subcommittee, or is this going to become bogged down in a jurisdictional dispute, or is this whole bill going to be hostage to this one question?

Mr. DENNIS. Mr. Chairman, I will yield later to the gentleman from Missouri (Mr. HUNGATE) but first on my own behalf I would just like to say this to the gentleman:

Under these rules as provided there is no newsman's privilege, and the rules also state that the privileges as listed, which do not include the newsman's privilege are the only privileges.

Mr. Chairman, my personal hope would be that under those circumstances—because, as the gentleman says, that is a very controversial issue, and because there is a separate bill on the subject—that whatever might be done on that subject, as far as I am concerned, I would like to see left to the other bill and not brought into this one.

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

Mr. DENNIS. I yield to the gentleman from Missouri (Mr. HUNGATE).

Mr. HUNGATE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, if the gentleman who spoke to the House is from one of the 16 or 18 States where the newsmen have this privilege, and if we do not act by July 1 at the latest, those States newsman's privilege will be out the window as far as the Federal courts are concerned. Am I correct in that?

Mr. DENNIS. I think that would be true, yes, in answer to the gentleman's question.

Mr. WYDLER. Mr. Chairman, will the gentleman yield further to me?

Mr. DENNIS. I yield further to the gentleman from New York (Mr. WYDLER).

Mr. WYDLER. Mr. Chairman, that is not the thing that bothers me. I am worried about what is going to happen legislatively, because we are going to have two different subcommittees of the Committee on the Judiciary considering this matter. One of the subcommittee, I understand, is almost exclusively concerning itself with this newsman's privilege problem, but now another subcommittee is going to be concerned with this in the sense that the committee is coming into the general reform of the rules, which includes the section concerned with the newsman's privilege.

The CHAIRMAN. Once again the time of the gentleman has expired.

Mr. HUNGATE. Mr. Chairman, I yield 1 additional minute to the gentleman from Indiana (Mr. DENNIS).

Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman for response.

Mr. HUNGATE. I would say to the gentleman that both of these matters will be referred to the full committee as well as the subcommittee, and I think I can assure the gentleman that we will not come out of the full committee with two separate reports and two different bills on this question. All we are requesting the Members to do here today is to give us additional time to study this newsman's privilege problem, because otherwise the new rules will do away with that in some of the States that already have them, and this will give us further time to consider it.

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

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

Mr. TREEN. Mr. Chairman, I thank the gentleman for yielding.

I am a little bit concerned about this. I appreciate the purpose of this bill. It will hold up the effectiveness of the amendments to the Federal law on civil procedure and criminal procedure, and it will also hold up the effectiveness of the rules of evidence.

We have not heretofore had a formal code of evidence as we have had in the rules of procedure. Will some smart criminal lawyer defending someone try to suggest that the effect of this bill would be not to have any rules of evidence at all until we act? I think there is a distinction between the civil procedure——

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

Mr. DENNIS. Mr. Chairman, will the gentleman yield me 1 additional minute?

Mr. SMITH of New York. Mr. Chairman, I will yield the gentleman 1 additional minute.

Mr. DENNIS. I yield further to the gentleman from Louisiana.

Mr. TREEN. I thank the gentleman.

We are dealing with amendments to a code of procedure both on the civil and the criminal side, but we are not dealing with amendments to a code of evidence in effect. We are dealing with the first code of evidence really being promulgated by the Court. Since you are holding up the effectiveness of that code of evidence, will some smart lawyer be able to say that you do not have any rules of evidence at all until Congress acts?

Mr. DENNIS. I do not think so. I think we have rules of evidence now which are not codified, of course, but can be used as they have been before unless we have done some changing.

Mr. TREEN. I am concerned about it, and I hope you are right.

Mr. DENNIS. I think that is correct.

Mr. HUNGATE. Mr. Chairman, I yield 6 minutes to our colleague on the committee, the gentlewoman from New York (Miss HOLTZMAN).

Miss HOLTZMAN. Mr. Chairman, I rise in support of S. 583 as reported. I wish to express my appreciation for the bipartisan support given to the bill before us and for the distinguished efforts of the subcommittee chairman, the gentleman from Missouri, and the chairman of the Committee on the Judiciary, the gentleman from New Jersey.

The bill before us now consists of an amendment of S. 583 as originally passed by the Senate. As a freshman, I am particularly pleased that this amendment, which I proposed, was reported favorably by the subcommittee considering the proposed Rules of Evidence, the Judiciary Committee as a whole, and the Committee on Rules.

The bill before us provides that the proposed rules of evidence for the Federal courts cannot take effect unless and until Congress explicitly enacts them, with or without changes.

It is urgent that we adopt S. 583 as reported. For, if we take no action, the proposed rules would automatically become law on May 6, the end of the 90-day congressional review period specified in the enabling acts. Yet it is important that we deliberate carefully over these rules before they go into effect.

The proposed rules of evidence do not deal with abstruse legal technicalities. They seek to resolve social issues over which there is now vast national debate: executive secrecy, the newsmen's privilege, and individual privacy.

For example, the Rules permit the executive branch to shroud its activities in secrecy by creating an expanded doctrine of state secrets. Thus, the Government could prevent disclosure of any Government secret—whatever that may be—simply by showing that the so-called secret might disclose matters relating to national defense or international relations. The Government is not required, as it is now, to show that the disclosure of the secret would adversely affect national security. Executive secrecy is also expanded under a vague doctrine of official information which would shield Government documents presently available to litigants.

In addition, the Rules forbid the use in Federal courts of the newsman's privilege and the traditional doctor-patient privilege and severely narrows the long-established right of husbands and wives to keep their communications private—even in diversity cases.

As the hearings have shown, these Rules raise problems of a constitutional dimension. By narrowing the husband-wife privilege they may violate constitutional rights of privacy. By constricting the hearsay doctrine they may abridge a criminal defendant's right under the sixth amendment to confront his accusers. And, it may be that article III of the Constitution prohibits the Supreme Court from promulgating certain substantive rules of evidence, except in the context of a particular case or controversy.

Moreover, to the extent that these rules deal with substantive rights as opposed to housekeeping court procedures the drafters may have overstepped the bounds of congressional authority delegated in the Enabling Act.

The gravity of the issues raised by these proposed rules of evidence dictates that Congress carefully review them. Needless to say, 90 days, the time we now have for such review, clearly is inadequate.

Moreover, if we are to deal meaningfully with the issues raised, it is not sufficient simply to postpone the 90-day deadline—as S. 583 originally provided.

Mere delay does not protect the integrity of the legislative process. Thus, the proposed rules would still go into effect if the House, after lengthy deliberations, enacted revisions but the other body prior to the deadline did not act or could not agree with the House no changes to be made.

It is demeaning for the Congress to work under the threat of a deadline with the attendant risk that inaction would result in rules that are unaccepable to either body.

Finally, in matters as important as this, Congress should always act explicitly and affirmatively. Legislation by inaction is not a practice which this body can adhere to and command the respect of the American public.

The process under which these rules were drafted further demonstrates the need for careful congressional scrutiny. These rules do not come to us with the benefit of widespread public comment and criticism. In fact, major changes in the rules were made virtually at the last minute, essentially as a result of the intervention of the Justice Department and without the opportunity for any public comment. Consequently, many groups including the American Bar Association have requested that Congress postpone the effective date of the rules to permit them time to consider and comment on them.

By adopting S. 583 as reported this House will take a major step toward reasserting its congressional prerogatives. It is Congress—not the Supreme Court or the Justice Department—which has the prime responsibility for establishing national policy with regard to executive secrecy, newspaperman's privilege and personal privacy. We have, indeed, been grappling with these problems in this very session of the Congress. If we fail to adopt the bill before us we would be delegating the law-make function to an unholy alliance of congressional inaction, executive intervention and judicial fiat.

It is for these reasons, Mr. Chairman, that I urge the adoption of S. 583 as reported.

At this point, Mr. Chairman, I would like to include in the RECORD a memorandum that I have prepared which discusses in greater detail the objections to the various rules that became apparent as a result of the hearings held by the subcommittee which considered these rules:

MEMORANDUM CONCERNING PROPOSED RULES

1. The Rules abridge many important existing substantive rights of federal court litigants, thus violating principles of federalism.

This is true not only of Article V, which by abrogating present and future state-created privileges in the federal courts and substituting its own set of more limited privileges would eliminate the traditional doctor-patient privilege, narrow substantially the long-standing husband-wife privilege, and make inapplicable state statutes or common law protecting newsmen's sources and the confidentiality of the accountants' and social workers' relationships with their clients.

The Rules' abridgment of substantive rights extends beyond privileges. For example, the rules write a new federal doctrine of presumptions (article III) and bar application of State Dead Man's statutes. Those state-created rights also reflect considered state policy judgments that the Rules would override.

The Rules' treatment of privileges was perhaps singled out for criticism by so many witnesses because laws of privilege assure *all* citizens, not just those in court, of the confidentiality of important relationships; abolition of those laws will affect the relationships of *all* citizens, and the ability of those doctors, newsmen, accountants, etc. to serve the public well.

2. The Hearings exposed widespread objections from the bar and public to many other provisions that adversely affect "substantive" rights of litigants.

Testifying bar groups expressed *uniform* opposition to the overall treatment of hearsay evidence and to many particular hearsay provisions. Testimony revealed considerable controversy surrounding provisions governing use of testimony given at preliminary hearings and conduct of those hearings; impeachment of criminal defendants by prior convictions; the effect of the Rules on conspiracy trials; the power of the trial court to summarize the evidence himself; court-appointed "experts" who attain the court's imprimatur; treatment of character evidence; exclusion of prejudicial evidence; juror testimony; impeachment by prosecutors of their own witnesses; and many individual formulations of privileges rules.

3. Rule 509 on governmental secrecy is especially controversial.

All the bar groups that testified, Judge Friendly, and Justice Goldberg concurred on three points: (a) the Rules' definitions of "state secrets" and "official information" that the Government may deny to litigants go far beyond existing case law and executive order; (b) that new in camera procedures for evaluating such claims are unprecedented and unwise; and (c) that the Rules appear to eliminate the traditional balancing test be-

tween the needs of the Government and litigant that has been enunciated in previous Supreme Court and lower court cases. They also agreed that the Rules unwisely import the Freedom of Information Act limitations into the litigative forum, and might even narrow the range of information available to the public under that Act.

4. A large number of witnesses criticized the Rules' poor and confusing drafting, inadequate explanatory Notes, and the failure to take into account many of the Constitutional doctrines and safeguards surrounding evidentiary questions.

Some of these problems may be laid to the attempt to make one set of Rules fit both civil and criminal cases. But drafting errors like excluding the state governments from the protection of Rule 509, and failure to consider the effect of the Constitution's confrontation clause on the validity of article VIII on hearsay, are typical of a wide variety of fundamental difficulties.

5. There is serious doubt about the Rules' validity.

The Hearings raised the question whether the drafting committees have acted properly within their statutory delegation of power, 28 U.S.C. §§ 2072, 3771, which explicitly forbids them to "modify, abridge or enlarge any substantive right," or within the Constitutional commands of the Supreme Court. For instance, every bar group, as well as Justice Goldberg and others, held that the doctrine of *Erie Railroad* v. *Tompkins* mandates federal court recognition of state-created privileges in diversity cases. The Second Circuit Court of Appeals has also so held. Yet the drafters repudiate this position. (The Rules would also end existing practice whereby state privileges are often given considerable deference by federal courts in federal question and criminal trials.)

6. The Bar opposes approval of these Rules.

Not a single bar association or lay professional group has come forward to favor adoption of these Rules. The American College of Trial Lawyers, American Trial Lawyers Association, Association of the Bar of the City of New York, an Ad Hoc group of New York Trial Lawyers, the Washington Council of Lawyers, Justice Goldberg, Judge Friendly, and the National Legal Aid and Defender Association all opposed adoption of these Rules. The A.B.A., which is on record favoring at least delay, obviously has serious reservations—especially since it was never consulted with regard to the final draft of the Rules. While the drafters themselves gave vague answers to questions concerning the bulk of comment to earlier drafts of the rules, the fact is that the majority of comment from bar groups throughout the country was hostile not only to whole articles of the Rules dealing with presumptions, privileges, and hearsay, but also to many other provisions retained in the final draft.

7. There is no pressing need for black-letter code of evidence or for uniformity between states as opposed to uniformity within each state among the state and federal courts.

Most bar associations testifying disputed the proposition that Rules are very seriously needed at all, or that the interest in uniformity between various jurisdictions is stronger than the recognized need (being served by the present scheme) for uniformity within each state between the evidentiary doctrines of the state and federal courts. Indeed, Judge Friendly and three bar groups testified that adoption of a rigid black-letter law evidentiary code would be a step backwards. They pointed to the prolongation of trials and increase in appellate reversals, the denial to trial judges of flexibility, the difficulty of dealing with evidentiary issues by black-letter law, and the disadvantage of cutting off development of the law in many areas where such development, on a case by case basis, was presently desirable. On the other hand, no convincing case has been made for such a code. Only one state has adopted either Uniform Rules of Evidence or the Model Evidence Codes; in those three states that have statutory evidence codes, they seem to have been ignored more than utilized.

8. The Hearings revealed critical flaws in the process by which the Rules were adopted: neither the public nor the bar were given adequate opportunity for scrutiny or input.

While the Rules make important public policy judgments, the drafters made no attempt to inform or solicit comment from the public or even those directly affected, like doctors and newsmen. After circulation of a Preliminary Draft in 1969, the drafters submitted their revisions to the Supreme Court without publication; but the Court declined to consider them until publicized. Even then, the Revised Draft was sent directly only to those who had commented before.

At this point, the Justice Department energetically intervened, requesting key changes which had been requested before but rejected by the drafters. In the course of less than two months, (a) very substantial changes were made in a score of key rules, including a complete rewriting of Rule 509 on governmental secrecy, and (b) the changes were approved by the two drafting committees and Judicial Conference and sent to the Supreme Court without publication or circulation to anyone.

During the following year the final revisions were never published; they were available only to the Justice Department and to persons who happened to learn that they had been made and requested a xerox copy from the drafters. Thus, when the Supreme Court issued the Rules in November 1972, even the A.B.A. was taken by surprise to find in them many new provisions it had never before seen.

To the inadequate procedures may be laid in part the apparent bias of Article V in favor of governmental secrecy and against individual privacy, much of the poor drafting and Notes, and the effect of the privileges sections to protect lawyers and corporate clients—those most involved in the drafting—but not doctors, accountants, social workers and journalists.

Mr. SMITH of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. RAILSBACK).

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

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

Mr. WYDLER. Mr. Chairman, I still do not believe that I got across to the subcommittee chairman the potential problem that we have here. The chairman of the subcommittee is going to be looking into the question of newsman's privilege, and it seems to me that when this bill comes back later for consideration on the floor, that that issue may be raised, regarding newsman's privilege, so that it is either going to have to be handled by this subcommittee or the gentleman's subcommittee, and I would like to know which subcommittee is going to handle it.

Mr. RAILSBACK. Let me say to the gentleman that the subcommittee chaired by the gentleman from Wisconsin (Mr. KASTENMEIER), Subcommittee No. 3 of the House Committee on the Judiciary, has held lengthy and extended hearings not just this year, but last year as well.

And it is my understanding—and I will direct this question to my friend, and the chairman of the other subcommittee, that our subcommittee would continue to have jurisdiction over this separate issue of newsman's privilege.

I would also say to the gentleman that we have had the chance to discuss this with Albert E. Jenner, Jr., Chairman of the Advisory Committee to the Supreme Court that promulgated the rules which have now been sent to the Congress. He made it very clear to me that his advisory committee which has been working on this for 6 or 7 years purposely left out the issue of newsman's privilege as well as some other issues which they thought would be controversial. So it would be my thought that we would certainly retain our jurisdiction over such matters including newsman's privilege.

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

Mr. SMITH of New York. Mr. Chairman, I yield 2 additional minutes to the gentleman from Illinois.

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

Mr. RAILSBACK. I yield to the gentleman from Missouri.

Mr. HUNGATE. The question of privilege as dealt with in the proposed rules of the court says that no person can have the privilege unless it is set forth in the rules. That in effect limits the privileges that are available, and unless they are specified they are abolished.

Mr. RAILSBACK. My understanding would be that we as the Congress of the United States could at any time add or take away rules that have been promulgated by the Supreme Court. Mr. Jenner advised me of that in my telephone conversation with him.

Mr. HUNGATE. The gentleman from Illinois states the problem quite concisely. As I understand it, the subcommittee working on evidence has the option of making the statement that you do not have any privilege; it must be given to you. We can leave that situation as we find it, and then if the full committee in Congress sees fit to give that privilege, it will be there. If they do not see fit to take action, it will be left to the States. I think we can avoid the conflict.

Mr. RAILSBACK. In my remaining time let me just say there were some of us on the committee who would have preferred to have simply extended the time limit, which would have given Congress an additional period of time within which to act, but keeping a date certain such as the end of the session so that if we had acted, the rules then would have gone into effect.

The reason for that is we recognize that a very distinguished committee that recommended these rules to the Supreme Court had been working on them for something like 6 or 7 years. We were very apprehensive that any kind of an open-ended delay mechanism might mean that the rules would never emerge.

I have since joined with the chairman in introducing a bill incorporating the rules——

The CHAIRMAN. The time of the gentleman has expired.

Mr. RAILSBACK. Will the gentleman yield further?

Mr. SMITH of New York. I yield to the gentleman from Illinois.

Mr. RAILSBACK. I have since that time, after having been given the assurance of both my friend, the gentleman from Missouri, and the distinguished ranking member of the subcommittee, Mr. SMITH, that they are not going to delay—rather they are going to undertake the committee hearings right away, the intent being to come out with some legislation. I think all of us have backed off from the Ervin proposal which was passed in the other body, which would have made the rules go into effect at the end of this session if we had not acted.

Mr. HUNGATE. If the gentleman will yield further, I assure him that I have no desire to be known for the nonpassage of legislation. I think there is much that is worth while in the proposed rules, and we would propose legislation on this in the near future.

Mr. RAILSBACK. I thank the gentleman.

Mr. SMITH of New York. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Chairman, I, too, was glad to join the gentleman from Missouri, the chairman of the subcommittee, in introducing the bill to adopt these rules. Like the gentleman from Illinois and some others, I would have preferred the version which was passed in the Senate, because I was somewhat apprehensive that we were, in the bill as reported by the committee, making it possible for congressional inaction to negate a very constructive and laborious achievement by the distinguished Advisory Committee of the Supreme Court of the United States.

I am satisfied after assurances received from the gentleman from Missouri and the gentleman from New York (Mr. SMITH) that the work of the subcommittee will proceed expeditiously, but I should like to just call to the attention of the House the makeup of this very distinguished committee which has labored for 7 years to achieve this result. It is an advisory committee made up of the leading trial lawyers of the United States practicing in the Federal courts and the leading Federal trial judges and appellate judges.

The chairman of the Advisory Committee on Rules of Evidence was Albert E. Jenner, Esquire, of the prominent law firm of Jenner and Block, Chicago, Ill.

The reporter for the committee was Prof. Edward W. Cleary of the College of Law, Arizona State University at Tempe, Ariz.

The members of the committee included: David Berger, Esquire, of Philadelphia; Robert S. Erdahl, Esquire, of Washington, D.C.; Judge Joe Ewing Estes, U.S. District Judge at Dallas, Tex.; Prof. Thomas F. Greene, Jr., of the University of Georgia, Athens, Ga.; Egbert L. Haywood, Esquire, of Durham, N.C.; Judge Charles W. Joiner, U.S. District Judge at Detroit; Frank G. Raichle, Esquire, of Buffalo, N.Y.; Herman F. Selvin, Esquire, of Beverly Hills, Calif.; Judge Simon E. Sobeloff, U.S. Circuit Court of Appeals, Baltimore; Craig Stangenberg, Esquire, of Cleveland, Ohio; Judge Robert Van Pelt, Senior U.S. District Judge, Lincoln, Nebr.; Judge Jack B. Weinstein, U.S. District Judge, Brooklyn, N.Y.; and Edward Bennett Williams, Esquire, of Washington, D.C.

These are craftsmen who deal with the rules of evidence every day, who have long and distinguished careers in trying cases and hearing cases.

Certainly the committee and the Congress should give great respect and consideration to their work product. It is not something which we after 5 days of hearings or even 15 or 30 days of hearings can undo in good conscience, so I hope the subcommittee as we proceed, and I am a member of the subcommittee, will use some restraint in the unquestioned power which we have. It would clearly be an abuse of the legislative process to stop this effort by inaction. I think we will press forward and I hope readily agree on those parts of the rules which are relatively noncontroversial, and the gentleman from Missouri has indicated that will be his modus operandi.

Mr. SMITH of New York. Mr. Chairman, I yield 2 minutes to a member of the subcommittee, the gentleman from Maryland (Mr. HOGAN).

Mr. HOGAN. Mr. Chairman, I would just like to say to our colleagues and particularly the gentleman from New York (Mr. WYDLER) that we ought not today concern ourselves with the substantive matters in the rules of evidence themselves. All we are doing is asking for additional time to go ahead with the thorough analysis which they need. At another time we will have the opportunity and we all will have the opportunity to debate the merits and demerits of the proposed rules. There is substantive disagreement in the subcommittee on the rules themselves. There is no disagreement whatsoever that we need more time for review.

Mr. SMITH of New York. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Chairman, I thank the gentleman from New York for yielding.

Mr. Chairman, most of the concerns I have had with this legislation have been answered by the explanations provided by the gentleman from Missouri, but I still have one concern and I would like to mention it.

Should the subcommittee get bogged down on some of the controversial matters contained in the proposed rules, would it be the intention of the subcommittee chairman to proceed expeditiously with those proposals on which agreement can be reached so that the entire package of proposed rules could not be held up because of one controversial proposal?

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

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

Mr. HUNGATE. The gentleman seems to understand my method of operation. It would be the hope of the chairman that we would go through and find those rules on which there is no controversy or which have been endorsed by many groups. There are such rules. We would go forward with that and not let the fact that certain of the rules may be and perhaps will remain controversial prevent us from reporting out anything. I would like to see those issues resolved and reported out by the subcommittee within a reasonable time, I would hope by the 1st of July.

Mr. WIGGINS. I understand the gentleman's response to be that it is his intention to report out those matters which are noncontroversial so as not to hold up the prompt adoption of such noncontroversial rules.

That removes, Mr. Chairman, the one remaining concern I have with this legislation. I thank the gentleman.

Mr. DANIELSON. Mr. Chairman, will the gentleman from California yield?

Mr. WIGGINS. I yield to the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Chairman, I rise in support of the bill as reported by the subcommittee and the full committee.

Mr. OWENS. Mr. Chairman, I want to add my support to those who advocate passage of this important bill. This is a proper manifestation of congressional prerogative and in this day of confused Federal constitutional responsibilities, I think it important that we make clear that these proposed rules will be enacted only after careful study of the Congress and under our authority.

I also want to commend the gentlewoman from New York (Miss HOLTZMAN) my colleague on the Judiciary Committee, for her initiative in proposing that implementation of these rules required congressional action. She was the first to raise that point, and it was her amendment in the Judiciary Subcommittee which provided that these rules take effect only after positive congressional action.

Mr. MOORHEAD of Pennsylvania. Mr. Chairman, I rise in support of this measure which will delay the effective date of the proposed Federal rules of evidence.

While I would not presume to speak on the merits of many of the proposed rules, I am strongly persuaded by the results of the hearings chaired by the distinguished gentleman from Missouri (Mr. HUNGATE). It would appear that not only are many of the proposals of a dubious quality on their face, but more important, are in fact substantive law and not merely procedural rules. This was clearly argued by Mr. Justice Douglas in his dissent to the Commission proposals, as it is only the Congress which can by legislation make substantive changes in the law. I stress this point because at this very time the Congress is faced with a grave challenge from the executive branch to its role as an equal partner in this Government.

I would, however, like to comment on proposed rule 509, for the prospect of this rule alone being adopted is in my opinion sufficient reason to disapprove of the entire document. Proposed rule 509 would reverse the thrust of existing law, and in effect, grant a privilege to all Government documents unless the private citizen can meet a burden of proof for disclosure. The Freedom of Information Act (5 U.S.C. 552) clearly puts the burden of proof on the Government

to support an exemption from disclosure of a Government record.

Under this proposed rule, any attorney representing the Government can object to the production of a record on the grounds that disclosure of the record would be "contrary to the public interest." As we well know, the "public interest" is a vague standard subject to as many interpretations as there are persons interpreting it.

I submit that the overriding "public interest" is in the fullest possible disclosure of Government information and that any withholding should be limited to those records or documents falling within closely defined areas, and that the presumption must be that any record is public until the Government can prove otherwise.

The case law is clear on this matter:

"To insure that the disclosure requirements (under the FOI Act) are liberally construed, Congress provided for *de novo* review in the District Court whenever an agency fails to produce documents, with the agency having the burden of proving that the documents are exempt." *Sterling Drug Inc. v. FTC* 450 F 2d 698 (1971)

"The touchstone of any proceedings under the (FOI) Act must be the clear legislative intent to assure public access to all governmental records whose disclosure would not significantly harm specific governmental interests. The policy of the Act requires that the disclosure requirement be construed broadly, the exemptions narrowly." *Soucie v. David* 448 F. 2d 1067 (1971)

Both of the above cited cases, brought under the Freedom of Information Act clearly reflect the legislative mandate for maximum disclosure. It can be argued however that the proposed rule 509 is not in conflict. But, to adopt this rule would at best lead to a hopelessly ambiguous situation, for at least two overall general interpretations of the compatability or conflict of the Freedom of Information Act and the proposed rule are apparent. Assuming an individual has been denied access to an agency record and suit is instituted under the act. Such is a civil suit. The proposed rules of evidence would govern in such proceedings. Yet, it could be argued that the ultimate issue or fact in dispute is the record itself and that therefore its production is not an evidentiary question under the rules.

Of course, if a particular record was sought as part of the case to lead to the production of another record, the rule might come into play. In other words, it is possible that in a straight forward Freedom of Information suit, the Government would be faced with the burden of proof that one of the exemptions in the act was pertinent under the narrow restrictions intended in the act.

On the other hand, it might be deemed that either since the nature of the suit is one of discovery, the rules of evidence would apply, or that the rules supplement, explain or are so entwined with the exemptions in the act that they would somehow be pertinent. This, of course, may involve a complicated interpretation of statutory construction. The rules would have the force of law if not disapproved by Congress. But would they, because they are later in time than the Freedom of Information Act, modify or supersede the act which is a legislative enactment? I cannot answer this question, but the mere fact that the question is raised indicates that the rule 509, at least, has gone beyond a procedural matter and has taken on the aspects of a substantive legislative enactment.

In any case, Mr. Chairman, adoption of this rule would muddle the issue of access to information and may make the production of a government document dependent on whether or not the litigant brought a direct action under the Freedom of Information Act or whether he tried to get production as part of a suit under another statute.

I do not think that this Congress wants an issue as central to our democracy as the public's right to know to be decided on the procedural manner in which a law suit is instigated.

I therefore urge my colleagues to support this measure.

Mr. HUNGATE. Mr. Chairman, I have no further request for time.

Mr. SMITH of New York. Mr. Chairman, I have no further request for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will now read the amendment in the nature of a substitute recommended by the Committee on the Judiciary now printed in the bill as an original bill for the purpose of amendment.

The Clerk read as follow:

S. 583

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provisions of law, the Rules of Evidence for United States Courts and Magistrates, the Amendments to the Federal Rules of Civil Procedure, and the Amendments to the Federal Rules of Criminal Procedure, which are embraced by the orders entered by the Supreme Court of the United States on Monday, November 20, 1972, and Monday, December 18, 1972, shall have no force or effect except to the extent, and with such amendments, as they may be expressly approved by Act of Congress.

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

Mr. Chairman, we have had an interesting debate this afternoon on the estopment of these proposed rules of evidence.

I simply suggest to the House that if and when the Committee on the Judiciary does come up with a bill proposing new rules of evidence, and I see one or two members of the Committee on Rules on the House floor, that there be a rule providing for 8 hours of general debate; that 7½ hours be allocated to the lawyers in the House; and the last 30 minutes be reserved for the nonlawyer Members.

The CHAIRMAN. The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the Chair, Mr. WRIGHT, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee having had under consideration the bill (S. 583) to promote the separation of constitutional powers by securing to the Congress additional time in which to consider the rules of evidence for U.S. courts and magistrates, the amendments to the Federal Rules of Civil Procedure and the amendments to the Federal Rules of Criminal Procedure which the Supreme Court on November 20, 1972, ordered the Chief Justice to transmit to the Congress, pursuant to House Resolution 294, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

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

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

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

Mr. WYDLER. Mr. Speaker, I object to the vote on the ground that a quorum is not present 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 399, nays 1, not voting 32, as follows:

[Roll No. 48]

YEAS—399

Abdnor	Byron	Drinan
Abzug	Camp	Dulski
Adams	Carey, N.Y.	Duncan
Addabbo	Carney, Ohio	du Pont
Alexander	Carter	Eckhardt
Anderson, Calif.	Casey, Tex.	Edwards, Ala.
Anderson, Ill.	Cederberg	Edwards, Calif.
Andrews, N.C.	Chamberlain	Eilberg
Andrews, N. Dak.	Chappell	Erlenborn
Annunzio	Clancy	Esch
Archer	Clark	Eshleman
Arends	Clausen, Don H.	Evans, Colo.
Armstrong	Clawson, Del	Evins, Tenn.
Ashbrook	Clay	Fascell
Ashley	Cleveland	Findley
Aspin	Cochran	Fish
Baker	Cohen	Fisher
Barrett	Collins	Flood
Beard	Conable	Flowers
Bell	Conlan	Flynt
Bennett	Conte	Foley
Bevill	Conyers	Ford, Gerald R.
Biester	Corman	Ford, William D.
Bingham	Cotter	Forsythe
Blackburn	Coughlin	Fountain
Boland	Crane	Fraser
Bolling	Cronin	Frelinghuysen
Bowen	Culver	Frenzel
Brademas	Daniel, Dan	Frey
Brasco	Daniel, Robert W., Jr.	Fuqua
Bray	Daniels, Dominick V.	Gaydos
Breaux	Danielson	Giaimo
Breckinridge	Davis, Ga.	Gilman
Brinkley	Davis, S.C.	Ginn
Brooks	Davis, Wis.	Goldwater
Broomfield	de la Garza	Gonzalez
Brotzman	Delaney	Goodling
Brown, Calif.	Dellenback	Grasso
Brown, Mich.	Dellums	Gray
Brown, Ohio	Denholm	Green, Oreg.
Broyhill, N.C.	Dennis	Green, Pa.
Broyhill, Va.	Dent	Griffiths
Buchanan	Derwinski	Gross
Burgener	Devine	Grover
Burke, Calif.	Dickinson	Gubser
Burke, Fla.	Diggs	Gude
Burke, Mass.	Dingell	Gunter
Burleson, Tex.	Donohue	Guyer
Burlison, Mo.	Dorn	Haley
Burton	Downing	Hamilton
Butler		Hammer-schmidt

Hanley	Miller	Shoup
Hanna	Mills, Md.	Shriver
Hanrahan	Minish	Shuster
Hansen, Idaho	Mink	Sikes
Hansen, Wash.	Mitchell, Md.	Sisk
Harrington	Mitchell, N.Y.	Skubitz
Harsha	Mizell	Slack
Hastings	Moakley	Smith, Iowa
Hawkins	Mollohan	Smith, N.Y.
Hays	Montgomery	Snyder
Hébert	Moorhead, Calif.	Spence
Hechler, W. Va.	Moorhead, Pa.	Staggers
Heckler, Mass.	Morgan	Stanton, J. William
Heinz	Mosher	Stanton, James V.
Helstoski	Moss	Stark
Henderson	Murphy, Ill.	Steed
Hicks	Murphy, N.Y.	Steele
Hillis	Myers	Steelman
Hinshaw	Natcher	Steiger, Ariz.
Hogan	Nedzi	Steiger, Wis.
Holt	Nelsen	Stephens
Holtzman	Obey	Stokes
Horton	O'Brien	Stratton
Howard	O'Hara	Stuckey
Huber	O'Neill	Studds
Hudnut	Owens	Sullivan
Hungate	Parris	Symington
Hunt	Passman	Symms
Hutchinson	Patman	Talcott
Ichord	Patten	Taylor, Mo.
Jarman	Pepper	Taylor, N.C.
Johnson, Calif.	Perkins	Teague, Calif.
Johnson, Pa.	Pettis	Teague, Tex.
Jones, Ala.	Peyser	Thompson, N.J.
Jones, N.C.	Pickle	Thomson, Wis.
Jones, Okla.	Pike	Thone
Jones, Tenn.	Poage	Thornton
Jordan	Podell	Tiernan
Karth	Powell, Ohio	Towell, Nev.
Kastenmeier	Preyer	Treen
Kazen	Price, Ill.	Udall
Keating	Pritchard	Ullman
Kemp	Quie	Van Deerlin
Ketchum	Quillen	Vander Jagt
Kluczynski	Railsback	Vanik
Koch	Randall	Veysey
Kuykendall	Rangel	Vigorito
Landgrebe	Regula	Waggonner
Landrum	Reid	Walsh
Latta	Reuss	Wampler
Leggett	Rhodes	Ware
Lehman	Riegle	Whalen
Litton	Rinaldo	White
Long, La.	Roberts	Whitehurst
Long, Md.	Robinson, Va.	Whitten
Lott	Robison, N.Y.	Widnall
Lujan	Rodino	Wiggins
McClory	Roe	Williams
McCloskey	Rogers	Wilson, Bob
McCollister	Roncalio, Wyo.	Wilson, Charles H., Calif.
McCormack	Roncallo, N.Y.	Wilson, Charles, Tex.
McDade	Rooney, Pa.	Winn
McFall	Rose	Wolff
McKay	Rosenthal	Wright
McKinney	Rostenkowski	Wyatt
McSpadden	Roush	Wydler
Macdonald	Rousselot	Wylie
Madden	Roy	Wyman
Madigan	Roybal	Yates
Mahon	Runnels	Yatron
Mailliard	Ruth	Young, Fla.
Mallary	Ryan	Young, Ga.
Mann	St Germain	Young, Ill.
Maraziti	Sandman	Young, S.C.
Martin, Nebr.	Sarasin	Young, Tex.
Martin, N.C.	Sarbanes	Zablocki
Mathis, Ga.	Satterfield	Zion
Matsunaga	Saylor	Zwach
Mayne	Scherle	
Mazzoli	Schneebeli	
Meeds	Schroeder	
Melcher	Sebelius	
Metcalfe	Seiberling	
Mezvinsky	Shipley	
Milford		

NAYS—1

Froehlich

NOT VOTING—32

Badillo	Holifield	Nichols
Bafalis	Hosmer	Nix
Bergland	Johnson, Colo.	Price, Tex.
Biaggi	King	Rarick
Blatnik	Kyros	Rees
Chisholm	Lent	Rooney, N.Y.
Collier	McEwen	Ruppe
Fulton	Mathias, Calif.	Stubblefield
Gettys	Michel	Waldie
Gibbons	Mills, Ark.	Young, Alaska
Harvey	Minshall, Ohio	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Rooney of New York with Mr. Hosmer.
Mr. Holifield with Mr. Bafalis.
Mr. Waldie with Mr. Mathias of California.
Mrs. Chisholm with Mr. Rarick.
Mr. Kyros with Mr. Harvey.
Mr. Nichols with Mr. Johnson of Colorado.
Mr. Gettys with Mr. Minshall of Ohio.
Mr. Fulton with Mr. Collier.
Mr. Nix with Mr. Michel.

Mr. Bergland with Mr. McEwen.
Mr. Blatnik with Mr. Lent.
Mr. Biaggi with Mr. King.
Mr. Gibbons with Mr. Price of Texas.
Mr. Stubblefield with Mr. Ruppe.
Mr. Rees with Mr. Young of Alaska.
Mr. Badillo with Mr. Mills of Arkansas.

The result of the vote was announced as above recorded.

The title was amended so as to read: "An act to promote the separation of constitutional powers by suspending the effectiveness of the rules of evidence for U.S. courts and magistrates, the amendments to the Federal Rules of Civil Procedure, and the amendments to the Federal Rules of Criminal Procedure transmitted to the Congress by the Chief Justice on February 5, 1973, until approved by act of Congress."

A motion to reconsider was laid on the table.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Leonard, one of his secretaries.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 4278. An act to amend the National School Lunch Act to assure that Federal financial assistance to the child nutrition programs is maintained at the level budgeted for fiscal year ending June 30, 1973.

GENERAL LEAVE

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

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 4278, AMENDING THE NATIONAL SCHOOL LUNCH ACT

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4278) to amend the National School Lunch Act to assure that Federal financial assistance to the child nutrition programs is maintained at the level budgeted for fiscal year ending June 30, 1973, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Messrs. PERKINS, MEEDS, Mrs. MINK, Messrs. HAWKINS, LEHMAN, ANDREWS of North Carolina, QUIE, BELL, ASHBROOK, and FORSYTHE.

OUR FEDERAL SYSTEM OF CRIMINAL JUSTICE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93–60)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on the Judiciary and ordered to be printed:

To the Congress of the United States:

This sixth message to the Congress on the State of the Union concerns our Federal system of criminal justice. It discusses both the progress we have made in improving that system and the additional steps we must take to consolidate our accomplishments and to further our efforts to achieve a safe, just, and law-abiding society.

In the period from 1960 to 1968 serious crime in the United States increased by 122 percent according to the FBI's Uniform Crime Index. The rate of increase accelerated each year until it reached a peak of 17 percent in 1968.

In 1968 one major public opinion poll showed that Americans considered lawlessness to be the top domestic problem facing the Nation. Another poll showed that four out of five Americans believed that "Law and order has broken down in this country." There was a very real fear that crime and violence were becoming a threat to the stability of our society.

The decade of the 1960s was characterized in many quarters by a growing sense of permissiveness in America—as well intentioned as it was poorly reasoned—in which many people were reluctant to take the steps necessary to control crime. It is no coincidence that within a few years' time, America experienced a crime wave that threatened to become uncontrollable.

This Administration came to office in 1969 with the conviction that the integrity of our free institutions demanded stronger and firmer crime control. I promised that the wave of crime would not be the wave of the future. An all-out attack was mounted against crime in the United States.

—The manpower of Federal enforcement and prosecution agencies was increased.

—New legislation was proposed and passed by the Congress to put teeth into Federal enforcement efforts against organized crime, drug trafficking, and crime in the District of Columbia.

—Federal financial aid to State and local criminal justice systems—a forerunner of revenue sharing—was greatly expanded through Administration budgeting and Congressional appropriations, reaching a total of $1.5 billion in the three fiscal years from 1970 through 1972.

These steps marked a clear departure from the philosophy which had come to

dominate Federal crime fighting efforts, and which had brought America to record-breaking levels of lawlessness. Slowly, we began to bring America back. The effort has been long, slow, and difficult. In spite of the difficulties, we have made dramatic progress.

In the last four years the Department of Justice has obtained convictions against more than 2500 organized crime figures, including a number of bosses and under-bosses in major cities across the country. The pressure on the underworld is building constantly.

Today, the capital of the United States no longer bears the stigma of also being the Nation's crime capital. As a result of decisive reforms in the criminal justice system the serious crime rate has been cut in half in Washington, D.C. From a peak rate of more than 200 serious crimes per day reached during one month in 1969, the figure has been cut by more than half to 93 per day for the latest month of record in 1973. Felony prosecutions have increased from 2100 to 3800, and the time between arrest and trial for felonies has fallen from ten months to less than two.

Because of the combined efforts of Federal, State, and local agencies, the wave of serious crime in the United States is being brought under control. Latest figures from the FBI's Uniform Crime Index show that serious crime is increasing at the rate of only 1 percent a year—the lowest recorded rate since 1960. A majority of cities with over 100,000 population have an actual reduction in crime.

These statistics and these indices suggest that our anti-crime program is on the right track. They suggest that we are taking the right measures. They prove that the only way to attack crime in America is the way crime attacks our people—without pity. Our program is based on this philosophy, and it is working.

Now we intend to maintain the momentum we have developed by taking additional steps to further improve law enforcement and to further protect the people of the United States.

LAW ENFORCEMENT SPECIAL REVENUE SHARING

Most crime in America does not fall under Federal jurisdiction. Those who serve in the front lines of the battle against crime are the State and local law enforcement authorities. State and local police are supported in turn by many other elements of the criminal justice system, including prosecuting and defending attorneys, judges, and probation and corrections officers. All these elements need assistance and some need dramatic reform, especially the prison systems.

While the Federal Government does not have full jurisdiction in the field of criminal law enforcement, it does have a broad, constitutional responsibility to insure domestic tranquility. I intend to meet that responsibility.

At my direction, the Law Enforcement Assistance Administration (LEAA) has greatly expanded its efforts to aid in the improvement of State and local criminal justice systems. In the last three years of the previous Administration, Federal grants to State and local law enforcement authorities amounted to only $22 million. In the first three years of my Administration, this same assistance totaled more than $1.5 billion—more than 67 times as much. I consider this money to be an investment in justice and safety on our streets, and investment which has been yielding encouraging dividends.

But the job has not been completed. We must now act further to improve the Federal role in the granting of aid for criminal justice. Such improvement can come with the adoption of Special Revenue Sharing for law enforcement.

I believe the transition to Special Revenue Sharing for law enforcement will be a relatively easy one. Since its inception, the LEAA has given block grants which allow State and local authorities somewhat greater discretion than does the old-fashioned categorical grant system. But States and localities still lack both the flexibility and the clear authority they need in spending Federal monies to meet their law enforcement challenges.

Under my proposed legislation, block grants, technical assistance grants, manpower development grants, and aid for correctional institutions would be combined into one $680 million Special Revenue Sharing fund which would be distributed to States and local governments on a formula basis. This money could be used for improving any area of State and local criminal justice systems.

I have repeatedly expressed my conviction that decisions affecting those at State and local levels should be made to the fullest possible extent at State and local levels. This is the guiding principle behind revenue sharing. Experience has demonstrated the validity of this approach and I urge that it now be fully applied to the field of law enforcement and criminal justice.

THE CRIMINAL CODE REFORM ACT

The Federal criminal laws of the United States date back to 1790 and are based on statutes then pertinent to effective law enforcement. With the passage of new criminal laws, with the unfolding of new court decisions interpreting those laws, and with the development and growth of our Nation, many of the concepts still reflected in our criminal laws have become inadequate, clumsy, or outmoded.

In 1966, the Congress established the National Commission on Reform of the Federal Criminal Laws to analyze and evaluate the criminal Code. The Commission's final report of January 7, 1971, has been studied and further refined by the Department of Justice, working with the Congress. In some areas this Administration has substantial disagreements with the Commission's recommendations. But we agree fully with the almost universal recognition that modification of the Code is not merely desirable but absolutely imperative.

Accordingly, I will soon submit to the Congress the Criminal Code Reform Act aimed at a comprehensive revision of existing Federal criminal laws. This act will provide a rational, integrated code of Federal criminal law that is workable and responsive to the demands of a modern Nation.

The act is divided into three parts:

—1. general provisions and principles,

—2. definitions of Federal offenses, and

—3. provisions for sentencing.

Part 1 of the Code establishes general provisions and principles regarding such matters as Federal criminal jurisdiction, culpability, complicity, and legal defenses, and contains a number of significant innovations. Foremost among these is a more effective test for establishing Federal criminal jurisdiction. Those circumstances giving rise to Federal jurisdiction are clearly delineated in the proposed new Code and the extent of jurisdiction is clearly defined.

I am emphatically opposed to encroachment by Federal authorities on State sovereignty, by unnecessarily increasing the areas over which the Federal Government asserts jurisdiction. To the contrary, jurisdiction has been relinquished in those areas where the States have demonstrated no genuine need for assistance in protecting their citizens.

In those instances where jurisdiction is expanded, care has been taken to limit that expansion to areas of compelling Federal interest which are not adequately dealt with under present law. An example of such an instance would be the present law which states that it is a Federal crime to travel in interstate commerce to bribe a witness in a State court proceeding, but it is not a crime to travel in interstate commerce to threaten or intimidate the same witness, though intimidation might even take the form of murdering the witness.

The Federal interest is the same in each case—to assist the State in safeguarding the integrity of its judicial processes. In such a case, an extension of Federal jurisdiction is clearly warranted and is provided for under my proposal.

The rationalization of jurisdictional bases permits greater clarity of drafting, uniformity of interpretation, and the consolidation of numerous statutes presently applying to basically the same conduct.

For example, title 18 of the criminal Code as presently drawn, lists some 70 theft offenses—each written in a different fashion to cover the taking of various kinds of property in different jurisdictional situations. In the proposed new Code, these have been reduced to 5 general sections. Almost 80 forgery, counterfeiting, and related offenses have been replaced by only 3 sections. Over 50 statutes involving perjury and false statements have been reduced to 7 sections. Approximately 70 arson and property destruction offenses have been consolidated into 4 offenses.

Similar changes have been made in the Code's treatment of culpability. Instead of 79 undefined terms or combinations of terms presently found in title 18, the Code uses four clearly defined terms.

Another major innovation reflected in Part One is a codification of general defenses available to a defendant. This change permits clarification of areas in

which the law is presently confused and, for the first time, provides uniform Federal standards for defense.

The most significant feature of this chapter is a codification of the "insanity" defense. At present the test is determined by the courts and varies across the country. The standard has become so vague in some instances that it has led to unconscionable abuse by defendants.

My proposed new formulation would provide an insanity defense only if the defendant did not know what he was doing. Under this formulation, which has considerable support in psychiatric and legal circles, the only question considered germane in a murder case, for example, would be whether the defendant knew that he was pulling the trigger of a gun. Questions such as the existence of a mental disease or defect and whether the defendant requires treatment or deserves imprisonment would be reserved for consideration at the time of sentencing.

Part Two of the Code consolidates the definitions of all Federal felonies, as well as certain related Federal offenses of a less serious character. Offenses and, in appropriate instances, specific defenses, are defined in simple, concise terms, and those existing provisions found to be obsolete or unusable have been eliminated—for example, operating a pirate ship on behalf of a "foreign prince," or detaining a United States carrier pigeon. Loopholes in existing law have been closed—for example, statutes concerning the theft of union funds, and new offenses have been created where necessary, as in the case of leaders of organized crime.

We have not indulged in changes merely for the sake of changes. Where existing law has proved satisfactory and where existing statutory language has received favorable interpretation by the courts, the law and the operative language have been retained. In other areas, such as pornography, there has been a thorough revision to reassert the Federal interest in protecting our citizens.

The reforms set forth in Parts One and Two of the Code would be of little practical consequence without a more realistic approach to those problems which arise in the post-conviction phase of dealing with Federal offenses.

For example, the penalty structure prescribed in the present criminal Code is riddled with inconsistencies and inadequacies. Title 18 alone provides 18 different terms of imprisonment and 14 different fines, often with no discernible relationship between the possible term of imprisonment and the possible levying of a fine.

Part Three of the new Code classifies offenses into 8 categories for purposes of assessing and levying imprisonment and fines. It brings the present structure into line with current judgments as to the seriousness of various offenses and with the best opinions of penologists as the efficacy of specific penalties. In some instances, more stringent sanctions are provided. For example, sentences for arson are increased from 5 to 15 years. In other cases penalties are reduced. For example, impersonating a foreign official carries a three year sentence, as opposed to the 10 year term originally prescribed.

To reduce the possibility of unwarranted disparities in sentencing, the Code establishes criteria for the imposition of sentence. At the same time, it provides for parole supervision after all prison sentences, so that even hardened criminals who serve their full prison terms will receive supervision following their release.

There are certain crimes reflecting such a degree of hostility to society that a decent regard for the common welfare requires that a defendant convicted of those crimes be removed from free society. For this reason my proposed new Code provides mandatory minimum prison terms for trafficking in hard narcotics; it provides mandatory minimum prison terms for persons using dangerous weapons in the execution of a crime; and it provides mandatory minimum prison sentences for those convicted as leaders of organized crime.

The magnitude of the proposed revision of the Federal criminal Code will require careful detailed consideration by the Congress. I have no doubt this will be time-consuming. There are, however, two provisions in the Code which I feel require immediate enactment. I have thus directed that provisions relating to the death penalty and to heroin trafficking also be transmitted as separate bills in order that the Congress may act more rapidly on these two measures.

DEATH PENALTY

The sharp reduction in the application of the death penalty was a component of the more permissive attitude toward crime in the last decade.

I do not contend that the death penalty is a panacea that will cure crime. Crime is the product of a variety of different circumstances—sometimes social, sometimes psychological—but it is committed by human beings and at the point of commission it is the product of that individual's motivation. If the incentive not to commit crime is stronger than the incentive *to* commit it, then logic suggests that crime will be reduced. It is in part the entirely justified feeling of the prospective criminal that he will not suffer for his deed which, in the present circumstances, helps allow those deeds to take place.

Federal crimes are rarely "crimes of passion." Airplane hi-jacking is not done in a blind rage; it has to be carefully planned. The use of incendiary devices and bombs is not a crime of passion, nor is kidnapping; all these must be thought out in advance. At present those who plan these crimes do not have to include in their deliberations the possibility that they will be put to death for their deeds. I believe that in making their plans, they should have to consider the fact that if a death results from their crime, they too may die.

Under those conditions, I am confident that the death penalty can be a valuable deterrent. By making the death penalty available, we will provide Federal enforcement authorities with additional leverage to dissuade those individuals who may commit a Federal crime from taking the lives of others in the course of committing that crime.

Hard experience has taught us that with due regard for the rights of all—including the right to life itself—we must return to a greater concern with protecting those who might otherwise be the innocent victims of violent crime than with protecting those who have committed those crimes. The society which fails to recognize this as a reasonable ordering of its priorities must inevitably find itself, in time, at the mercy of criminals.

America was heading in that direction in the last decade, and I believe that we must not risk returning to it again. Accordingly, I am proposing the re-institution of the death penalty for war-related treason, sabotage, and espionage, and for all specifically enumerated crimes under Federal jurisdiction from which death results.

The Department of Justice has examined the constitutionality of the death penalty in the light of the Supreme Court's recent decision in Furman against Georgia. It is the Department's opinion that Furman holds unconstitutional the imposition of the death penalty only insofar as it is applied arbitrarily and capriciously. I believe the best way to accommodate the reservations of the Court is to authorize the automatic imposition of the death penalty where it is warranted.

Under the proposal drafted by the Department of Justice, a hearing would be required after the trial for the purpose of determining the existence or nonexistence of certain rational standards which delineate aggravating factors or mitigating factors.

Among those mitigating factors which would preclude the imposition of a death sentence are the youth of the defendant, his or her mental capacity, or the fact that the crime was committed under duress. Aggravating factors include the creation of a grave risk of danger to the national security, or to the life of another person, or the killing of another person during the commission of one of a circumscribed list of serious offenses, such as treason, kidnapping, or aircraft piracy.

The hearing would be held before the judge who presided at the trial and before either the same jury or, if circumstances require, a jury specially impaneled. Imposition of the death penalty by the judge would be mandatory if the jury returns a special verdict finding the existence of one or more aggravating factors and the absence of any mitigating factor. The death sentence is *prohibited* if the jury finds the existence of one or more mitigating factors.

Current statutes containing the death penalty would be amended to eliminate the requirement for jury recommendation, thus limiting the imposition of the death penalty to cases in which the legislative guidelines for its imposition clearly require it, and eliminating arbitrary and capricious application of the death penalty which the Supreme Court has condemned in the *Furman* case.

DRUG ABUSE

No single law enforcement problem has occupied more time, effort and money in the past four years than that of drug abuse and drug addiction. We have regarded drugs as "public enemy number one," destroying the most precious resource we have—our young people—and breeding lawlessness, violence and death.

When this Administration assumed office in 1969, only $82 million was budgeted by the Federal Government for law enforcement, prevention, and rehabilitation in the field of drug abuse.

Today that figure has been increased to $785 million for 1974—nearly 10 times as much. Narcotics production has been disrupted, more traffickers and distributors have been put out of business, and addicts and abusers have been treated and started on the road to rehabilitation.

Since last June, the supply of heroin on the East Coast has been substantially reduced. The scarcity of heroin in our big Eastern cities has driven up the price of an average "fix" from $4.31 to $9.88, encouraging more addicts to seek medical treatment. At the same time the heroin content of that fix has dropped from 6.5 to 3.7 percent.

Meanwhile, through my Cabinet Committee on International Narcotics Control, action plans are underway to help 59 foreign countries develop and carry out their own national control programs. These efforts, linked with those of the Bureau of Customs and the Bureau of Narcotics and Dangerous Drugs, have produced heartening results.

Our worldwide narcotics seizures almost tripled in 1972 over 1971. Seizures by our anti-narcotics allies abroad are at an all-time high.

In January, 1972, the French seized a half-ton of heroin on a shrimp boat headed for this country. Argentine, Brazilian and Venezuelan agents seized 285 pounds of heroin in three raids in 1972, and with twenty arrests crippled the existing French-Latin American connection. The ringleader was extradited to the U.S. by Paraguay and has just begun to serve a 20-year sentence in Federal prison.

Thailand's Special Narcotics Organization recently seized a total of almost eleven tons of opium along the Burmese border, as well as a half-ton of morphine and heroin.

Recently Iran scored the largest opium seizure on record—over 12 tons taken from smugglers along the Afghanistan border.

Turkey, as a result of a courageous decision by the government under Prime Minister Erim in 1971, has prohibited all cultivation of opium within her borders.

These results are all the more gratifying in light of the fact that heroin is wholly a foreign import to the United States. We do not grow opium here; we do not produce heroin here; yet we have the largest addict population in the world. Clearly we will end our problem faster with continued foreign assistance.

Our domestic accomplishments are keeping pace with international efforts and are producing equally encouraging results. Domestic drug seizures, including seizures of marijuana and hashish, almost doubled in 1972 over 1971. Arrests have risen by more than one-third and convictions have doubled.

In January of 1972, a new agency, the Office of Drug Abuse Law Enforcement (DALE), was created within the Department of Justice. Task forces composed of investigators, attorneys, and special prosecuting attorneys have been assigned to more than forty cities with heroin problems. DALE now arrests pushers at the rate of 550 a month and has obtained 750 convictions.

At my direction, the Internal Revenue Service (IRS) established a special unit to make intensive tax investigations of suspected domestic traffickers. To date, IRS has collected $18 million in currency and property, assessed tax penalties of more than $100 million, and obtained 25 convictions. This effort can be particularly effective in reaching the high level traffickers and financiers who never actually touch the heroin, but who profit from the misery of those who do.

The problem of drug abuse in America is not a law enforcement problem alone. Under my Administration, the Federal Government has pursued a balanced, comprehensive approach to ending this problem. Increased law enforcement efforts have been coupled with expanded treatment programs.

The Special Action Office for Drug Abuse Prevention was created to aid in preventing drug abuse before it begins and in rehabilitating those who have fallen victim to it.

In each year of my Administration, more Federal dollars have been spent on treatment, rehabilitation, prevention, and research in the field of drug abuse than has been budgeted for law enforcement in the drug field.

The Special Action Office for Drug Abuse Prevention is currently developing a special program of Treatment Alternatives to Street Crime (TASC) to break the vicious cycle of addiction, crime, arrest, bail, and more crime. Under the TASC program, arrestees who are scientifically identified as heroin-dependent may be assigned by judges to treatment programs as a condition for release on bail, or as a possible alternative to prosecution.

Federally funded treatment programs have increased from sixteen in January, 1969, to a current level of 400. In the last fiscal year, the Special Action Office created more facilities for treating drug addiction than the Federal Government had provided in all the previous fifty years.

Today, federally funded treatment is available for 100,000 addicts a year. We also have sufficient funds available to expand our facilities to treat 250,000 addicts if required.

Nationwide, in the last two years, the rate of new addiction to heroin registered its first decline since 1964. This is a particularly important trend because it is estimated that one addict "infects" six of his peers.

The trend in narcotic-related deaths is also clearly on its way down. My advisers report to me that virtually complete statistics show such fatalities declined approximately 6 percent in 1972 compared to 1971.

In spite of these accomplishments, however, it is still estimated that one-third to one-half of all individuals arrested for street crimes continue to be narcotics abusers and addicts. What this suggests is that in the area of enforcement we are still only holding our own, and we must increase the tools available to do the job.

The work of the Special Action Office for Drug Abuse Prevention has aided in smoothing the large expansion of Federal effort in the area of drug treatment and prevention. Now we must move to improve Federal action in the area of law enforcement.

Drug abuse treatment specialists have continuously emphasized in their discussions with me the need for strong, effective law enforcement to restrict the availability of drugs and to punish the pusher.

One area where I am convinced of the need for immediate action is that of jailing heroin pushers. Under the Bail Reform Act of 1966, a Federal judge is precluded from considering the danger to the community when setting bail for suspects arrested for selling heroin. The effect of this restriction is that many accused pushers are immediately released on bail and are thus given the opportunity to go out and create more misery, generate more violence, and commit more crimes while they are waiting to be tried for these same activities.

In a study of 422 accused violators, the Bureau of Narcotics and Dangerous Drugs found that 71 percent were freed on bail for a period ranging from three months to more than one year between the time of arrest and the time of trial. Nearly 40 percent of the total were free for a period ranging from one-half year to more than one year. As for the major cases, those involving pushers accused of trafficking in large quantities of heroin, it was found that one-fourth were free for over three months to one-half year; one-fourth were free for one-half year to one year; and 16 percent remained free for over one year prior to their trial.

In most cases these individuals had criminal records. One-fifth had been convicted for a previous drug charge and a total of 64 percent had a record of prior felony arrests. The cost of obtaining such a pretrial release in most cases was minimal; 19 percent of the total sample were freed on personal recognizance and only 23 percent were required to post bonds of $10,000 or more.

Sentencing practices have also been found to be inadequate in many cases. In a study of 955 narcotics drug violators who were arrested by the Bureau of Narcotics and Dangerous Drugs and convicted in the courts, a total of 27 percent received sentences other than imprisonment. Most of these individuals were placed on probation.

This situation is intolerable. I am therefore calling upon the Congress to promptly enact a new Heroin Trafficking Act.

The first part of my proposed legislation would increase the sentences for *heroin* and *morphine* offenses.

For a first offense of *trafficking* in less than four ounces of a mixture or substance containing heroin or morphine, it provides a mandatory sentence of not less than five years nor more than fifteen years. For a first offense of trafficking in four or more ounces, it provides a mandatory sentence of not less than ten years or for life.

For those with a prior felony narcotic conviction who are convicted of trafficking in less than four ounces, my proposed legislation provides a mandatory prison term of ten years to life imprisonment. For second offenders who are convicted of trafficking in *more* than four ounces, I am proposing a mandatory sentence of life imprisonment without parole.

While four ounces of a heroin mixture may seem a very small amount to use as the criterion for major penalties, that amount is actually worth 12–15,000 dollars and would supply about 180 addicts for a day. Anyone selling four or more ounces cannot be considered a small time operator.

For those who are convicted of *possessing* large amounts of heroin but cannot be convicted of trafficking, I am proposing a series of lesser penalties.

To be sure that judges actually apply these tough sentences, my legislation would provide that the mandatory minimum sentences cannot be suspended, nor probation granted.

The second portion of my proposed legislation would deny pre-trial release to those charged with trafficking in heroin or morphine unless the judicial officer finds that release will not pose a danger to the persons or property of others. It would also prohibit the release of anyone convicted of one of the above felonies who is awaiting sentencing or the results of an appeal.

These are very harsh measures, to be applied within very rigid guidelines and providing only a minimum of sentencing discretion to judges. But circumstances warrant such provisions. All the evidence shows that we are now doing a more effective job in the areas of enforcement and rehabilitation. In spite of this progress, however, we find an intolerably high level of street crime being committed by addicts. Part of the reason, I believe, lies in the court system which takes over after drug pushers have been apprehended. The courts are frequently little more than an escape hatch for those who are responsible for the menace of drugs.

Sometimes it seems that as fast as we bail water out of the boat through law enforcement and rehabilitation, it runs right back in through the holes in our judicial system. I intend to plug those holes. Until then, all the money we spend, all the enforcement we provide, and all the rehabilitation services we offer are not going to solve the drug problem in America.

Finally, I want to emphasize my continued opposition to legalizing the possession, sale or use of marijuana. There is no question about whether marijuana is dangerous, the only question is how dangerous. While the matter is still in dispute, the only responsible governmental approach is to prevent marijuana from being legalized. I intend, as I have said before, to do just that.

CONCLUSION

This Nation has fought hard and sacrificed greatly to achieve a lasting peace in the world. Peace in the world, however, must be accompanied by peace in our own land. Of what ultimate value is it to end the threat to our national safety in the world if our citizens face a constant threat to their personal safety in our own streets?

The American people are a law-abiding people. They have faith in the law. It is now time for Government to justify that faith by insuring that the law works, that our system of criminal justice works, and that "domestic tranquility" is preserved.

I believe we have gone a long way toward erasing the apprehensions of the last decade. But we must go further if we are to achieve that peace at home which will truly complement peace abroad.

In the coming months I will propose legislation aimed at curbing the manufacture and sale of cheap handguns commonly known as "Saturday night specials," I will propose reforms of the Federal criminal system to provide speedier and more rational criminal trial procedures, and I will continue to press for innovation and improvement in our correctional systems.

The Federal Government cannot do everything. Indeed, it is prohibited from doing everything. But it can do a great deal. The crime legislation I will submit to the Congress can give us the tools we need to do all that we can do. This is sound, responsible legislation. I am confident that the approval of the American people for measures of the sort that I have suggested will be reflected in the actions of the Congress.

RICHARD NIXON.

THE WHITE HOUSE, *March 14, 1973.*

PRESIDENT NIXON'S MESSAGE ON CRIME

Mr. GERALD R. FORD. Mr. Speaker, I heartily endorse the President's recommendations for mandatory minimum prison sentences for those convicted of certain Federal crimes and I also support the President's proposals for restoring the death penalty in connection with certain Federal crimes.

While the jurisdiction of the Federal Government is limited in the area of law enforcement, Washington must set an example for the Nation if the American people are not to be overwhelmed by lawlessness. I commend the President for exerting precisely the right kind of leadership in the law enforcement field.

I was dismayed when the Supreme Court ruled out capital punishment, and I have long felt that drug pushers have been handled too gently in many cases.

I therefore welcome the Presidential recommendations relating to the death penalty and drug trafficking. I might add that I fully agree with the President's proposal to increase the Federal sentence for arson to 15 years.

Congress should act quickly on the death penalty and drug trafficking legislation, which will be coming to the Hill as separate bills. We should later proceed also to legislate mandatory minimum prison terms for persons using dangerous weapons in the execution of a crime and for those convicted as leaders of organized crime.

Besides providing States and local communities with Federal grants in amounts that can be profitably used, the Congress should launch the Nation into a new get-tough era in dealing with crime. We should start by enacting the President's proposals.

MAINTAIN SUPPORT FOR FREEDOM OF EMIGRATION ACT

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

Mr. PODELL. Mr. Speaker, Secretary of the Treasury George Shultz is now in the Soviet Union, conducting talks with Russian officials on improving trade relations. These talks are important not just for the prospect of commercial benefit that they portend; but for a much more important reason. They in effect hold the fate of thousands of Soviet Jews in the balance.

Last month, I joined with a substantial majority of my colleagues in cosponsoring the Freedom of Emigration Act. This act is now a topic of discussion between Secretary Shultz and the Russians. There is fear on the part of the Soviet leadership—and rightly so, I might add—that the Congress of the United States will block any liberalization of trade relationships with the Soviet Union unless the Russians rescind their infamous emigration ransom.

The Russians, in their desire to obtain most-favored-nation trading status, are now beginning to drop hints of what might happen if their aspirations are blocked by the U.S. Congress. There are recurring stories coming out of the Soviet Union which threaten a rise in anti-Semitism if the Freedom of Emigration Act becomes part of the administration's trade bill. There are also hints of a similar rise in anti-Semitism here in the United States.

I find both of these veiled threats disgusting, to say the least. First, because it demonstrates clearly what I have always suspected: That Soviet anti-Semitism is officially sponsored and directed. Second, because of what it says about the moral integrity of the American people.

Secretary Shultz has been trying to calm the Russians' fears, and at the same time to win concessions from them with the "quiet diplomacy" so in vogue with the Nixon administration. He has suggested to the Russians that they take the threats of the Congress at face value, and make certain concessions on the matter of the emigration tax. Secretary Shultz apparently thinks that this will be enough to mollify the distinguished Members of this body. I think he seriously underestimates our concern and determination on this issue.

The Secretary and the Russians should realize, before trade negotiations go any farther, that we mean what we say when we propose legislation that will deny most-favored-nation trading status to the Russians unless they rescind the education tax. We will not be intimidated by threats of renewed anti-Semitic activity. Furthermore, we dare not be intimidated, for to back down on this issue is to compromise our professed beliefs in the freedom of mankind.

We must not let ourselves be modified by any token concessions that Secretary Shultz may win from the Russians now, in a moment when they are anxious to do almost anything to win their trade benefits. If we back down on this question now, and let the Freedom of Emigration Act lapse, what will happen once the trade bill becomes law and the Russians have what they want? I am firmly convinced that the repressions then visited upon the heads of the Jews in the Soviet Union will make current conditions pleasant by comparison.

The Freedom of Emigration Act will make sure that, once rescinded, the education tax or similar repressive measures, will not be reimposed. In this one respect, we cannot afford to take the Russians at their word. It has been given and withdrawn too many times for me to feel that all will be well this time.

In none of this do I, nor any other cosponsor of the Freedom of Emigration Act wish to detract from the efforts that the President and the State Department have engaged in on behalf of Soviet Jewry. Their assistance has been invaluable, and has resulted in many Jews being allowed to leave the Soviet Union who would otherwise not have done so. The purpose of the Freedom of Emigration Act, rather, is to give legislative support and sanction to the administration's very capable efforts. It is an additional clout.

I do not think that the Freedom of Emigration Act is unacceptable as part of a trade agreement with the Soviets. So long as it is U.S. policy to support freedom of emigration for Soviet Jews, there can be nothing inconsistent about making an official legislative statement of such policy. The administration will not switch policies once it has its trade bill. This act will give support to the administration in its diplomatic pursuit of a solution to Jewish emigration from the Soviet Union.

It is vital that those of you who have joined in cosponsoring the Freedom of Emigration Act remain as cosponsors. The stakes are too high to back down now.

EMERGENCY LEGISLATION TO SAVE THE ANTIPOVERTY PROGRAM

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

Mrs. MINK. Mr. Speaker, President Nixon is literally dismantling before our very eyes the poor people's programs.

This action is being carried out in contravention of the expressed will of the elected representatives of the people who set up this program in 1964.

The hour is late.

If the progress generated these past 8 years is to be retained, we need to act with dispatch to retain the capability of the community action agencies to continue functioning. It should be noted that the calculated strategy of the administration is to rob the antipoverty program of all the tools it needs to do its job.

While Congress deliberates, the community action agencies across the country have been told to dispose of their property. This means that desks, typewriters, files, and other necessary equipment will soon no longer be in the possession of these agencies. Even if Congress eventually acts, in a few weeks our local community agencies will have been stripped of the means to carry out their duties. There will be nothing left in their offices.

On Monday, "Acting Director" Howard J. Phillips, proclaimed the date of April 28 as doomsday for the antipoverty program. All 10 of the Office of Economic Opportunity regional offices will close down by that day. All 907 community action agencies will lose all Federal funding by June 30, 1973.

According to the administration, the killing of OEO is "pursuant to the President's desire to make government more accountable to elected officials and in accordance with the President's 'New Federalism' proposals returning both responsibility and resources to States and localities." Thus, support for community action activities "will become a local option beginning in fiscal 1974, as will support for the Senior Opportunities and Services program and the State Economic Opportunity offices." States and cities wishing to continue the program may do so through the use of revenue sharing funds or their own local resources.

But I ask what will be left for the States and cities to fund? After the rapidly proceeding dismantling process is completed, there will be no agencies to operate at local option. There will be no desks, typewriters, or other equipment to maintain an on-going program. All assets will have by then been turned over to the General Services Administration for disposal.

Acting Director Phillips on January 29 sent a memorandum to all grantees on "termination of section 221 funding" which specifies:

> Property must be inventoried and disposed of in accordance with OEO property regulations . . . The grantee should prepare and submit to OEO for approval a plan for the disposition of all property.

OEO property regulations are set forth in OEO instruction 7001–01, which gives the national headquarters "power of residual disposition." This means that while title to office property acquired with grant funds is vested in the grantee, the national office now headed by Mr. Phillips retains the authority to direct its disposition. So the agencies have no choice but to comply with Mr. Phillips' directive.

The only way to preserve the viability of the community action agencies long enough for there to be any real option, whether by the local or State governments to continue the antipoverty programs is to withdraw the OEO authority to dispose of this property. I am introducing legislation today for that purpose.

My bill, the text of which is included at the end of this statement, would simply state that when an OEO program is discontinued, the Director of OEO shall allow title to all property to be retained by the grantee which has been carrying out the antipoverty program. The only conditions are that the grantee must agree to continue the program by securing alternative public or private funding, and the organization must remain as a nonprofit corporation pursuing the same antipoverty program objectives.

Under my bill, CAA's and other grantees would be able to keep their office furniture and other equipment intact. Otherwise, even if they do find local sources of funding, they will have to go to the inordinate expense of reequipping these hundreds of agencies all across the country.

It makes no sense to me that we should close down all these offices and dispose of all their equipment, and then say that the States and local governments can start up their own antipoverty programs if they choose. Obviously the expense would be enormous. It would be far more efficient and economical, if a change in operations occurs, to make use of existing facilities.

I hope that my bill is taken up expeditiously by the appropriate committees of the Congress. I urge all Members to consider this piece of legislation and join me in its sponsorship.

The text of the bill follows:

H.R. 5618

A bill to amend the Economic Opportunity Act of 1964 to provide that when Federal assistance to a community action program is discontinued, Federal property used for the program shall be transferred to the organization continuing the program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That part D of title II of the Economic Opportunity Act of 1964 is amended by adding at the end thereof the following new section:

"TITLE TO PROPERTY

"SEC. 246. Where any tangible personal property to which the United States has title is used to carry out a program or activity assisted under this title and such assistance is discontinued, the Director shall permit title to all such tangible personal property to be retained by the organization provided—

"(1) the program will be continued by funds granted under provisions of law other than this title, or from other public or private sources, and

"(2) the organization has been or is incorporated as a non-profit agency and will continue to pursue the same objectives in its programs as those for which funds were provided under this title."

BUSINESS WEEK ATTACKS THE PRESIDENT'S ECONOMIC PROGRAM

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

Mr. PATMAN. Mr. Speaker, the concern over the economy and phase III continues to grow.

The criticisms are coming from all spectrums of political and economic thought and the latest to weigh in with a detailed analysis of phase III's weaknesses is the highly respected Business Week.

Business Week has traditionally taken a very cautious view and they cannot be counted as an unfriendly publication to the Nixon administration. But their criticisms are quite specific and they appear to echo growing concern in the business community about the unfortunate and premature permissiveness which the President has inserted into the stabilization program.

Mr. Speaker, I place in the RECORD the Business Week editorial, entitled "Phase III Controls: Too Vague, Too Narrow, Too Weak":

PHASE III CONTROLS: TOO VAGUE, TOO NARROW, TOO WEAK

A scant two months after President Nixon's abrupt announcement of Phase III, the whole system of wage and price controls is on the verge of collapse. What began as a well-conceived effort to put some flexibility into the rigid rules of Phase II and move the economy back toward the discipline of the marketplace threatens to end in disaster.

The consumer price index shot up 0.5% in January, an annual rate of 6% in family living costs. The wholesale index for food and farm prices soared 2.9%, promising yet more trouble when these increases work their way through to the supermarket checkout.

Labor leaders are openly scornful of the idea that 1973 wage increases can be held to the 5.5% guideline of Phase II. They are talking of 7.5%, and 8%, and even more.

In the international money markets, new raids on the dollar—triggered by growing mistrust of Phase III—have already forced the President to declare another 10% devaluation. The international payments system has broken down completely, and the world faces the disconcerting prospect of floating currencies and monetary chaos for an indeterminate period.

The stock market dropped 100 points in what was largely a vote of no confidence.

Whatever its theoretical merits, Phase III is a failure. And the nation simply cannot afford a failure of wage and price controls. Instead of applying patches like this week's new oil regulations, the President should terminate Phase III and replace it with a new set of controls that will work.

METAPHORS ARE NOT ENOUGH

Above all, these new rules must be clear, explicit, and backed by a firm determination to make them stick. Phase III suffered from back luck and bad timing, but its fatal flaw was ambiguity. The country waited for clarification, and clarification never came. Administration spokesmen—Treasury Secretary George Shultz, Phase III administrator John Dunlop, and the President himself—all spoke in metaphors. Presumably the clampdown on oil was designed to demonstrate that there really is "a stick in the closet," but the implication is that it will be used only in special situations and then applied lightly.

Essentially, this is the approach of the mediator rather than the controller. A mediator does not lay down the law to anyone. He shuttles back and forth between the parties to a dispute, sympathizing with both and looking for acceptable compromises.

John Dunlop used this technique successfully in the construction industry to bring wages increases to acceptable levels. But what worked in a particular industry over a period of time will not work in an economy facing an immediate inflationary threat. The U.S. cannot mediate with the forces of inflation. It must control them.

For that reason, the Administration must make it clear that there is nothing "voluntary" about the new rules. And it must spread its enforcement net wide enough to ensure compliance by small producers and small labor groups as well as large. The idea that an economy can be managed by applying pressure at a few key spots in big companies and big unions may be workable when the system already is more or less in balance. It is an evasion of the issue—a cop-out—when an inflationary explosion is impending.

THE URGENT PROBLEM OF PRICES

The immediate focus of the new program must be prices. This is the critical area now. The showdown with labor over wage increases will come later. And the controllers will have no hope of winning that showdown without a clean record on prices in the months just ahead.

To control prices there must be clear rules on figuring ceilings and determining what costs can be passed through. There must also be an enforcement apparatus. This means bringing back some of the galling, time-consuming paperwork of Phase II—the reporting and substantiation of price increases. It may also mean a tighter squeeze on profit margins.

All this will be painful for business, but with the economy going into its second year of rapid expansion and with profits still gaining, business cannot plead hardship as it legitimately could in 1971.

Like it or not, the Administration should also expand its price controls to include farm prices—raw agricultural products changing hands for the first time. From the beginning, the exemption of farm prices has been the great weak spot in the control system. Unless the President plugs this hole, he cannot hope to make the rest of the control machinery work.

The best approach to the farm price problem would be to set ceilings, based on the record highs of the past year, and reinforce them by a vigorous program aimed at increasing supplies in the 1973 crop year. Any controls on farm prices involve the risks of shortages and black markets—as well as the political protest from the farm bloc Congressmen. But for the short term, controls are the only way to keep farm prices from dragging the whole economy into more inflation.

If the Administration can make controls stick on prices—especially on food prices, which are more than 20% of the consumer price index—it can reasonably say to labor that the 5.5% guideline is the limit for 1973 wage increases. And that is what it must do if the U.S. is to come out of the year with inflation at last winding down.

This is a crucial year for wage bargaining. It marks the start of a new cycle, with such key industries as rubber, electrical manufacturing, and autos writing new contracts. From the start, the basic strategy of the controls program has been to steer these pattern-setting contracts toward noninflationary settlements. Now, at the critical moment, the U.S. needs controls that work.

INTRODUCTION OF OMNIBUS FIRE RESEARCH AND TRAINING ACT

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

Mr. DAVIS of Georgia. Mr. Speaker, I am introducing today a bill entitled the Omnibus Fire Research and Training Act. I am pleased to be joined in introducing this bill by 44 of my colleagues who are cosponsoring this legislation.

This bill is aimed at a major national problem—the problem of fires. Losses from fires each year are staggering. Let me mention only a few of the most notable statistics. Although these figures are not entirely complete, we now know that each year, more than 12,000 Americans lose their lives as a direct result of accidental fires. We also know the young and the old are especially vulnerable to fires. For example, those under 5 or over 65 make up 20 percent of our population, but that same group makes up 45 percent of those who die each year from fires. I would also note that the profession of firefighting is one of the most hazardous we have, ranking second only to mining in fatalities per thousand.

The latest statistics show that over 200 firemen are lost in the performance of their duties each year. These figures are particularly unacceptable when we compare our losses with those in other nations. The United States has the highest fire-related death rate of any country in the world, and is twice that of the second ranking nation, Canada.

Loss of life is obviously not the only detrimental effect of fire. Injuries number in the hundreds of thousands every year, and property losses are equally staggering. It is now estimated that the annual losses of property resulting directly from fires amount to $2.7 billion.

I think everyone would agree that even a small reduction in these losses to life, limb, and property would mark a major improvement. The National Fire Commission, on which I am privileged to serve, has concluded that a reduction of only 5 percent in these losses over the next 5 years would save 8,000 lives, cut injuries by 200,000, and produce a saving in property losses of almost $2 billion.

The bill I introduce today would provide two major tools to bring about a reduction in this Nation's fire losses. It would further step up our fire research effort, and it would provide a much-needed program of fire training and education through the establishment of a U.S. Fire Academy.

This bill would amend the Fire Research and Safety Act of 1968, which served to start a modest but very promising program of fire research in the National Bureau of Standards of the Department of Commerce. Although funding for the program did not become available until 1970, the work of the Bureau to date shows much promise. I believe that a further strengthening of that program and a broadening of the activities within the program to make it a comprehensive attack on the entire fire problem will pay rich dividends. This measure provides that the National Bureau of Standards shall perform a broad program of basic and applied research on all aspects of fires with the aim of providing scientific and technical knowledge applicable to the prevention and reduction of fires. It also specifically directs the NBS to conduct medical and biomedical research related to fire injuries and to the performance of man in the fighting of fires.

I alluded earlier to the lack of truly solid statistics on the occurrences and causes of fires. This bill directs the NBS to undertake a strong data and information gathering effort directed to all aspects of fires. This effort will provide the necessary information to enable us to devise the best strategy in the continuing fight to reduce fire losses.

The second major thrust of the bill is educational. It calls for the establishment of a U.S. Fire Academy, which is patterned on the highly successful Academy for Education and Training operated by the FBI, and its purpose is to advance the professional development of fire service personnel.

In addition, the Academy would conduct a program of equipment development aimed at upgrading the Nation's fire technology, especially in the area of the equipment used and needed by the individual firefighter. It is well recognized that fire training for the professional firefighting forces of this Nation has been a longstanding need. This is especially true for the members of the smaller fire departments throughout the country. The U.S. Fire Academy would provide training of all types, including basic techniques of fire prevention and firefighting, the techniques and command of firefighting, and the administration and management of fire departments and fire services. The courses and programs of the Academy would be available to members of fire departments throughout the Nation.

Mr. Speaker, this legislation requires only a very modest amount of funding. The strengthening of the fire research effort at the NBS and the initial establishment of a fire academy will require only $1 million for fiscal year 1974, I believe that this small sum offers such tremendous potential payoff in terms of savings in lives lost and property destroyed that the Congress should move forward without delay. I join my colleagues who are cosponsoring this bill in commending it to the attention of all Members of the House.

TO RESTORE ORDER AND RESPECT FOR LAW AT WOUNDED KNEE

The SPEAKER pro tempore (Mr. DENHOLM). Under previous order of the House, the gentleman from South Dakota (Mr. ABDNOR) is recognized for 60 minutes.

Mr. ABDNOR. Mr. Speaker, the time has come to restore order and respect for law at Wounded Knee. This can only be accomplished by the immediate arrest and prosecution of the dissident element which is now forcibly occupying that community in defiance of the legitimate representatives of the Oglala Sioux Tribe and the Federal Government.

The AIM Indians are not representative of the vast majority of Sioux on the Pine Ridge Reservation. Their tactics to depose tribal council chairman, Richard Wilson, are as unlawful as the tactics of any similar body would be which tried to depose any mayor or Governor in the land by insurrection or rebellion.

It is interesting to note in today's Washington Post that one of the first demands of AIM in the present negotiations is for the removal of the tribal constitution, and Wilson. This is the same as having 10, or 20, or 30 percent of the people in a community or State rioting to oust the mayor or Governor from office that they do not like or want. I wonder if we could have ever kept any President or elected official in office over a month with tactics of a similar kind?

The demands of the AIM movement have completely ignored the fact that there are legal means by which the leadership of the tribal council can be changed. Three times in the last 11 months opponents of the existing administration at Pine Ridge have tried unsuccessfully to impeach Richard Wilson, tribal chairman. If the Sioux want him removed badly enough, it only takes a petition signed by one-third of the voting members of the tribe to call on election to amend the constitution to provide recall provisions for another election.

It is clear that further delay in bringing law and order to Wounded Knee has only added momentum to the cause championed by those who risk the lives of innocent people and destroy property in an attempt to bring publicity to their goals and ambitions. AIM has taken advantage of the restraint exercised by Federal authorities and the good faith negotiations conducted by the Government at the expense of the law abiding citizens of the reservation.

It is not inconceivable that if we allow AIM leaders like Russell Means, Dennis Banks, and the Bellecourt brothers to threaten the whole concept of tribal government on the Pine Ridge Reservation, we are really jeopardizing the very basis of the Indians' hope of sovereignty through peaceful and democratic means. The only one of these AIM leaders that is even remotely related to the Oglala Sioux in any way is Means, who was born on the reservation. Others are from out of State with prior records of criminal acts.

Is it not possible that if we give in to the demands of AIM that we might be setting the stage for similar extortion by other radical groups on other reservations? This is what might well happen if we allow the terror tactics of AIM to flow unchecked.

The true story of fear and intimidation at Wounded Knee is not being told. It is one of terror of private citizens, and the destruction of livestock and property. Privately owned livestock has been rustled and slaughtered. The Federal post office has been ransacked and postal workers abused. Private property belonging to housing contractors on the reservation has been vandalized. Utilities have been cut off to homes and businesses, schools have been closed, and the lives of citizens threatened. People are at home in fear, and armed.

Mr. Speaker, this is a grave situation indeed. These demands of extortion like those demanded and obtained by the "Trail of Broken Treaties" group who ransacked the BIA in November are outrageous. The Government should never have paid the AIM Indians $66,500 to leave Washington. We must not allow AIM or any other radical group to demand and get their "pound of flesh" every time terror tactics are used.

In the past week President Nixon astutely commented that—

> The Nation that compromises with the terrorists today could well be destroyed by the terrorists tomorrow.

He was, of course, referring to the attack that resulted in the death of two of our country's overseas diplomats in Khartoum.

In my opinion, that comment has application to situations within our own boundaries as well. Our system of government provides for the redress of grievances in an orderly manner giving both sides an opportunity to present their views. When and if we accede to terrorism on the part of any one group to accomplish social change, we are paving the way to the destruction of our form of constitutional government. We cannot allow this to happen. It is time for the Justice Department to move in, arrest and jail those who are in obvious violation of the law at Wounded Knee.

GENERAL LEAVE

Mr. ABDNOR. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks and include extraneous matter on the subject of my special order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from South Dakota?

There was no objection.

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

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

Mr. CRANE. Mr. Speaker, I wish to join my colleague from South Dakota in his plea that order and respect for law be reestablished at Wounded Knee. I join him in the belief that this will be achieved only by the immediate arrest of the protestors who are now forcibly occupying Wounded Knee in defiance of the representatives of the Oglala Sioux Tribe and the Federal Government.

Those who have used force in their occupation of this community are in violation of both tribal and Federal law. To permit them to continue in their open violation of those laws holds all law enforcement in the United States open to serious question. If men and women in other communities are prosecuted for violating the law, the same should be true in Wounded Knee. Each American has the right to equal protection of the laws. Similarly, each American must be equally responsible for paying the price for their violation.

Unless action is taken now, every group which has a grievance, legitimate or otherwise, will be encouraged to use force and violence in an attempt to coerce and intimidate government to fulfill their aims.

Events at Wounded Knee provide us with yet another example of men and women who have particular grievances and seek redress of such grievances, attempting to achieve their will not through the democratic process, but through the use of force.

The real issue before the Nation is the same issue which faced us during the riot-torn summers of the sixties, through various marches on Washington, and through a variety of threats that if specific pieces of legislation are not approved, violence will ensue. Even at the present time we are told that if certain governmental agencies are dismantled, a summer of rioting and disruption will result.

To permit the Government of the United States to be intimidated by such violence is to admit that representative government has ceased to function. It is to declare that minorities who are willing to use force, violence, and the threat of such actions can influence Government above and beyond mere electoral majorities.

Fortunately, our society provides many means through which legitimate grievances can be presented, investigated, and adjudicated. If the protestors at Wounded Knee have such grievances, it is their responsibility to use the means available to them to seek a just solution. No citizen or group of citizens has the right to use force and violence to impose his will upon others.

The situation at Wounded Knee is a national disgrace. While law enforcement officials stand meekly by, privately owned livestock is being rustled and slaughtered; the Federal post office has been ransacked and agents of the Postal Service abused; private property has been destroyed; citizens have been unable to reach towns for medical care; utilities and schools have been closed.

The majority of those who have illegally occupied Wounded Knee are outsiders—individuals with no direct interest in the Pine Ridge Reservation. The legitimate governing body of the Oglala Sioux is opposed to this illegal action. Unfortunately, the tribal government has been ignored, and its views are not widely known.

It is now time for Federal officers to enter Wounded Knee to arrest and jail those who are in open and flagrant violation of the law. If this is not done, the legitimate grievances of American Indians, and the entire concept of rule by law, will suffer. Government has shown its own willingness to talk, to be reasonable, to seek just solutions. Now the time to act is clearly at hand. At this point I submit the following:

Washington, D.C.

The PRESIDENT,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: I have just read the comments of my distinguished colleague from South Dakota, Congressman Abdnor, concerning the situation and activities at Wounded Knee. I support his remarks and join him in calling for the arrest and prosecution of the unlawful elements at Wounded Knee.

PHILIP M. CRANE,
Member of Congress.

Washington, D.C.

Hon. ROGERS C. B. MORTON,
Secretary of the Interior, Interior Building, Washington, D.C.

DEAR MR. SECRETARY: I have just read the comments of my distinguished colleague from South Dakota, Congressman Abdnor, concerning the situation and activities at Wounded Knee. I support his remarks and join him in calling for the arrest and prosecution of the unlawful elements at Wounded Knee.

PHILIP M. CRANE,
Member of Congress.

[News release from Congressman ABDNOR, Mar. 13, 1973]

ABDNOR CALLS FOR ARREST AND PROSECUTION OF DISSIDENT ELEMENTS AT WOUNDED KNEE

The time has come to restore order and respect for law at Wounded Knee. This will only be accomplished by the immediate arrest and prosecution of the dissident element which is now forcibly occupying that community in defiance of the legitimate representatives of the Oglala Sioux Tribe and the federal government.

Arrest of those in violation of tribal and federal law at this time can most likely be accomplished only by force. I feel that the time has passed when that could have been accomplished without the possibility of violent confrontation.

Delay has only added momentum to the cause championed by those identifying themselves as members of the American Indian Movement (AIM) at Wounded Knee. The restraint which has been exercised by federal authorities and the good faith negotiation conducted by federal authorities has been taken advantage of by the AIM leaders. This has only created a more explosive situation in southwestern South Dakota.

I know what AIM claims it wants to accomplish. What AIM has demonstrated by its violent and illegal tactics, however, is that its principal goal is the disruption of legitimate government. This AIM members have accomplished, and they will continue to accomplish this until they are dealt with in terms they understand. I believe that force has become the only option left to federal authorities.

What has been created at Wounded Knee is a refuge for radical and dissident elements, all of whom appear to be willing to violate the civil rights and the property rights of others to further their own cause.

As these elements congregate at Wounded Knee, their call for others to join them is being sent throughout the country by the national media. The dissident Indians drew courage from their increasing numbers, and from their successful defiance of authority. Unchecked, similar refuges will spread to all of our Indian reservations.

As these refuges for lawbreakers spread, so will the violence and destruction of private property. Unchecked, more Indians and non-Indians will flee the reservations, intimidated by the tactics of those who respect no authority of legally constituted governments.

It is the story of this fear and intimidation which now exists in the Wounded Knee area that is not being told. Privately owned livestock is being rustled and slaughtered; the Federal Post Office at Wounded Knee has been ransacked and agents of the Postal Service abused; the property of private contractors present on the reservation to construct housing units for Indians has been vandalized and destroyed; citizens have been threatened and have been unable to reach towns for supplies and medical attention; utilities have been cut off to citizens in the countryside; and schools have been closed, disrupting educational and community activities.

Those citizens who have stayed in their homes have armed themselves and now fear that they must rely on their armament to protect their lives and their property. Conventional law enforcement is at a standstill.

Precedent for governmental disruption and property destruction without penalty was set in Washington in November when the "Trail of Broken Treaties" group ransacked the Bureau of Indian Affairs building and was paid $66,500 to leave. Similar extortion is now being witnessed in South Dakota. To again give in to the demands of those who make mockery of due process of law will only give added incentive to the members of this movement, and will attract added numbers to its ranks.

It must be pointed out that the membership of this group now in occupation of the Wounded Knee area has as a minority Oglala Sioux. Its majority are outsiders—individuals with no direct interest in the affairs on the Pine Ridge Reservation.

The legitimate government of the Oglala Sioux is opposed to occupation of Wounded Knee and is anxious to aid in the eviction of AIM. The tribal government of Chairman Richard Wilson, however, has been ignored, and its story has not been presented to the American public.

What has been presented to the public is a romantic picture staged in dramatic historical setting. The national media, summoned to spread the sensational story as it unfolded, has had a field day playing on this critical situation. Do-gooders have been attracted by this and have prolonged and aggravated this serious situation, not fully understanding the situation nor appreciating how unrepresentative of the Indian people those spokesmen in braided hair and headbands seen on television really are.

They do not understand the criminal background of the leadership of the AIM movement or the crisis that has been created in the lives of the Indians and non-Indians on and near the reservation as a result of the terrorist tactics now employed there.

Allowed to continue, the rank and file tribal membership on that reservation and reservations elsewhere will begin to identify and sympathize with this group. And why shouldn't they? To date AIM has been extremely successful.

AIM members have carefully orchestrated the time, the place and the situation to their best advantage; they have told a story, a story I do not think depicts the situation on the Pine Ridge Reservation or in America today. The recent declaration of secession from this country by the group at Wounded Knee is a truly un-American action; so too are the actions that that group has conducted in bringing the situation to the climactic point it has now reached. America is confronted with anarchy at Wounded Knee.

To end that anarchy, I now call on federal officers to enter Wounded Knee, employing whatever force and technology that may be necessary, but in a fashion respecting human life and avoiding injury, to arrest and jail those who are in obvious violation of law.

I call for this action only after careful evaluation of the situation at Wounded Knee, and after having sounded the opinion of my constituents in my recent visit to South Dakota and a meeting with high officials of the Departments of Justice and Interior. Heretofore I have not intervened, feeling that to do so would serve no useful purpose. The time for inaction has now passed. Thank you.

Mr. ABDNOR. Mr. Speaker, I thank the gentleman from Illinois for his comments.

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

Mr. ABDNOR. Mr. Speaker, I yield to the gentleman from New York.

Mr. KEMP. Mr. Speaker, I want to associate myself with the remarks of the gentleman from South Dakota and commend him for his courage in standing up today and bringing this matter to the attention of more people across the country and certainly to the Members of Congress. I appreciate what he has done and I thank the gentleman for yielding.

There is an immediate need to restore order and respect for law at Wounded Knee and this can only be done through a spirit of negotiation, not confrontation. I know the Indians in my own district generally reflect the spirit of negotiation as indicated by the following excerpt from the March 9 issue of the Buffalo Courier Express, including a quote from Dean Williams, president of the Seneca Nation.

"Those Indians are willing to die and I don't want to see that, but the government seems to be showing off its power and it isn't doing any good," he said. "I sent a telegram to President Nixon asking him to avoid bloodshed."

The Seneca Nation president said he would be willing to serve on any kind of a negotiating committee or truce team to try to resolve the situation.

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

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

Mr. BLACKBURN. Mr. Speaker, I thank the gentleman for yielding and I congratulate him on the research he has done in the matter at Wounded Knee. Those of us who are not from that part of the country are not as familiar with the factual background as is the gentleman in the well, but it is obvious the gentleman has looked into the background of the people involved in this display of terror. It is quite shocking to me to learn that some of them have some form of criminal record in their background.

I noticed in the paper recently a photograph of one of the Indians waving a Communist-made AK–47 automatic infantry weapon. The question comes to my mind, where did he get such a weapon?

I understood the possession of such weapons was illegal as a matter of law. I feel some distress that weapons of this sort could be held in the hands of people who are openly rebellious against our form of government.

I want to thank the gentleman from South Dakota for his research in bringing this matter to the floor of the House.

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

Mr. ABDNOR. I yield to the gentleman from Arizona.

Mr. CONLAN. Mr. Speaker, I would like to congratulate the gentleman from South Dakota for his very cogent observations today.

I happen to represent over 100,000 Indians in the United States, perhaps more than any other Congressman here. I know these people are exceptionally law-abiding. They want to and are participating very substantially in the democratic process and in their own self-government. They do not need a bunch of dissidents, amoral and immoral gangsters, terrorizing their communities. They do not want them in our State. They feel very sorry that the forces of order in South Dakota and at the national level have not acted amicably and firmly enough with their Indian brethren in South Dakota.

I think the gentleman from South Dakota (Mr. ABDNOR) has spoken well on this subject. It would be wise for all of us if the admonition which he has given this afternoon were carried out at all levels including the highest levels of our Government, because this type of terror cannot be condoned and cannot be temporized.

Mr. ABDNOR. I thank the gentleman from Arizona and others who have participated this afternoon. I would like to say that what is happening in South Dakota could happen on any reservation throughout the United States.

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

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

Mr. GROSS. Mr. Speaker, I want to join with other Members of the House in commending the gentleman from South Dakota for taking this time on the floor of the House to address himself to this subject.

I returned to Washington last fall and went to the Bureau of Indian Affairs Building, having read in the newspapers accounts of what had happened. I was able to see the interior of the building before the rehabilitation was begun. I never saw more wanton destruction in my life, short of a battlefield.

This was, as the gentleman says, outrageous. It was more than outrageous, it was degrading. The action of the Federal Government in making available $66,500 in cash to the renegade leaders of the group that came to Washington and devastated the interior of the building, its furnishings and equipment, was especially degrading.

It is hard to believe that a settlement was entered into by the Government on those terms. I also attended the 2 days of hearings that were held by the House Committee on Interior and Insular Affairs, and listened to a procession of witnesses try to explain why they tolerated the occupation and destruction of the building, and why they permitted themselves and the taxpayers of this country to be blackmailed.

Again I say to the gentleman that I appreciate the fact that he would take the floor this afternoon. This Government must put a stop to this kind of terrorism, immediately, in South Dakota, Washington, D.C., or wherever it may occur.

Mr. ABDNOR. I thank my colleague from Iowa, and I say that these same AIM leaders who are now out in South Dakota were here in Washington destroying the BIA building.

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

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

Mr. ROUSSELOT. I too wish to thank our colleague from South Dakota for bringing to the attention of the entire House some of this information which obviously has not been readily available about the insurrection at Wounded Knee. It is a worthy service to present these kind of facts, as he has done.

First, I am particularly interested in the fact that we have not received adequate and full reporting on this issue in some of the news media. The fact that the gentleman has to come here to make sure that these facts are presented, I think, is additional comment on the lack of information which sometimes does occur because the news media did not do a complete job. The error of omission on the part of the news media can be just as damaging as the error of inaccuracy.

Second, it is heartwarming to know that the overwhelming majority of the people living on the reservation do not tolerate this kind of insurrection and destruction. We are grateful to our colleague from South Dakota for dealing in fact instead of in the normal sensationalism so many people sometimes use in rushing to the aid of so-called deprived who carry on this kind of destruction.

We thank our colleague for doing this.

Mr. ABDNOR. I thank the gentleman from California.

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

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

Mr. HUDNUT. I thank the gentleman for yielding.

I should like to preface a question I am going to ask the gentleman by expressing my appreciation for his remarks. I do not believe it is just coincidental that they are made to the House on the same day the President's message with reference to law enforcement is delivered to us, one that he gave over the radio last week.

I should like to commend the gentleman for stressing the importance of holding the social fabric together in America by having respect for the law and equal justice under law and doing whatever we can to avoid the tyranny of terrorism which seems so often to be the recourse of those who are so easily frustrated by an inability to achieve their goals and desires through due process.

The question I should like to ask the gentleman is this: I have been approached several times, because I am a clergyman, in the last couple of days, by people who have alleged that churches not only have been involved in the situation to which the gentleman was addressing himself but also have been actively engaged, to use the words of those who make the allegations, in the smuggling of arms to the insurrectionists. I do not know whether this is true, but I would appreciate any information the gentleman can give us on this subject, or any light he can shed.

I thank the gentleman very much.

Mr. ABDNOR. I thank the gentleman from Indiana.

The church has been involved down there, by way of the National Council of Churches.

I misunderstood their mission yesterday, from whatever information I had. My administrative assistant has been in contact with a member of the Council of Churches in South Dakota, and they have told me they were invited down there to

participate. I took exception when I saw on television Thursday night the truck driven in there which unloaded groceries to the AIM people, a truck sent in by the Council of Churches. They informed me just this morning it was not food for the members of AIM but for the other people at Wounded Knee. I suppose once it got inside of Wounded Knee it got over to AIM.

This is all I can tell the Members about that.

I should like to conclude by saying that I appreciate what the gentleman from California said about this not being representative of the situation, as understood throughout the United States.

We have in South Dakota, among the Indian tribes, the United Sioux Tribes of South Dakota Council, a council made up of representatives from all the tribal councils. These council members are duly elected, just as representatives here are elected. The tribal chairman is elected, usually for 2 years. In the case of Pine Ridge there are 25 council members.

At the meeting of the United Sioux Tribes the tribal chairman and council members from each reservation are present. I met with this group about 10 days ago, and I can tell the Members that the United Sioux Tribes abhor the radical activities of AIM, as much as anybody else. This is not to their liking, nor do they give their approval.

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

Mr. ABDNOR. I yield to the gentleman from Montana.

Mr. SHOUP. I should like to commend the gentleman from South Dakota for his stand, and I certainly associate myself with his position. I should like to make my feelings known in this regard and included in his special order today, to further emphasize the injustice that is being done at Wounded Knee.

Mr. Speaker, I wish to associate myself with Congressman JAMES ABDNOR of South Dakota in his demand for justice at Wounded Knee.

The minority of extremist reactionaries who are carrying out this transgression on the rights of those residing in the immediate area and on the rights of the members of the Oglala Sioux should be dealt with justly but firmly. It is the right of every member of American society to voice nonviolent opposition. In fact it is the responsibility of citizens to do so when they are opposed to something. But it is not the right of one small segment of this Union to infringe on the rights of everyone else.

AIM—American Indian Movement—claims it is trying to improve the lot of the American Indian as a whole. If its practical application of effort was as pristine as its carefully chosen name and the verbal claims it has been making, then AIM would deserve our recognition as a hard working organization interested in helping to alleviate many of the problems facing American Indians today. But AIM is not so oriented. The group, while saying one thing and espousing one set of principles, practices another. It is clearly the small minority of radicals trying to accomplish by violent confrontation what they have failed to accomplish by working democratically through their tribes. I, like my distinguished colleague from South Dakota, believe that the time has come to stop mollycoddling these reactionaries and simply evict them from the Wounded Knee area they have fortified. It is time for the majority Indian feeling to take precedent.

Mr. Speaker, this is one Nation, indivisible. We are a democracy that is made up of, by, and for all the people in this country. If the majority of Indians in the individual tribes felt the same as the Wounded Knee dissidents, I would feel more compassionate toward them. But the fact of the matter is that most Indians in this country are profoundly embarrassed by it all.

The dissidents at Wounded Knee are the kind of rabble that exist in any society; always anxious to take control and force anarchy upon everyone else. The AIM group could not gain significant control in the tribal governments, which are duly constituted and elected by the individual tribal members. So instead, AIM took over Wounded Knee and demanded that the Federal Government go in and dissolve the tribal government of the Oglala Sioux and set the AIM leadership up in control of the tribe. What they could not accomplish through democratic process, they have attempted to accomplish through totalitarian action.

Perhaps the greatest irony of this entire affair is that during a period of time when we are dealing with hammering out a first amendment shield law to protect newspersons, to insure that the press is able to serve its critical function in our society, the press has failed to tell the story of Wounded Knee adequately. They have been used by AIM with the result that many people in this country who have no firsthand knowledge of Indian problems have a distorted view of the situation at Wounded Knee. They are under the impression that we are dealing with a noble cause, being led by sincere, noble men and women who are only interested in raising the Indian up to his rightful place in society. That is a false image of AIM and what it is doing at Wounded Knee. The rabble-rouser reactionaries occupying Wounded Knee are opportunistic activists who are conducting their confrontation totally without the backing of even the tribe whose reservation they occupy.

One thing that the reporters have not examined in much detail is how many of those occupying Wounded Knee are actually Oglala Sioux. No great effort has been made to tell the American public just how other American Indians feel. Those other Indians, by far the majority of native Americans, have refused to support AIM, refused to vote for AIM members when deciding tribal councils, view the AIM groups as misdirected, misinformed radicals bent on destroying decades of critical work by both Indian leaders and whites to ease tensions and raise the life style of native Americans. Most of the reporters have been more concerned with sending in stories filled with images of the noble savage defending his last stronghold. When will we hear and read of the other side?

The end result of all this has been that do-gooders have been, as Congressman ABNOR pointed out:

> Attracted by this and have prolonged and aggravated this serious situation, not fully understanding the situation nor appreciating how unrepresentative of the Indian people those spokesmen in braided hair and headbands seen on television really are.

Mr. Speaker, I join with my colleague from South Dakota, who represents the area of Wounded Knee and the Oglala Sioux, in calling for an immediate end to the occupation of Wounded Knee by the AIM group and criminal prosecution of those involved. We cannot tolerate anarchy in our society. We cannot tolerate the destruction of property, infringement on the rights of others, Indians and whites alike by the AIM group. Their fires of radical, violent dissent were fueled by the payoff of $66,500 to end the BIA occupation in Washington last November. I say that it is time to stop trying to buy off dissidents. It is time to stop tolerating their authoritarian activities designed to steal duly constituted power from those elected by Indians themselves, and placing everyone in our society at bay.

We are all Americans, whether we be Protestant, Catholic, Jew, black, yellow, white, or red. We are Americans first, with our first responsibility and our first pride in that fact. While we must be cognizant of our individual groups' needs, we must stop pandering ourselves at every opportunity to minority viewpoints and carry as our first responsibility the desires of the majority. That principle exists in this august body and it is the foundation of a popular democracy. So it must be applied in the Wounded Knee case and all other such occurrences.

Though Wounded Knee is outside my own district, it seems to me that AIM's activities spill over to affect us all. I have a substantial Indian constituency, most of whom feel this kind of activity should be stopped. We have remained restrained and silent. Now it is time for us to stand up for the rights of Indians as fellow American citizens.

Mr. MELCHER. Mr. Speaker, a second tragedy at Wounded Knee is possible if American Indian Movement activists continue to flout the law. Their revolution hurts the efforts of Indian tribes everywhere that are trying to solve Indian problems and grievances.

None of us, regardless of the color of our skin or our cultural heritage, should be allowed to take the law into our own hands. Anarchy would be the result. Grievances that we have against the Government must be handled in a democracy through the regular processes of law.

The Indians of America have had grievances aplenty. Some of these have been recognized and corrected. Those that remain should be presented not by such action as taking hostages and seizing physical control of Wounded Knee. The fact that the hostages have been released does not remove the guilt of having taken them.

Tribal officials elected through the democratic process on each reservation by each tribe should be the official spokesmen for the people of each tribe. The American Indian Movement action

at Wounded Knee has disregarded the elected Oglala Sioux tribal leadership. It follows, therefore, that the AIM activists are also defying the wishes of the overwhelming majority of the Oglala Sioux people on their own reservation and the fact cannot be ignored that many of the AIM group at Wounded Knee are not of that tribe.

It is a breakdown of law and order that hurts the aspirations of Indian people on the Pine Ridge Reservation and other tribes throughout the country. Violence begets violence.

The AIM leaders should promptly withdraw from their illegal position at Wounded Knee and end their militant seizure of power. The Justice Department handling of this incident has not been successful as yet but it is their duty to enforce law and order.

Legitimate grievances of that tribe cannot be considered until order is restored. The AIM actions at Wounded Knee are preventing this and the fact that they are getting away with it is harmful to Indian peoples everywhere.

The situation is a sad commentary on our ability to run effective government as we should.

Mr. KUYKENDALL. Mr. Speaker, I am proud to associate myself with the remarks of my colleague from South Dakota and with the other distinguished Members of this body who have done so.

Without addressing myself to the history of Indian injustices or to the provocation that may have led to the second battle of Wounded Knee, I wish to commend the gentleman from South Dakota for the courage to say what he has said, and to take the stand that he has taken.

He calls for an end to anarchy and for the restoration of the rights of people who have been inconvenienced or worse. He calls for the U.S. Government to recognize and to exercise its obligations to the people that it governs.

There has been a noticable reluctance throughout the Wounded Knee affair on the part of many in positions of responsibility to act or to call for action. JIM ABDNOR of South Dakota has not shirked that responsibility.

THE FIVE IRISH AMERICANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ), is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, while we are still on this subject of law and order, but from another viewpoint, I notice that the President today sent over the sixth installment of what he describes as the "state of the Union," and in it he is asking this Congress to consider, at a time when he gets ready and presents them, specific bills reflecting his desires along the lines he speaks of in this message concerning reform of the Federal criminal statutes, and he points out in the mimeographed copy which we were handed on the floor a while ago the following—and I quote from page 3:

> With the passage of new criminal laws, with the unfolding of new court decisions interpreting those laws, and with the development and growth of our Nation, many of the concepts still reflected in our criminal laws have become inadequate, clumsy, or outmoded.

Now, Mr. Speaker, I hope that the President in his desire to bring about those wholesome aspects of reform that would be reflected in the codification of our laws will also not unwittingly contribute to a state of hysteria that will lead to the results that most unfortunately this Congress was stampeded into when it passed the amendments in 1970 to the omnibus crime and safe streets law. The amendments of 1970 were described as the so-called antiorganized crime bill.

Mr. Speaker, at that time a few of us expressed our concern, voiced our opposition and voted in the end result against the entire package of amendments because we felt some provisions in those amendments completely outweighed the good in other sections of that legislation.

Mr. Speaker, events since 1970, less than 2 years ago, have clearly confirmed our misgivings, have clearly justified our warnings, and are an ominous reminder that this Congress has obtained the passage and enactment into legal form of some statutes that oppress and bear heavily upon the people as in no other English-speaking jurisdiction in the world today.

Mr. Speaker, as we are gathered here this afternoon, there are five Americans, popularly known as the "Five Irishmen From New York," who are in the Tarrant County jail in Fort Worth, Tex., on the basis of the law that was enacted in 1970 which set out for the first time in Anglo-American jurisprudence the so-called special grand jury.

I remember well the atmosphere that prevailed when this House approved those amendments. Many Members expressed to me privately their misgivings and their agreement with our position, but they said, "Politically, this is 1970, and we cannot be caught voting against a law which is against crime."

Now, let us see what we have done. I have annotated and chronicled 11 purely politically motivated special grand jury activities throughout the country since 1970. For the first time in the history of this jurisdiction, and including even England itself, since the days of the Star Chamber proceedings, any one of the Members of this Congress and any one of our citizens listening to this can forthwith and without any prior warning be notified that a special grand jury has been convened 2,500 miles away from his home locus, and that he must present himself to answer charges there.

This is what has happened to the five from New York who are now in jail again and who prior to last month had been summoned to a specially convened grand jury in Tarrant County not knowing for what purpose they would have to answer in Fort Worth, which is at least 1,800 miles from their homes in New York. These are five Americans of Irish extraction.

It is ironic that today the House is sort of celebrating in anticipation of St. Patrick's Day. These Irishmen we think have been summoned and jailed because British agents have informed our Department of Justice that they suspect these men have been engaged in gunrunning into Ireland.

In all of the months these men have been harassed and pulled from their homesite in New York down to Texas nobody knows for sure if that is the case.

They are men of modest means, and, therefore, they have had to remain in jail. A few weeks ago some of us spoke out and did compel, by focusing and helping focus public attention, their temporary release. However, since then they have again been remanded to jail.

As far as I know, formal charges specifically setting forth what they are suspected of have been long withheld from anybody's knowledge.

What can a citizen do if he is summoned in this fashion with no recourse and no real means of defense and no financial resources?

There have been 10 other instances that can be chronicled of a similar nature that have purely political motivation. All of this we foresaw and warned against in 1970. Unfortunately, the great overwhelming majority here heedlessly went on and voted for this law by an overwhelmingly preponderant vote.

There is nothing in English, American, or the English-speaking world jurisprudence that equals the danger contained in these laws. It does the main reason why the grand jury system was founded to begin with. I must recall to you that grand juries were founded for precisely the reason that the citizen had to have some protection against the overweening and intrusive power of the crown—the state. That has been removed and compounded with a vengeance because in that law we also set up for the first time a completely antagonistic concept to our basic reason of being for a grand jury, and that is we have equipped these juries with the right to issue reports.

I want to remind my colleagues, who are politicians par excellence or else they would not be here, that although they may be taking comfort in the fact that what they consider to be a friendly and a responsible regime is in power in this administration that we can never vouchsafe that our laws will be enforced and carried out by angels. That we must in considering the enactment of the laws take into consideration that maybe the devil himself might be some day enforcing these laws.

What we have done in the passage of this law is to create a monster and an enemy and a constant overhanging threat to the basic liberties of every American. Any criminal or civil district attorney who is desirous of wreaking vengeance on somebody for purely political purposes had a handmade apparatus at his disposal with which to beat the heads of the helpless victims that reflect and represent his political enemies.

As we are gathered here today there are five Americans who are living examples of a great injustice with very little recourse to the proceedings of justice except at the whim of the Justice Department and the administrators who have sought on 11 different occasions

special grand juries. Why should this Congress not now take advantage of the President's request that we revise our criminal code in order to reconsider this abomination in the law?

Mr. Speaker, I urgently request that we not be stampeded into hasty enactment of criminal legislative laws merely because we are aroused about the condition of our country and the seemingly unimpeded rampage of criminal behavior in our country.

I want to point out to you that it does very little good for any legislative body to enact more laws if we do not have the efficient administration of those laws. If policemen refuse to arrest, if district attorneys refuse to prosecute, what good is it to add and compound numerous laws in the statute books? Very little. If our system of justice is a hit-and-miss one, if the poor get convicted and the rich escape because they can get legal talent, then I think that is in greater need of reform than the merely artificial content of the phrases of the law.

So I urge my colleagues to think out studiously and carefully, and at the same time cut out this cancerous overgrowth of Star-Chamber procedures that are victimizing our citizens.

The Irish have a saying that it is easy to sleep on another man's wounds, and it is easy for us to talk and sleep comfortably and eat well while five of our fellow citizens are victims of modern-day American Star-Chamber injustices.

WAR POWERS ACT OF 1973

The SPEAKER pro tempore (Mr. WRIGHT). Under a previous order of the House, the gentleman from Michigan (Mr. ESCH), is recognized for 15 minutes.

Mr. ESCH. Mr. Speaker, the end of the Vietnam war has been greeted in the United States with profound relief that at last we have been extracted from this awful quagmire which has been so disruptive to our political processes, our national self-esteem, and our relations with the rest of the world. We greet with joy the return of our prisoners of war and with hope the prospects that fighting is gradually coming to a halt in response to the cease-fire.

Yet the end of this war has been greeted with little elation. For the vast majority of Americans this is the end of what they have long since seen as a seemingly endless conflict. For those of us who have argued against the war for the past few years, this is a time for determination that never again will the United States become involved in a conflict without wide public debate and without the consent of Congress.

One of the major lessons of the Vietnam war has been the inability of the Congress to grapple with the issue of war in a meaningful way. We have seen how very difficult if not impossible it is to control our Nation's warmaking power through appropriations.

WAR POWERS

The obvious lesson for Congress then, is to devise ways to bring to bear its extensive policy powers respecting war at the outset, so that it is not left to fumble later in an after-the-fact attempt to use its appropriations power. To achieve this purpose, I have introduced the War Powers Act of 1973.

The issue addressed by the War Powers Act is a fundamental constitutional issue. The President is limited by the specific language of the Constitution. Indeed, the framers of that document were neither uncertain nor ambiguous about where they wished to vest the authority to initiate war. They themselves were dismayed by the power of the British Crown to commit Great Britain—and its American colonies—to war. It was rightly pointed out by Abraham Lincoln in a letter to his friend, William Herndon, that it was "this power of the kings to involve their countries in war that our Constitution understood to be the most oppressive of all kingly oppression. The Founding Fathers resolved to frame the Constitution so that no man could keep that power for himself."

The purpose of the War Powers Act then, is not to divest the President of his power, but to return that power to that body for whom it was intended.

The provisions of the bill insure that the collective judgment of both the Congress and the President will be brought to bear in decisions involving the introduction of the Armed Forces of the United States in hostilities.

While it leaves the President sufficient leeway to meet an immediate crisis, it provides that, in the absence of a declaration of war, such hostilities shall not be sustained beyond 30 days without congressional consent.

It permits Congress to terminate the authorization to sustain hostilities before the expiration of the 30-day period by means of a joint resolution.

It directs that any bill or resolution, authorizing continuance or termination of military hostilities shall, if sponsored or cosponsored by one-third of the Members of the House of Congress in which it originates, be considered reported to the floor of such House no later than 1 day following its introduction.

It provides that any bill or resolution reported shall immediately become the pending business of the House to which it is reported, and shall be voted upon within 3 days after such report.

Lastly, the bill eliminates a very short yet very significant section of the Javits war powers bill which passed the Senate last year and which has been reintroduced this session. The section concerns the effective date of the bill's enactment and states that the bill shall not apply to hostilities which the Armed Forces of the United States are involved in on the effective date of this act.

There has been a great deal of concern in and out of Congress as to the possibility of the United States being reinvolved in the Vietnam conflict. The concerns stem mainly from a definitial problem—can under this clause the President recommit ground troops to Vietnam because the cease-fire agreement did not constitute an official end to hostilities. This problem has led to a major effort in Congress to disallow the funding of any activities for the war. Yet I would truly hope that Congress has not already forgotten how difficult and unsatisfactory it is for Congress to try and get a meaningful hold on the Vietnam war through the funds cutoff route. In my opinion this whole problem can be much easier dealt with by making the effective date of war powers legislation immediate, thereby, eliminating the possibility of the President's reintroducing troops into Vietnam.

Passage of this legislation will, I think, protect our Nation against future Vietnams. If ever again we enter a war, it will be with full national understanding of and support for our purpose.

The second lesson to be gained from our experience in Vietnam is the horrible destruction which results from modern warfare—the high cost to the economy, the environment, and to human lives. The suffering, in both Vietnams, has been enormous and only extensive efforts can begin to heal the wounds.

I have been pleased by recent indications that the President will push for active U.S. involvement in this effort. We have, I believe, a national moral obligation to help repair what we have helped to destroy. I am concerned, however, that we will approach this task in a unilateral fashion; that, despite our rhetoric about self-determination we will undertake to determine or at least influence the future of this area ourselves—in a new, modern version of the white man's burden.

To avoid this kind of unilateral action, I introduced 2 years ago a resolution which called upon the United Nations to take on the major tasks of bringing back stability to Southeast Asia. My resolution urged:

First. That immediate steps be taken through the United Nations Office of High Commissioner for Refugees, for the immediate placement of refugees in Indochina.

Second. That immediate steps be initiated to reactivate the United Nations Rehabilitation Relief Association in order that an extensive program of rebuilding Indochina be started upon the cessation of hostilities, and that the Congress of the United States state its intentions to appropriate funds to the United Nations to be used specifically for the rehabilitation of Indochina.

I did not choose the United Nations for these heavy responsibilities on the basis of intuitive judgment, but rather after a careful examination of the record. The accomplishments of the United Nations in humanitarian, social, and economic restoration are abundant and impressive. Anyone who has ever analyzed or researched the work of the United Nations, particularly after World War II or Korea, will find a surfeit of facts to substantiate this.

I believe it is the United Nations that can sucessfully lead the struggle to promote order, health, justice, and prosperity in Indochina. If we are to replace the helicopter with the housing development as a symbol of power, the job can be done most efficiently and effectively by the United Nations.

It was the late Ambassador to the United Nations, Adlai Stevenson, who once observed:

If the United Nations did not exist, it would have to be invented.

At this particular moment in history, I believe this to be an extremely apt statement.

A full year and a half before Germany surrendered but with ultimate victory in sight, 44 nations signed an agreement at the White House, establishing the United Nations Relief and Rehabilitation Administration. It became commonly known thereafter as UNRRA. Its specific purpose was to bring aid and relief to the inhabitants of those countries that were overrun by the enemies of the United Nations. The mission then was to end famine, pestilence, devastation, and disease in these nations.

At the peak of UNRRA operations, there were five types of offices and missions and a staff of nearly 25,000 as follows:

First. Washington headquarters. This was the administrative center for the organization.

Second. European regional office, in London. Supervised all offices, missions, and displaced persons operations in both the Middle East and Europe.

Third. Servicing offices and missions. Twenty-nine of these around the globe engaged in recruiting personnel, processing supplies, expediting the shipment of goods, and providing the various governments with health and welfare services.

Fourth. Missions to receiving countries. There were 16 of these advising governments on the preparation of requests to UNRRA for supplies and their use and distribution thereof within the Nation. They gave technical advice on health, welfare, and both industrial and agricultural rehabilitation.

Fifth. Displaced persons operation in Germany, under ERO supervision. Dealt in repatriation and care of displaced persons in cooperation with the military command.

One of the spin-offs of UNRRA, was its assistance to refugees. Help for the refugees under international sponsorship dates back much further. It can be traced to the League of Nations, in 1921. The pattern established then has been followed for decades. For the most part, we have seen nonpermanent international and intergovernmental agencies solve each problem as it arose. However, since 1951 the United Nations Office of High Commissioner for Refugees has been continuously operating under a mandate which is purely humanitarian, and exclusively nonpolitical. I believe its praiseworthy accomplishments should continue after Vietnam. The High Commissioner has become the international protector of refugees. The refugee problem was large scale after World War II and Korea. There is no reason to believe it will be any different this time. It makes sense that this Office of the United Nations carry on its work and assist those who have become displaced as a result of the fighting in Indochina.

While I believe then that the United Nations is an ideal channel for our aid, I realize there is a possibility that an arrangement cannot be agreed upon by that body. If this is the case, I believe that some other arrangements with those countries giving assistance must be made so that this aid will be truly multilateral in nature.

As we are all aware, there is still killing going on in Indochina. However, with the disengagement of the United States from Vietnam, we can hopefully look forward to a more peaceful situation in the future. As we undertake that peace, let us do all we can to make it effective. First, we must insure that peace will last; and I am convinced that passage of the War Powers Act is a major step in that direction. Second, we must restore Vietnam, North and South, its economy and its people. I am convinced that a revival of UNRRA would be a major step in achieving that goal.

WOUNDED KNEE—1890

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

Mr. ROBISON of New York. Mr. Speaker, as tensions continue to rise at Wounded Knee, S. Dak., and the militant American Indian Movement leaders take ever more radical steps to dramatize their claims against the Bureau of Indian Affairs and the leadership of the Oglala Sioux Tribe, it may be wise to briefly recall the last confrontation at Wounded Knee in 1890. I am inserting in today's RECORD a description of those events, as narrated by the National Park Service in its publication "Soldier and Brave." Once my colleagues have read about the Federal Government's last dealings with the Indians at Wounded Knee—in a situation frighteningly comparable to what we are now witnessing—they will agree that a special kind of restraint and understanding is called for on all sides. The demands and actions of AIM's leaders are unprecedented and even outrageous. But this Government and its citizens have a unity of compassion and understanding which can see us through these events and take from them the lessons which we still must learn about the place of the American Indian in our society.

WOUNDED KNEE BATTLEFIELD, S. DAK.

Location: Shannon County, on a secondary road, about 16 miles northeast of the town of Pine Ridge.

The regrettable and tragic clash of arms at this site on December 29, 1890, the last significant engagement between Indians and soldiers on the North American Continent, ended nearly four centuries of warfare between westward-wending Americans and the indigenous peoples. Although the majority of the participants on both sides had not intended to use their arms—precipitated by individual indiscretion in a tense and confused situation rather than by organized premeditation—and although the haze of gunsmoke that hung over the battlefield has obscured some of the facts, the action more resembles a massacre than a battle. For 20th-century America, it serves as an example of national guilt for the mistreatment of the Indians.

The arrival of troops on the Pine Ridge Reservation, S. Dak., to quiet the Ghost Dance disorders of 1890 provided the climate for the battle. After Indian police killed Chief Sitting Bull while trying to arrest him on December 15 on the Standing Rock Reservation, his Hunkpapas grew agitated and troop reinforcements arrived. When 200 of the Indians fled southward to the Cheyenne River, military officials feared a Hunkpapa-Miniconjou coalition. Most of the Standing Rock fugitives allied for a time with the Miniconjou Chief Hump and his 400 followers before joining them in surrendering at Fort Bennett, S. Dak.

About 38 of the Hunkpapas joined a more militant group of 350 or so Miniconjou Ghost Dancers led by Big Foot. After a few days of defiance, Big Foot, ill with pneumonia, informed military authorities he would capitulate. When he failed to do so at the appointed time and place, General Miles ordered his arrest. On December 28 a 7th Cavalry detachment under Maj. Samuel M. Whitside intercepted him and his band southwest of the badlands at Porcupine Creek and escorted them about 5 miles westward to Wounded Knee Creek, the place where Big Foot said he would surrender peacefully. Early that night, Col. James W. Forsyth arrived to supervise the operation and the movement of the captives by train to Omaha via Pine Ridge Agency. His force, totaling more than 500 men, included the entire 7th Cavalry Regiment, a company of Oglala scouts, and an artillery detachment.

The disarming occurred the next day. It was not a wise decision, for the Indians had shown no inclination to fight and regarded their guns as cherished possessions and means of livelihood. Between the tepees and the soldiers' tents was the council ring. On a nearby low hill a Hotchkiss battery had its guns trained directly on the Indian camp. The troops, in two cordons, surrounded the council ring.

The warriors did not comply readily with the request to yield their weapons, so a detachment of troops went through the tepees and uncovered about 40 rifles. Tension mounted, for the soldiers had upset the tepees and disturbed women and children; and the officers feared the Indians were still concealing firearms. Meanwhile, the militant medicine man Yellow Bird had circulated among the men urging resistance and reminding them that their ghost-shirts made them invulnerable. The troops attempted to search the warriors and the rifle of one, Black Coyote, considered by many members of his tribe to be crazy, apparently discharged accidentally when he resisted. Yellow Bird gave a signal for retaliation, and several warriors leveled their rifles at the troops, and may even have fired them. The soldiers, reacting to what they deemed to be treachery, sent a volley into the Indian ranks. In a brief but frightful struggle, the combatants ferociously wielded rifle, knife, revolver, and war club.

Soon the Hotchkiss guns opened fire from the hill, indiscriminately mowing down some of the women and children who had gathered to watch the proceedings. Within minutes the field was littered with Indian dead and wounded; tepees were burning; and Indian survivors were scrambling in panic to the shelter of nearby ravines, pursued by the soldiers and raked with fire from the Hotchkiss guns. The bodies of men, women, and children were found scattered for a distance of 2 miles from the scene of the first encounter. Because of the frenzy of the struggle and the density of the participants, coupled with poor visibility from gunsmoke, many Indian innocents met death accidentally. In the confusion, both soldiers and Indians un-

doubtedly took the lives of some of their own groups.

Of the 230 Indian women and children and 120 men at the camp, 153 were counted dead and 44 wounded, but many of the wounded probably escaped and relatives quickly removed a large number of the dead. Army casualties were 25 dead and 39 wounded. The total casualties were probably the highest in Plains Indian warfare except for the Battle of the Little Bighorn. The battle aroused the Brûlés and Oglalas on the Pine Ridge and Rosebud Reservations, but by January 16, 1891, troops had rounded up the last of the hostiles, who recognized the futility of further opposition.

Although a comparatively small number of Sioux died at Wounded Knee, the Sioux Nation died there too. By that time its people fully realized the totality of the white conquest. Before, despite more than a decade of restricted reservation life, they had dreamed of liberation and of a return to the life mode of their fathers—a sentiment strongly manifested in the Ghost Dance religion. But the nightmare of Wounded Knee jolted them from their sleep. They and all the other Indians knew that the end had finally come and that conformance to the white men's ways was the price of survival. It was perhaps not purely coincidental that the same year as Wounded Knee the U.S. Census Bureau noted the passing of the frontier.

TO COMPENSATE INNOCENT VICTIMS OF VIOLENT CRIMES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. WALSH) is recognized for 15 minutes.

Mr. WALSH. Mr. Speaker, every year in this country there are approximately 740,000 violent crimes committed. Of these, more than 130,000 result in some sort of hospital or medical expenses for the victim.

Approximately 10 percent of these victims are not covered by some form of insurance of hospitalization and the expenses they incur for being in the wrong place at the wrong time can be devastating.

Because I believe this is an unfair situation, I am today introducing legislation that would compensate these innocent victims for those medical and hospital expenses they incur for any bodily injury suffered as the result of a crime.

The Federal Government would contribute 50 percent of this cost, and the State or political subdivision responsible for the enforcement of the law would pay the balance. If more than one jurisdiction below the Federal level was responsible for enforcement, they would share equally in the 50 percent. If the law violated is strictly Federal, then the Federal Government would pay the entire sum.

In addition, there is a provision that would allow a higher jurisdiction to assume the financial obligations under this act for any of its subdivisions. For example, a State may take on all financial obligations of the counties, cities, towns, and so forth within it.

Finally, there is a limitation on who is eligible for compensation. Anyone whose earned annual income equals or exceeds $15,000 would not receive funds under the act except in the case of total disability.

Again, any expenses which are not otherwise compensated for by insurance or other means are eligible for any assistance under the legislation.

Mr. Speaker, this proposal would help to rectify a situation which causes many individuals and families a great deal of financial hardship. Some 97 percent of all violent crimes are perpetrated on those whose income is under $10,000.

It is these people at whom this legislation is aimed. They are the real victims of crime and they are the ones who can least afford the medical and hospital expenses that result.

I feel, Mr. Speaker, that it is only fair that we take steps to alleviate this hardship and I also feel that it is proper for the jurisdiction that was responsible for the enforcement of the law that was broken should contribute a share of the expenses.

In conclusion, I urge prompt action on this legislation so that those Americans who innocently become the victim of a crime and are injured as a result can receive medical treatment that does not render them into debt.

CATASTROPHIC ILLNESS

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

Mr. HOGAN. Mr. Speaker, I have for some time been concerned over the effect of a catastrophic illness upon the middle and low-middle income families, the group that is not poor enough to receive welfare and related health benefits, nor rich enough to feel no drastic economic impact from such illness.

It is for this reason that I am today reintroducing a bill (H.R. 817) which I originally introduced in the 91st Congress along with 14 bipartisan cosponsors. This legislation, the National Catastrophic Illness Protection Act of 1973, would, if enacted, allow our Nation's families to protect themselves against the scourge of catastrophic illness. The bill would provide the mechanism for such protection in a manner which could involve a very small Federal expenditure.

Catastrophic illness, by definition, would comprise those illnesses which require health-care expenses in excess of what normal basic medical or major medical coverage provides protection for. Once a family finds itself faced with having to pay for health-care costs of an extended nature, they are saddled with a financial burden that is staggering to comprehend.

Imagine, if you will, what it means to finance for years hospital care which will run between $80 and $100 a day after your routine insurance has been exhausted. For middle-income Americans who earn too much to receive welfare and who are not rich enough to even begin to meet such obligations, the result of catastrophic illness is instant poverty. The family is driven to its knees.

Such a family, which has probably already watched one of its members incapacitated and perhaps destroyed medically, also finds that its financial stability has disintegrated. Usually, private hospitals cannot afford to provide care after the family can no longer afford to pay for the hospital's services. This means that the afflicted member of the family must be transferred to whatever public facility exists to treat patients under such circumstances. Unfortunately, these public institutions are often understaffed, underequipped, and horribly overcrowded. All too often they become depositories where families must leave their children or other loved ones, because the doors of all other possible assistance have been slammed in their faces.

Catastrophic illness does not refer to a specific or rare disease. It is any disorder—from the exotic calamity to the common coronary. It is the fall from a stepladder in a home, a highway accident, or even the untimely sting of a bee, which cost one family over $57,000. It is anything that happens to any of us that causes medical expense in excess of what the actuaries tell us we should expect. Virtually every family becomes medically destitute when that point is reached. Fortunately, only a small portion of medical cases are of such magnitude. But for the thousands of families who, through no fault of their own, find themselves pummeled into such an abyss, there is—currently—no hope.

While catastrophic illness is nondiscriminating in whom it attacks, when it attacks and where it attacks, it seems that a tragically high number of these cases involve children. When a child is the victim, the parents are often young marrieds who find themselves depriving their healthy children of a wholesome family life in order to finance the health care of a sick child. Often, the havoc is so great that the young couples must watch their dreams go down the drain as all present and future planning is marshaled toward the single goal of finding the money to pay for their ill child's care.

While nearly all of the pediatric diseases that are catastrophic are individually rare, in the aggregate they afflict more families than most of us would imagine. The list of obscure diseases such as Tay-Sachs disease, Niemann-Pick disease, Gaucher's disease, Fabrey's disease, metachromatic-leukodystrophy, leukemia, muscular dystrophy, myasthenia gravis, and the scores and scores of other maladies that destroy our people at enormous emotional and financial cost to their families appears endless.

Obviously, when catastrophic illness strikes the head of a household—the breadwinner—the disaster is compounded.

We are too great a nation to stand idly by leaving our families that are victimized by catastrophic illness to their own devices. They have no devices. They are alone.

The legislation which I am proposing will go a long way toward mitigating the problems of catastrophic illness because it will stimulate our insurance industry to provide coverage that will allow any

family to protect itself fully against the costs of catastrophic illness. The legislation would foster the creation of catastrophic illness—of extended care—insurance pools similar to those that have been successful in making flood insurance and riot insurance feasible.

Because all participating insurance companies would be required to promote the plan aggressively, and because we would be dealing, statistically, with a small minority of all claims, the cost per policy should be low. As more people buy this new protection as part of their health care program, thereby spreading the risk, the cost should drop even more. The Federal role would be limited to reinsuring against losses in those instances where insurance companies paid out more in benefits than they took in in premiums. As the insurance industry gained experience under the plan they would be able to sharpen their actuarial planning so that such losses would be limited, if they occur at all.

We have taken careful steps to preserve the State role in insurance administration and to allow the Secretary of Health, Education, and Welfare to participate in the actuarial review of the policy rate structure in order to assure that the rates charged for those new policies are fair to all parties concerned.

Perhaps the most attractive feature of this legislation is that it would be free of all of the constraints that are plaguing existing federally funded health care programs. We would not be overburdening an already overburdened social security system in order to finance the plan. Families who choose not to participate in the program would not be required to do so. However, on the other hand, families desiring to secure this protection would be assured of an opportunity to do so.

Under my program a deductible formula would be used to stimulate each family to provide basic health care protection. It would be only when this deductible level had been exceeded that the catastrophic insurance protection plan would be utilized. Under our formula, a family with an adjusted gross income of $10,000 would have to either pay the first $8,500 of medical expense or have provided themselves with $8,500 worth of basic insurance protection to offset the deductible requirement. Coverage from existing basic health and major medical plans would generally be sufficient to satisfy this deductible amount. However, if a family with an adjusted gross income of $10,000 incurred expenses during the period of a year that exceeded $8,500, our catastrophic or extended care program would be available to see the family through the period of financial burden when they would ordinarily be left on their own without help.

Again, because relatively few families would experience medical costs of this magnitude in a single year, the costs for this insurance should be quite reasonable—especially as more and more of our citizens availed themselves of its protection.

In developing this legislation I have met with many individuals uniquely experienced in the problems of catastrophic illness. I have discussed this proposal at great length with members of the medical community and have consulted leading members of the insurance community. More important, I have met with families that have been victimized by catastrophic illness. I have studied their plight in great detail. I know that it is wrong that these families are, in effect, abandoned—almost as a small boat adrift in stormy water.

I know that we can do something to help them and we do not have to spend ourselves into Federal bankruptcy to do it. All we need do is utilize a concept that has been tested successfully in other analogous areas.

I know someone who has watched a rare, truly catastrophic illness, strike, and ravage a son—my good friend and former partner, Harold Gershowitz. He, incidentally, suggested the idea for this legislation. In watching his young son slowly die he has chronicled many of his thoughts during this experience in a book of verse. One of his entries seems particularly appropriate to the business before us.

Harold Gershowitz observed that we all seem too busy with the tumultuous pace of day-to-day living to take the time to reflect about those whom life is passing by. Let me share with you his poem entitled "Beautiful Children":

Everyone seems busy
Shopping, working, driving, dating—
While beautiful children lie patiently waiting.
Highways are paved, homes are built
And life keeps rushing ahead—
While beautiful children
Live out their lives having never left their bed.
The seasons come and the seasons go
And we hope for the good times they bring—
While beautiful children
Wait . . . having never known the Fall
And having never seen the Spring.

Our cities are filled with streets and playgrounds
Where boys and girls run and shout,
But there are also institutions filled
With beautiful children
Who have no idea what life is about.

Life can be hectic and full of petty problems
With which we seem too busy to cope,
But there are all these beautiful children
And we busy people are their only hope.

There are indeed, all these beautiful children, and there are their families—the teenagers, the adults, and the senior citizens some of whom are victims—and all of whom are candidates for catastrophic illness. Indeed, we busy people here in this Chamber are their only hope.

I urge my colleagues to support the national catastrophic illness protection bill.

THE QUESTION OF EXECUTIVE PRIVILEGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. McCLOSKEY) is recognized for 10 minutes.

Mr. McCLOSKEY. Mr. Speaker, the President, in his statement of March 11 on the subject of executive privilege, has raised a constitutional issue of the first magnitude.

In precise terms, the President has said that no member or former member of his personal staff shall testify before the Congress, no matter what the subject may be, and regardless of whether or not the information sought has anything to do with the President's right to receive candid advice from his subordinates.

This concept of executive privilege contemplates no qualification, nor does the President base his position on any argument that the national interest need be served in order to justify a refusal to testify.

On a subject such as the FBI investigation of the Watergate incident, for example, no reasonable argument can be made that the national interest requires that any staff employee's knowledge of political espionage be withheld from the Congress. Neither can it be argued that a staff employee's knowledge of this kind of situation can interfere in any way with the President's conceded need to receive candid advice in the national interest.

It seems to me that the President's statement, and his refusal to permit John Dean to testify before the Senate Judiciary Committee, raises a confrontation which Congress owes a duty to meet head on. This can be done if the Senate Judiciary Committee will subpena Mr. Dean and pursue its ordinary remedies of contempt in the event of Mr. Dean's refusal to respond.

Today, two of my Democratic colleagues have called for use of the contempt power should Mr. Dean decline to testify.

It might be noted, also, that seven Republican members, ordinarily supportive of the President, joined in introducing H.R. 4938 a few days ago, which would permit executive privilege to be claimed only when the President has personally declared that the national interest will otherwise be jeopardized.

I urge our colleagues in the Senate to exercise the congressional contempt power if Mr. Dean refuses to appear. Similarly, I suggest that we consider exercising the power of the purse to cut off Mr. Dean's salary should his refusal continue.

Congress makes the laws, not the President. There is no constitutional nor statutory basis for the power the President has claimed. The President is not entitled to interfere with congressional power to ascertain the truth, any more than Congress is entitled to interfere with his proper action to see that the laws are faithfully executed.

At this point in the RECORD, I would like to append today's statement by our colleagues from Pennsylvania and California, respectively, on this subject, and also a copy of H.R. 4938.

Mr. Speaker, I ask unanimous consent that at this point in the RECORD other Members may extend their remarks be allowed to and that I may include a copy of H.R. 4938.

The SPEAKER pro tempore (Mr. WRIGHT). Is there objection to the request of the gentleman from California?

There was no objection.

The statements are as follows :

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, a few days ago, the President of the United States unilaterally assumed extraordinary powers well beyond those enumerated in the Constitution which he swore to "preserve, protect, and defend." He announced he would invoke the claim of executive privilege to prevent the officials of his administration from appearing before committees of the Congress of the United States in cases where he felt they should not testify.

The President by this action is not threatening to exercise the claim of executive privilege. In reality, he would be invoking some imagined form of immunity.

We call upon the President of this great Nation to be a "strict constructionist" of the Constitution.

We demand, as two duly-elected Representatives of the people, that he adhere to article II, section 3 of the Constitution requiring him to communicate to Congress and faithfully execute the laws of the United States.

The President's March 12 statement on executive privilege is so far-reaching in its effect upon the traditional structure of the Government of the United States that it should have been submitted to the Congress in the form of a resolution to amend the Constitution.

The President obviously is operating under the illusion—which has become increasingly clear in recent months—that he has the sole power to govern this Nation and that the Congress may intrude only to the extent that he is willing to tolerate and only so long as he regards its actions as wise.

In any case of disagreement, the President appears to assert a self-assumed privilege to make the final and binding determination. This must be rejected by the Congress and by the American people.

Executive privilege, a privilege analogous to the other claims made by Chief Executives of the United States over the many years of so-called inherent powers, has never been fully tested in the courts except to the extent of the test before the Supreme Court in the Youngstown Sheet and Tube case when the late President Truman seized the steel mills under a claim of inherent powers. The Court in that case severely limited the President's inherent powers and struck down the seizure. What the Court said of inherent powers is equally true of any claim of executive privilege.

President Kennedy on March 7, 1962, agreed to limit his claim of those powers by judging each case on its merits and permitting so-called executive privilege to be invoked only by the President. The late President Johnson, in a similar declaration on April 2, 1965, agreed to continue the same policy.

In a letter to the House Foreign Operations and Government Information Subcommittee on April 7, 1969, President Nixon appeared to concur. He used more language; he was not as precise as a few days ago; nevertheless, he did not then assert the kind of privilege broadening the claim of privilege which has occurred in his most recent statement.

If the Congress must join this issue with the President—then let this Congress enter upon that battle with a full understanding of both its powers to act and its responsibility to act to preserve our constitutional form of government.

Through a lack of understanding and because of a Presidential arrogance which outpaces congressional understanding, the Congress must not permit the creation of an executive larger than life. The Congress does not find itself at this moment powerless in challenging this unprecedented and most arrogant form of claim of executive privilege made by any Chief Executive in the history of this Nation.

If witnesses decline to appear, then the body of Congress faced with this challenge to its powers should promptly cite that witness for contempt of Congress and should directly act to take him into custody if the person fails to comply with the congressional demand for appearance and the giving of testimony. A writ of habeas corpus could then be sought, and the issue would be before the courts for the first time in American history.

Any President who bases privilege claims upon a continuing tradition demonstrates an amazing lack of knowledge with the detailed history of the confrontation between the Congress and the Executive.

President Nixon states that Executive privilege was first invoked by President Washington. Presumably, he referred to a House investigation of the defeat of Gen. James St. Clair by the Indians. Every scrap of information on the whole disastrous affair was disclosed by President Washington to Congress. So there was no Executive privilege in this case. The contention that there was is a myth.

In regard to witnesses, there is no trace of this privilege claim in American history until President Eisenhower's administration. So it is patently false that President Nixon's advance assertion of Executive privilege in refusing to allow White House aides to testify before Congress is deep-rooted for "almost 200 years."

The President obviously wants to erect a barrier so that Congress cannot carry out its functions to legislate with the fullest understanding of details of conduct within the executive departments and agencies. But the Congress cannot determine whether there is fidelity to the mandates it has given the executive without compelling the appearance of executive department personnel and requiring them if necessary, to testify under oath.

In doing so, the President picks a most inopportune moment; his motives must be brought sharply into focus in view of the revelations of his nominee for FBI Director before the Senate.

We charge that the President also has added another new element to the claim of Executive privilege and that is the assertion that administration officials need not answer the call of congressional committees if the performance of their duties would be seriously impaired. This new alibi could be voiced by every official. If this is allowed to stand, there will be no need for congressional hearings because there will be no witnesses to inform the Congress and the American people what their Government is doing and why.

The President is trying to recast us into mold of government with a dominant executive, but Congress is dominant under our Constitution. Congress makes the laws and can impeach and question activities of the President and every other Federal official. God forbid that this ever change because then our Constitution will be nothing but a scrap of paper.

We invite—yea, urge—even demand if we must—that President Nixon reexamine his blanket claim of privilege in the light of the strict constructionist doctrine he believes the Justices of the Supreme Court should adhere to in their decisions.

We also remind him of his own words in the U.S. Senate April 22, 1948, when he, as a Member of Congress, was attacking the claim of executive privilege.

The point has been made that the President of the United States has issued an order that none of this information can be released to the Congress and that therefore the Congress has no right to question the judgment of the President in making that decision.

I say that that proposition cannot stand from a constitutional standpoint or on the basis of the merits for this very good reason: That would mean that the President could have arbitrarily issued an Executive order in the Meyers case, the Teapot Dome case, or any other case denying the Congress of the United States information it needed to conduct an investigation of the executive department and the Congress would have no right to question his decision.

Mr. McCLOSKEY. Mr. Speaker, the copy of the bill H.R. 4938 is as follows:

H.R. 4938

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 552 of title 5 of the United States Code (the Freedom of Information Act) is amended by adding at the end thereof the following:

"(d)(1) Whenever either House of Congress, any committee thereof (to the extent of matter within its jurisdiction), or the Comptroller General of the United States, requests an agency to make available information within its possession or under its control, the head of such agency shall make the information available as soon as practicable but not later than thirty days from the date of the request unless in the interim a statement is submitted by the President or by an agency head signed by the President invoking Executive privilege as the basis upon which the information is being refused.

"(2) Whenever either House of Congress or any committee thereof (to the extent of matter within its jurisdiction) requests the presence of an officer or employee of an agency for testimony regarding matters within the agency's possession or under its control, the officer or employee shall appear and shall supply all information requested except that such officer or employee may refuse to supply those items of information specifically ordered withheld by the President in a signed statement in which Executive privilege is invoked.

"(3) Executive privilege shall be invoked only by the President and only in those instances in which the required information or testimony contains policy recommendations made to the President or agency head and the President determines that disclosure of such information will seriously jeopard-

ize the national interest and his ability or that of the agency head to obtain forthright advice. To the extent possible, however, factual information underlying policy recommendations shall be made available in response to a request.

"(4) 'Agency', as used in this subsection, means a department, agency, instrumentality, or other authority of the Government of the United States (other than the Congress or courts of the United States), including any establishment within the Executive Office of the President."

GOLDEN GLOVES TOURNAMENT

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, the largest newspaper in my district, the Lowell Sun, under the auspices of Lowell Sun Charities, Inc., has sponsored an annual Golden Gloves Tournament in Lowell, Mass., for the past 27 years. Due to the program's overwhelming success, Lowell will host the National Golden Gloves Tournament this year during the week of March 19 to 23. This tournament will focus national attention on the city of Lowell.

During its 27 years of sponsorship, the Lowell Sun has afforded a unique opportunity to participate and achieve in an atmosphere of athletic competition for young men who otherwise may not have had the opportunity. It provides the arena in which young men may realize athletic goals, while providing enjoyment for the people of the Merrimack Valley and New England. Proceeds derived from the tournaments have been donated by Lowell Sun Charities, Inc., to aid various individuals, projects, and organizations in the community.

In the truest sense, Lowell Sun Charities, Inc., has represented "community involvement." They deserve high praise for their efforts in the past and sincere hopes for continued success in the future.

INCREASE COMPENSATION TO VETERANS TOTALLY DISABLED IN COMBAT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. BURKE) is recognized for 10 minutes.

Mr. BURKE of Florida. Mr. Speaker, I have introduced today, a bill, which, if enacted, would provide additional compensation to veterans who are totally disabled as a result of combat injuries.

Now that the war in Vietnam has ended, I feel it is a proper time to think about our men who served in combat, and who have been totally disabled as a result of their service to our country. It is time to reflect on our present policies regarding veterans compensation, and to adjust benefits in accordance with the service that has been given to the United States, and to recognize those who faced enemy fire and were cut down.

It is my opinion, that those who have been wounded and maimed totally in direct combat with the enemy should be singled out from others who have been wounded and maimed while serving in the U.S. armed services and be recognized as men who faced greater danger, under more hazardous conditions and with less chance for survival than others. It can be argued that all permanent and total disabilities are equal in their impact upon individual lives, and I do not contest this. Rather, I feel we should honor those who have borne the brunt of the battle more than any others while still caring for all our disabled veterans. This is, of course, true not only to Vietnam veterans, but of all our totally disabled veterans irrespective of which war they served in.

A "Red Badge of Courage" fades with the years and with the changing tides of public opinion, but we can keep these bright and respected by showing that this Nation values highly those men who place their lives on the line to maintain our Government and our way of life for ourselves and our children.

THE ROLE OF CONGRESS

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, Neil MacNeil, who has covered Congress as a Time correspondent for 15 years, recently shared a dais with other well-known congressional experts at a Time, Inc.-sponsored symposium on "The Role of Congress." I wish to include his remarks in the RECORD today, along with other panel comments. The panel moderator was Louis Banks, editorial director, Time, Inc.:

THE ROLE OF CONGRESS

Mr. BANKS. I now present you with a worthy opponent. I quickly identified the man who made that remark about stuffing Congressmen and putting them in the Smithsonian. He is my colleague, Neil MacNeil. He is a scholar in his own right, our resident scholar.

He not only has been covering Congress for TIME for 15 years but he has won his own way into the ranks of scholars for his thoughtful books and his monographs and his very serious discussions on television. He is a television panelist of some note. It will be Neil's role to speak briefly and then lead us into the panel session and perhaps we will again have the Webster-Clay debates.

Mr. MACNEIL. Thank you.

I hesitate, but not enough, to tell a story following Senator Ervin. After-dinner speaking always reminds me of an incident with President Coolidge. He was at a dinner seated on the dais. Next to him was the speaker of the evening who was something of a pompous fellow and rather ostentatiously declined to eat his dinner. He explained to the President that he never ate before speaking.

In due course he got up and made a speech and sat down again next to the President. Cal Coolidge said to him, "You should have et."

By personal observation, all the panelists here tonight and Lou Banks "have et."

I am going to address myself not entirely to what Ralph Huitt said in summarizing his paper. At least in part, I disagree with Dr. Huitt's diagnosis of the good health of Congress. It is perfectly true that Congress continues to hold formidable powers as he illustrates. But I find Congress more and more hesitant and reluctant to use those powers.

I agree with him that the strength of Congress is not broken, but it is bent and sagging, as I see it.

Take the field of foreign affairs. The last five Presidents have made war almost at will and Congress has tamely submitted.

Take the powers of the purse. The President openly frustrates congressional intent by simply refusing to spend the funds appropriated by impounding them. I am not speaking only of the present President, but of all recent Presidents.

So far in this, Congress has acquiesced. Although some members, and notably Senator Ervin, have sought ways to stop the practice.

There are other areas almost as important where the Executive Branch has made incursions on the powers and prerogatives of Congress.

Whatever congressional reforms or congressional reorganizations may be needed, I find a singular lack of a sense of the institutional integrity of Congress, not only by recent Presidents and the outside world but by many members of Congress themselves.

It seems to me over the years that the members of Congress have lacked the will, the grit, if you will, to insist on the coequal status of the Legislative Branch in the federal system.

Part of this, I suggest, flows off the partisan party institution within Congress. Some years ago a Democratic Congressman threw his arms around the shoulders of a Democratic President, Grover Cleveland, and he said, "What's the Constitution between friends?"

There is an instinct by members of Congress, a natural instinct, to excuse or wink at the constitutional incursion of their party's Presidents. It complicates the problem of nicely sorting out these constitutional questions.

Dr. Huitt has suggested in his paper the pendulum effect in American politics, the swing of dominance back and forth between President and Congress, and between Democrats and Republicans. I'd assert that the pendulum has stuck.

The raw political fact is that the Democrats have controlled Congress for practical purposes for the past 40 years. They used to take turns with the Republicans but they do so no longer. This, I suggest, is part of the reason why the Presidents have dominated federal decision making for those same 40 years.

We are all familiar with Lord Acton's famous dictum on power, its tendency to corrupt those who hold it. He was talking, of course, in ethical, not criminal terms. I might add here another less well-known remark. In a letter to Robert E. Lee, Acton wrote that he grieved more for what was lost at Appomattox than he rejoiced at what had been won at Waterloo. He was talking then in 1865 at what he saw as the breakdown of the federal system of checks and balances, what we are talking about here tonight.

The present imbalance, the President's dominance of Government policy and the Democrats' dominance of Congress suggests to me in Actonian terms something less than a healthy situation for the Republic. It has reached the point in Congress that in election after election the Republicans in Congress expect to lose and the Democrats in Congress expect to win. And they both do. It was so this year, and has been so in my experience for 20 years. The Republicans seem engulfed in a psychological morass of defeatism on a national scale. They assume they are the minority party despite what might be happening at any given time in presidential elections. And this defeatism affects how they respond to the President. They see themselves retreating, fighting rearground, delaying actions without any great confidence in themselves or their capacity to decide national policies.

The Democrats have a somewhat different problem, which ironically produces a quite similar result. It was Franklin Roosevelt back in the 1930s who tutored them to yield to the President, and they have never quite kicked the habit. They tend to "go along," in Sam Rayburn's phrase, especially in foreign military matters, but on domestic questions, too. They tend to tolerate the President's initiatives, even when these inhibit the prerogatives of the Congress. That they do this often with grave misgivings doesn't alter the fact that it is done.

To start the panel moving I would like to address a question, if I might, to Senator Ervin on the question of impounding funds. I'd like him, if he would, to state how he sees this in constitutional terms, and what hope there is, through the appropriating process, of the Congress actually taking up and setting national priorities as I think the Constitution intended it to.

Senator ERVIN. Well, as Neil MacNeil stated in substance, the Constitution undoubtedly gives Congress the power of the purse. That is one of the greatest of governmental powers. And during recent years Presidents have thwarted the will of Congress in many respects. The present President is not the only sinner in this field because it was done under President Truman, done under President Johnson and done under other Presidents, in a lesser degree than in recent years.

But the result of this is that Congress established a program, provides an appropriation to carry that program into effect, and then the President absolutely refuses to spend the money.

Now I introduced a bill to provide that whenever the President refuses to spend any appropriated funds for a specific objective, he must notify the Congress of his actions and he must spend those funds unless Congress sustains his impoundment within a 60-day period. Of course that doesn't deal with this serious question: Even if such a bill is passed, if a President refused to abide by it, what could Congress do?

I don't think Congress could get a mandamus to compel the President to spend the funds. But, after all, the President takes an oath and says he will faithfully execute the laws of the U.S. and an appropriation bill in my judgment is a law of the U.S. And the President would not be true to his constitutional oath of office unless he carried out the will of Congress where Congress failed to justify his action within the 60-day period.

Mr. BANKS. Gentlemen, the evening has moved along and I think we ought to impanel our audience, if it is all right with you, and let them have at us. Please feel free. You have a responsibility and duty here and let's hear from you.

Mr. J. WESLEY WATKINS. I am Wes Watkins from Greenville, Miss. I am an attorney. To the entire panel, it occurs to me that the basic problem that we are really talking about is what I call an information gap.

The Executive Branch over the last forty years has built up such a fantastic amount of information and recently a computer capability, that Congress is at its mercy for information on which it bases any legislative action it is going to take. I'd like some comment from the panel on how that might be rectified, if you think it should be rectified, and if it would go any distance towards redressing this imbalance.

Mr. BANKS. Could we start with Senator Brock on that?

Senator BROCK. I'd be delighted. I think that's a very fundamental problem. Not the only problem, but it sure is one of the core problems.

I served on the Senate-House Joint Economic Committee for several years and we tried during those years—Bill Proxmire in the vanguard—to obtain for the committee the ability to create a legislative budget to give them program budgeting and other information, and data-processing techniques and staff, so that the Congress would have the tools that the President has through his Office of Management and Budget. We simply do not have adequate data in the Congress at the present time.

The President's justification comes to him in great reams, but the Congress only sees the figures that the agencies want to bring to us when they bring their appropriation requests down.

What it means is two things: first, we cannot properly evaluate a program request and the various alternatives to it. And, second, perhaps even more fundamental, we cannot address the overall problem of a legislative budget and of the establishment of some ranking of national needs and priorities balanced against the resources we have in any given period.

The Congress simply must have more tools. The Congress can grant itself those tools. It just simply has not done so. I think it is imperative that it do so.

Dr. HUITT. I think the fundamental question about the information gap does not come so much because Congress doesn't have access to the existing data. Goodness knows we are really drowning in facts and figures. The real problem is that we don't have any answers to any questions that really matter.

I spent three and a half years in the Executive Branch, a participant role as assistant secretary of H.E.W. for legislation. I was struck with the fact that we could always find out anything, except what we needed to know. And the policy ultimately was made on a kind of seat-of-the-pants judgment. I will give you an example.

We had a presidential commission on vocational education that was charged with finding out how well vocational education had worked and, therefore, what should be done to it.

The first page of the commission's report said: "There is not a single question that matters about vocational education to which we have the answer. We don't know how many students have taken vocational education in the courses that have been supported by the Government. We don't know therefore, how many of them got jobs related to the vocational education. And, of course, we don't know how long they stayed at those jobs or whether after they left they took jobs related to what they had studied."

Now how in the hell can you say whether vocational education has worked or not if you don't have any answers to questions like that?

Or take the matter of what we should do to improve educational opportunities. This is an American goal because we have looked on this as a way of equalizing opportunities. We have no idea, really, whether the money ought to go into preschool education, as some people claim, or higher education, or what. We don't even know, really, how most of these programs work. And one of the reasons why we don't know is because before we can evaluate a program we have to say what it is supposed to do. We have to develop adequate measures to tell whether it has accomplished its purpose or not.

Now this is not a defense of anything. I'm simply saying that if we were to put into a computer for the use of Congress everything the Executive Branch now knows, Congress would fall victim to the old dictum of the sophisticated computer operators: "Garbage in; garbage out."

Senator BROCK. I just don't agree.

We have been trying, for the 10 years I have been in the Congress, to get an information retrieval system available to members of Congress. I can cite you 12 state legislatures that have that. They can have in their offices a little telex copier or a video screen that allows them to punch in a question on education, and then specify vocational education, and then get a listing of all bills that have been introduced on the topic; probe into one particular bill, get pro and con arguments. This kind of information is available to any business that does any medium-size volume, and at least to 12 state legislatures.

And, yet, when I talked to one of my really fine colleagues he said: "Gee, we can't consider something like that. It would cost $2,000,000."

Do you know how much money we are spending? $250 billion a year, and we can't spend $2 million to enable us to do a better job for the people of this country. I just don't understand that. I think it is illogical. I think it is wrong.

Dr. HUITT. Let me just say I happen to agree with Senator Brock. I don't want to appear to say that I don't support the kind of thing you are talking about. I am simply saying that I don't think information by itself solves problems.

Mr. MACNEIL. I'd like to make a point on this. The fact is the question of computer retrieval has come before the Congress and it has been voted down. The members are afraid that the taxpayers and the newspaper writers and others will complain about the increasing cost of Congress, and that's where it fails. Congress is badly crippled across the board on inadequate, nonprofessional staffing, and Congress does not have to nerve to vote what they actually need to function as a coequal branch of the Government.

BLOUNT'S BABY

The SPEAKER pro tempore. Under a prevous order of the House, the gentleman from California (Mr. CHARLES H. WILSON) is recognized for 5 minutes.

Mr. CHARLES H. WILSON. Mr. Speaker, as a number of my colleagues know, I was very shocked to learn that former Postmaster General Winton M. Blount's construction company was awarded an $18 million contract to build a Des Moines, Iowa, bulk mail postal facility.

As the chairman of the Subcommittee on Postal Facilities, Mail, and Labor Management I am, of course, taking particular interest in any contract let on a bulk mail facility which will be an integral part of the Postal Service's overall bulk mail system.

I pointed out in a news release that there has already been some controversy over the site selection and construction of a postal facility at Secaucus, N.J. Now I find that the former Postmaster General is being awarded an $18 million contract to build a bulk mail building in Iowa.

Even if Mr. Blount's former position as Postmaster General has in no way influenced the rewarding of the multimillion dollar contract, the occurrence of such an arrangement looks so shady that it cannot help but further lower the public confidence in the already deeply troubled Postal Service.

I, therefore, requested that Postmaster General Klassen supply me with a comprehensive and detailed report on the U.S. Postal Service's $18 million bulk mail facility contract with the Blount Brothers Corp.

In the meantime, an incisive editorial on the Blount-U.S. Postal Service contract appeared in the March 14 issue of the Federal Times entitled "Blount's Baby." With permission of my colleagues,

Mr. Speaker, I will insert this very illuminating editorial in the CONGRESSIONAL RECORD at this point:

BLOUNT'S BABY

Let's take the case of a political appointee who creates a program while in government and later profits from this same program when he returns to private life. Is this kind of thing legal? Probably. But it often smells much like conflict of interest.

A new example, involving a former cabinet member, hit the fan last week.

Reference is to former Postmaster General Winton M. Blount, whose construction company has just been awarded an $18 million contract to build an automated bulk mail factory at Des Moines, Iowa.

The bulk mail system was started while Blount was Postmaster General. It might be remembered, too, that when he left government service Blount said his proudest achievement was that he removed "politics from the postal service."

There still remains, incidentally, a good deal of doubt about this bulk mail center idea. Essentially, the project calls for the contruction of expensive, automated mail factories at various locations throughout the country. Parcels and several other classes of mail will be sent to these mail factories for processing, then sent on to the appropriate destination. One major problem is that mail which originally would go from Point A to Point B—say a distance of 50 miles—will, in many cases, travel several hundred miles. An extreme example cited on Capitol Hill involves a package that now takes a trip of 20 or 30 miles but—under the bulk mail center system—would travel nearly 1000 miles. The entire project is expected to cost more than $1 billion.

In any event, and whether the new system proves a step forward or an expensive step backward, the bulk mail center system is undeniably Blount's baby. And his firm—Blount Bros. Corporation of Montgomery, Ala.—is now making a tidy profit out of the system.

True, Blount Bros. was the low bidder—among 45—to the Army Corps of Engineers for construction of the facility at Des Moines. And by law the Corps is required to accept the qualified low bid in open competition. But many will wonder if the former Postmaster General's contacts did not somehow help him to offer the low bid.

Blount, appointed Postmaster General by President Nixon in 1969, was the last PMG to serve under the Post Office Department and the first in the U.S. Postal Service. During his time in office he put interest in the construction firm he founded into a trust arrangement. He also ordered the firm not to bid on any federal projects while he served with the federal government.

Now that he is no longer with the federal government it's back to business with the government, notably the Postal Service.

Well, as stated before, this may all be perfectly legal and above aboard. But it smacks of cronyism and political chicanery, too.

It reminds us of a remark Joe Louis made a number of years go at ringside after watching a particularly odiferous heavyweight championship boxing match. The "fight" was one in which both boxers appeared to want to lose. Joe Louis, a champion's champion, was asked how the fight might affect professional boxing. Joe replied quickly: "Well, it don't help it none."

The Postal Service has many problems today, as we all know. And the Blount $18 million construction deal most certainly "don't help it none."

ABOLISH THE DEATH PENALTY

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

Mr. DRINAN. Mr. Speaker, today with 26 of my colleagues I am introducing legislation to abolish the death penalty under all Federal laws.

The timing of this legislation could hardly be more appropriate. For today President Nixon has transmitted to Congress a state of the Union message on criminal justice that calls upon Congress to reinstate the death penalty in certain circumstances as a means of combating serious crime.

Only last June the Supreme Court held, in *Furman* v. *Georgia* (408 U.S. 238), that infliction of capital punishment is unconstitutional under the cruel and unusual punishment clause of the eighth amendment. While many, including myself, read the Court's decision as prohibiting the death penalty under all circumstances, others, including President Nixon, interpret the decision as leaving a narrow zone of situations in which capital punishment may be constitutionally inflicted.

In view of the controversy surrounding the Court's decision, and particularly in light of the President's proposals, I am persuaded that this issue should be finally resolved by Congress.

I would like to quote from Mr. Justice Blackmun's dissenting opinion in Furman against Georgia:

I yield to no one in depth of my distaste, antipathy, and, indeed, abhorrence for the death penalty, with all its aspects of physical distress and fear and of moral judgement exercised by finite minds. That distaste is buttressed by a belief that capital punishment serves no useful purpose that can be demonstrated. For me, it violates childhood's training and life's experiences and it is not compatible with the philosophical convictions I have been able to develop. It is antagonistic to any sense of "reverence for life." *Were I a legislator, I would vote against the death penalty for the policy reasons argued by counsel for the respective petitioners and expressed and adopted in the several opinions filed by the Justices who vote to reverse these convictions.* [Emphasis supplied.]

Like Mr. Justice Blackmun, I see the necessity for Congress' immediate action in this matter. In introducing this legislation I would like to comment upon the President's proposed reinstatement of the death penalty and then review the arguments for and against capital punishment.

The President bases his support for renewed capital punishment on a simplistic "big stick" theory of justice. So as to attempt to evade the Supreme Court's aversion to the arbitrary nature of past administration of the death penalty, the President's proposal suggests a scheme that would allow the death penalty to be imposed for the crimes of "war-related treason," "sabotage," and most significantly, "all specifically enumerated crimes under Federal jurisdiction from which death results."

This last category is tantamount to opening the floodgates of Government-licensed executions. It is indicative of the President's shortsighted view that justice is a matter of "eye-for-an-eye" vengeance—not correction.

The President would attempt to avoid the constitutional limitations on the death penalty by authorizing the sentencing judge or jury to automatically impose the death penalty "where it is warranted." After the trial and prior to sentencing, a hearing would be held to consider either aggravating or mitigating factors in the case. If one mitigating factor is found, then the death penalty could not be imposed. In the absence of mitigating factors and in the presence of aggravating factors, imposition of the death penalty would be mandatory.

The fallacy of the President's plan is that there is no evidence whatever that the reinstatement of capital punishment will have the effect of reducing the number of serious and violent crimes. The traditional reluctance of juries to send a man to his death can hardly be expected to vanish overnight. The situation will in all likelihood develop where juries continually find mitigating circumstances so as to avoid the mandatory imposition of a penalty which, as is obvious to all, cannot be reversed once executed.

Aside from the fact that this scheme does not remove the possibility that an innocent man may be sent to his death, it is highly doubtful whether this still arbitrary and cruel penalty would survive constitutional scrutiny by the courts. And apart from this consideration, there is no evidence other than the rhetoric of the President and his followers to support the claim that the reinstatement of the death penalty will in fact cut down on the number of crimes. Quite to the contrary, the overwhelming bulk of evidence—supported not by unrealistic social theorists as the President infers, but by eminent jurists and dedicated students of justice, as well as the undeservedly maligned social theorists—suggests that the use of the death penalty has virtually no effect in deterring serious and violent crimes.

The President's criminal justice philosophy—if it can be called that—appeals to the worst and most irrational instincts of fallible man. Even a man presumably of the President's own political persuasions, Mr. Justice Blackmun, whom the President appointed to the Supreme Court, decries the inhumanity and ineffectiveness of capital punishment. The President's National Commission on Reform of Federal Criminal Laws recommended to him in 1971 that capital punishment be abolished. But the President has spurned these learned opinions, and has sought to solve the pressing problem of crime not through positive, realizeable measures which attack the roots of crime, but through dramatic, harsh punitive measures.

"Law and order" slogans and rhetorical fearmongering will not solve the problem of crime, and neither will temporary reinstatement of the dying concept of judicial murder. Capital punishment is more of an indictment of a society than a benefit to it. It is inhumane.

An important study of the deterrent impact of the death penalty was made by Thorsten Sellin in a report for the model penal code project of the American Law Institute. Studies of the homicide rates in contiguous jurisdictions with and without the death penalty show

that States with and without the death penalty had virtually identical murder rates and trends. There was no correlation between the status of the death penalty and the homicide rate, according to the study. It was also found that there was no significant decrease or increase in the murder rate following an execution, and that police and prison homicides are virtually the same in abolition States as in death penalty States. Sellin concluded:

> Anyone who carefully examines the . . . data is bound to arrive at the conclusion that the death penalty, as we use it, exercises no influence on the extent or fluctuating rates of capital crime. It has failed as a deterrent.

The way in which the death penalty is administered also undermines its effectiveness as a deterrent. In order to be effective, punishment must be administered immediately, consistently, and relentlessly, and the public must expect this to happen in all cases. The actual practice of capital punishment does not satisfy any of these conditions. Historically, only a small proportion of first-degree murderers were sentenced to death and even fewer were executed. The delay in the conviction and execution of capital offenders is common. This would hardly enable someone contemplating a horrible crime to visualize the death penalty. According to a study by the American Bar Foundation, another effect of long delays in capital trials and executions is a weakening of public confidence in the law.

One of the chief purposes of capital punishment has been the absolute restraint of the offender. Supporters of the death penalty argue that this is the only way to protect society against further crimes by convicted murderers. But is such an extreme measure really necessary, when the alternative, life imprisonment, is an adequate protective measure? Evidence has shown that murderers generally make the best prisoners and have one of the lowest recidivism rates. The vision of a paroled murderer as a danger to the public has been exaggerated. Statistics have pointed out that the behavior of a first-degree murderer released on parole is very good—better even than those paroled from lesser crimes such as property offenders. I do not mean to suggest that parole for a convicted murderer is or should be easily obtained. A study of "incorrigibles" to prevent others from similiar behavior would certainly benefit society more than the execution of these individuals, as would reform of parole and pardon practices and prison conditions.

One of the important arguments against the institution of capital punishment is that it is irrevocable. Unlike any other form of punishment, it forever deprives an individual of the benefit of new law or or new evidence that might affect his conviction. The passage of time, further investigations, and studies of specific cases have shown that innocent men have been wrongly accused and convicted of first-degree murder in the United States. Execution of the innocent raises an important and serious question about the validity of the death penalty.

There is no question in my mind that human life is a highly cherished value that should give way only upon a persuasive showing that capital punishment serves a prime social purpose that cannot otherwise be served. This has not been shown. One of the reasons we must value human life so highly is that human beings are capable of rationality and moral conviction. Do we wish to create an atmosphere of violence by advocating capital punishment as a form of vengeance? The idea of an individual in a courtroom fighting for his life is hardly compatible with the idea of justice and fairness as the goals of our legal system. The purpose of criminal law is and should be to provide protection against violence. But in invoking the death penalty, we are motivated by the same irrationality as the criminal who acted violently. This hardly justifies the death penalty.

At best, the death penalty is applied randomly; at worst it is applied discriminatorily. It is rigged against the poor, the friendless, and members of minority groups. As such, it violates the constitutional guarantee of equality before the law. By remaining sporadic and random, capital punishment has no status as a regular and rational part of criminal justice. The selection of juries and officials creates rampant opportunities for class and racial discrimination. Of 455 men executed for rape in this country since 1930, 90 percent were black. Of those who were executed for murder since 1930, 49 percent were black. In an overwhelming number of cases, it was people who were unable to afford expert and dedicated legal counsel who received the penalty of death.

The trend of history is overwhelmingly toward the abolition of capital punishment. Once in use everywhere for a great variety of crimes, the death penalty has been virtually abandoned in practice. The move toward disuse of the death penalty in America has been paralleled and largely outstripped by the rest of the world. In Europe, only France and Spain have retained the death penalty. In South America it survives only in a few of the smaller countries and in three out of the 33 Mexican jurisdictions. Canada has suspended the death penalty for a period of 5 years. A recent report by the Secretary General of the United Nations concludes that—

> Those countries retaining the death penalty report that in practice it is only exceptionally applied and frequently the persons condemned are later pardoned by executive authority.

As the world's leading legal killer, the Republic of South Africa executes about 100 men per year—most of them black. Do we wish to top this and execute all 582 men on our death rows?

In the United States, 39 States still authorize capital punishment, but the discretionary features of sentencing make contemporary use of the death penalty far less frequent than its authorizations on the statute books might suggest. Capital punishment occurs only in a fraction of cases where it can be legally imposed, a fraction which has been steadily decreasing since 1935. Since 1967, there have been no executions at all in this country.

Let me sum up the reasons for the abolishment of the death penalty: In my view the taking of a human life is morally unacceptable; capital punishment does not serve as a corrective measure because it does not provide for the rehabilitation of criminals; capital punishment is not a deterrent to crimes and is ineffective, because of long delays of sentencing and execution; capital punishment is a violation of due process because there are no standards to guide the judge or the jury in the exercise of it, and it allows discrimination by race and class; capital punishment violates the mark of a civilized society because it contradicts the ideal of human dignity; capital punishment is a cruel and excessive and irrevocable punishment, which serves society less adequately than life imprisonment.

President Nixon now has the burden of proving his case for capital punishment against the great weight of research in the social sciences and against the even heavier burden of the Nation's conscience. I am confident that in the end reason will prevail. It is now up to Congress to ensure the abolition of capital punishment once and for all.

Mr. Speaker, at this point I include a list of the current cosponsors of my bill and the actual text of the legislation:

COSPONSORS OF CONGRESSMAN ROBERT F. DRINAN'S BILL TO ABOLISH CAPITOL PUNISHMENT

Bella S. Abzug, George Brown, Jr., Yvonne B. Burke, Phillip Burton, John Conyers, Jr., Ronald V. Dellums, Charles C. Diggs, Jr., Don Edwards, Donald M. Fraser, Michael Harrington, Augustus F. Hawkins, Ken Hechler, Robert L. Leggett, Paul N. McCloskey, Jr., Ralph H. Metcalfe, Parren J. Mitchell, Robert H. Mollohan, David R. Obey, Charles B. Rangel, Thomas M. Rees, Henry S. Reuss, Edward R. Roybal, Benjamin S. Rosenthal, Robert O. Tiernan, Jerome R. Waldie, and Andrew Young.

TEXT OF LEGISLATION TO ABOLISH THE DEATH PENALTY UNDER ALL FEDERAL LAWS

A bill to abolish the death penalty under all laws of the United States, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that

(a) no sentence of death shall be imposed hereafter upon any person convicted of any criminal offense punishable under any provision of law of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States, and no unexecuted sentence of death heretofore imposed under any such provision shall be carried into execution after the date of enactment of this Act. Each such provision which authorizes or requires the imposition of such sentence hereafter shall be deemed to authorize or require the imposition of a sentence to imprisonment for life, and each sentence of death heretofore imposed under any such provision which remains unexecuted on the date of enactment of this Act shall be deemed to be a sentence to imprisonment for life.

(b) The Attorney General is authorized and directed to transmit to the Congress at the earliest practicable time his recommendations for appropriate amendments to be made to all such provisions of law which by their terms provide for or relate to the imposition of any sentence of death in order

to substitute for such sentence in all such laws a sentence to imprisonment for life.

THE UNITED STATES CANNOT BE WORLD CARETAKER

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

Mr. LITTON. Mr. Speaker, as we stand on the pinnacle of peace, America is understandably weary after the grueling Vietnam conflict. For the 10 years we have fought in Southeast Asia, opposition and bitterness has divided our country like no conflict since the Civil War.

Along these lines, I continue to feel very strongly that the United States should not and cannot continue to be the "caretaker of the world." Hopefully, Vietnam has taught us that. However, neither can we isolate and shield ourselves completely from international affairs.

However badly we blundered and stumbled, Vietnam was not a war where we had aims or desires of conquest—we were there solely to aid. Probably no nation of the world would have sacrificed equally with only the intent of helping others defend themselves. It began in the best of our traditions—one befitting a great and generous nation.

Examining both sides of the issue brings to light the awesome and intricate problem which is likely to become the hottest issue of the 93d Congress.

Those who favor giving financial assistance to Hanoi have an adequate argument. Most outstanding is the promise of aid which is written in article 21 of the cease-fire agreement. Here I question even the constitutionality of such a move. Congress, not the executive branch, is rightfully responsible for allocating funds.

But the administration insists that aid to North Vietnam is a financial investment in peace—that with ample money and materials, North Vietnam will turn inward to peace instead of war. I sincerely hope that this would be the case, but I have doubts. Internal warfare was raging for years before we even became involved in Indochina. I fear that the quest for reunification of all of Vietnam under Communist rule is still top priority in the minds of North Vietnamese leaders.

When we have already invested so much in lives as well as money in the war, why not invest a proposed 2½ billion more to advance the cause of peace? If peace were truly imminent among the Indochinese countries, this would be a small price to pay. But it is simply bad business to sacrifice nearly 50,000 American lives and $135 billion in helping South Vietnam stand on its feet—we have built their air force to the fourth largest in the world—and then counter our 10 years of work and sacrifice by building up North Vietnam so that it may continue to strengthen its aggression toward the south. In other words, I think it is not unreasonable to assume that for every dollar of assistance we give North Vietnam, another dollar will be freed to build up their defense program to advance their cause.

One political analyst for the Washington Star expects Hanoi to receive an estimated $1.7 billion per year in foreign assistance. This amount is just about the size of its 1970 GNP and much higher than the GNF for 1972. My first thought is how will Hanoi handle this huge sum of money. If leaders use the money to better living conditions and promote peace, then it would certainly be a worthwhile investment. But past experience shows that this is not likely. After the 1954 reconstruction program, only 15 percent of total investment was allocated to restoring the devastated agricultural sector where 91 percent of population lives. According to a U.S. News & World Report issue of February 19, the first priority in Hanoi for use of U.S. reconstruction funds would be the restoration of railroads, highways, communication, and powerplants. Then would come the rebuilding of industrial facilities. Last is aid to the people.

The administration denies that the funds impounded from approximately 100 domestic programs will go toward reconstruction assistance in North Vietnam. This is a ridiculous statement—the money had to be trimmed from something and the President simply chose the domestic expenditure. This week administration officials said that at least part could come from our huge $79 billion overall defense budget. Defense Secretary Richardson said that a legitimate cease-fire might allow some saving in the $2.9 billion programed for Southeast Asia operation. If Congress approved, this money could be used. Another way would be for Congress to simply trim the defense budget.

It goes without saying that I would unilaterally oppose any aid which appeared to be reparations or expiation for the sins of imperialistic America, as North Vietnam might make it look. Many officials favor multilateral aid to North Vietnam possibly through the United Nations or the World Bank. But Hanoi stubbornly insists on bilateral aid.

Then there is the argument that points to our reconstruction of Germany and Japan after World War II with the Marshall plan. Many would assume that we should do likewise in North Vietnam. The difference between World War II and the Korean conflict is vast indeed but the most significant is the fact that Germany and Japan promised to set up working democracies with fair and equal representation—and obviously from all indications Hanoi has no intention of doing this.

The difference goes much further than this. After World War II, there was an unconditional surrender by Japan and Germany and a commitment to an end in hostilities. In North Vietnam the situation is not this pleasant. Hanoi has not surrendered; 150,000 of their troops remain in South Vietnam and an end in hostilities is unlikely. Thus, as long as North Vietnam is continuing major hostilities toward South Vietnam and we continue economic aid to repel these hostilities, it would be absurd to provide North Vietnam with funds.

The American people have been told for the past decade that once the war in Vietnam was ended, money would be made available for domestic programs of construction and assistance. We have been led to believe that such domestic moneys would build rural water and sewer systems, new and better methods of transportation systems, housing units, recreational facilities, flood control impoundments, and power generating facilities, such as the Pattonsburg Lake Reservoir.

The President now is proposing that money once promised to the American people for domestic items of necessity and priority will now be spent in building the domestic programs of North Vietnam.

I would honor a reconstruction proposal in North Vietnam that would insure peace throughout Indochina. As to a specific plan, I await the announcement of the administration on this matter. For the present, they are concentrating on the safe release of the 274 remaining POW's. Following the return home of these men, hopefully we will receive information which will provide effective guidelines for a wise and fair handling of the awesome problem of Vietnam reconstruction.

MISREPRESENTATION OF TAX REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, Mr. John Ehrlichman had some interesting and, as it turns out, inaccurate things to say about tax reform on "Issues and Answers" last weekend: interesting, because comments from the President's chief domestic affairs adviser are often the best clue we get to the President's own thinking, and inaccurate, because Mr. Ehrlichman is obviously unfamiliar not only with the existing tax system but also with the major proposals to reform it.

Mr. Ehrlichman announced:

> You can't raise $9 billion by simply readjusting corporate income tax exemptions.

There would have to be widespread revision, such as ending tax deductions by homeowners of mortgage interest, stopping personal exemptions or deductions for dependents or for outlays for charity, he continued.

He said:

> Now that is where you can really raise a lot of money. If you can't deduct $700 anymore for every one of your youngsters—this is a loophole, you know, and one that would have to be closed in order to raise the kind of money that we are talking about.

Now, whom is Mr. Erlichman trying to kid? Let me draw to his attention, for example, H.R. 967—the "quick-yield" tax reform bill which I introduced last January with some 60 cosponsors. H.R. 967 proposes to raise $9 billion—not by denying homeowners' tax deductions, not by taking away the deduction for dependents—which, incidentally, is worth $750, not $700, per dependent—and not by changing the deduction for charitable contributions.

Instead, H.R. 967 tightens up taxation of capital gains—including transfers at death—repeals the accelerated asset de-

preciation range corporations writeoff, requires foreign subsidiaries of U.S. corporations to pay tax on income as earned instead of as repatriated, reduces oil industry special preferences, prevents wealthy non-farmers from using farm "losses" to shelter nonfarm income, gives State and local governments the option of issuing federally subsidized taxable bonds instead of the present tax-exempt securities which offer a major tax shelter to wealthy taxpayers, and, finally, tightens up the minimum tax on tax preferences.

Plugging these loopholes would thus restrict the bounties now enjoyed by some of President Nixon's largest campaign contributors. Perhaps this is why the administration is trying to sour the average taxpayer on tax reform by misrepresenting how the $9 billion would be raised.

COMMENDATION TO DISTRICT OF COLUMBIA NATIONAL GUARD FOR WINNING THE GEORGE WASHINGTON HONOR MEDAL FROM THE FREEDOMS FOUNDATION

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

Mr. MONTGOMERY. Mr. Speaker, I am very pleased to have this opportunity to commend the officers and men of the District of Columbia National Guard for having won the George Washington Honor Medal from the Freedoms Foundation at Valley Forge for the fifth straight year.

The honor is in recognition of the Guard's continuing interest in Washington area young people and their sponsorship of the Annual Youth Leader's Camp. With the help of some members of the Washington Redskins, the District of Columbia Guard is able to provide a meaningful experience for area youth who probably would never have an opportunity to attend summer camp. I salute them for this worthwhile public service they perform which in turn benefits the entire community.

APRIL 15—BLACK SUNDAY IN OKLAHOMA

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

(Mr. McSPADDEN asked and was given permission to revise and extend his remarks.)

Mr. McSPADDEN. Mr. Speaker, with the implementation of provisions of Public Law 92-347 by the U.S. Corps of Engineers, the Park Service, the Departments of Agriculture and the Interior, which call for a schedule of user fees, I would call attention to the enacted formula for the establishment of fees.

Today the Corps of Engineers released the edict that on April 15 the user fees would be started across the width and breadth of our land, and in especially my home State of Oklahoma.

I say that April 15, in addition to being the day that the people across the breadth of our land must pay their income taxes, will also be a very black Sunday for our people.

Public Law 92-347 states, and I quote:

(Fees shall be set) . . . taking into consideration the direct and indirect cost to the Government, the benefits to the recipient, the public policy or interest served, the comparable recreation fees charged by non-Federal public agencies, the economic and administrative feasibility of fee collection, and other pertinent factors.

I would submit that since 1966 my home State of Oklahoma, under a law that I am very proud of having authored when I was in the State senate, the lake access road program, our State has spent more than $6 million for the construction of lake access roads to the U.S. Corps of Engineers projects. I submit the expenditure of these funds should certainly be considered among the other pertinent factors—and that is the quote from the edict of the Corps of Engineers—when final determination of user fees in Oklahoma is made so that not only the taxpayers of our State, but the taxpayers of other States in the Union where Corps of Engineers projects have been built, shall be credited with the contribution that they have made.

As we continue in our efforts to change the law by the legislative process, I feel our protests to the concept of the user fees will result in lesser fees being charged at fewer sites.

Now pending before the Interior Committee is my repealer bill which would remove the Corps of Engineers from the user fee field once and for all.

I include the following letter which I sent to the Corps of Engineers:

CONGRESS OF THE UNITED STATES,
Washington, D.C., March 14, 1973.

Maj. Gen. JOHN W. MORRIS,
Department of the Army, Office of the Chief of Engineers, Washington, D.C.

DEAR GENERAL MORRIS: In further reference to the public announcement expected on or about March 15 concerning user fees for Corps of Engineers' projects in Oklahoma, I would advance one thought for your consideration. Under provisions for use of the Land and Water Conservation Fund Grants, (15.400 Catalog of Federal Domestic Assistance, page 441, 1973 revised) funds made available under the cited act and PL 92-347, the law in question can be used for a variety of objectives. I quote . . . "grants may be used for a wide range of outdoor recreation projects . . . and support facilities such as roads, water supplies, etc."

Under Oklahoma's Lake Access Program, which I authored, the State of Oklahoma has expended since 1966 to January 1, 1973 a total of $6,041,135 for construction of lake access roads to Corps of Engineer projects alone. I would submit that Oklahomans have already "paid the fiddler" and that this contribution of Oklahomans should be taken into consideration when your final fee schedule and use sites are promulgated.

With warmest personal regards, I am

Sincerely yours,

CLEM MCSPADDEN,
Member of Congress.

Mr. Speaker, I yield back the remainder of my time.

CONSUMER FOOD REBELLION HAS IMPACT

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, on Monday, the Wall Street Journal carried a story by James P. Gannon entitled "White House Exhorts Top Agriculture Aides Over Food Prices." I believe that the recent meeting at the White House on food prices was a direct result of various consumer actions that are part of a progressive consumer rebellion.

According to the report in the Journal, the meeting took place to impress the Department of Agriculture that the President wants action on food prices.

I am hopeful that this meeting is the start of a serious attack on food cost, but I am deeply suspicious that the White House attack on food prices will prove as disjointed and ineffective as phase III has been to date.

Mr. Speaker, in the article one participant from the Agriculture Department characterized the meeting as "a bull session." I do not think that our ever-increasing food bills will be lowered by "bull sessions," but rather by constructive action. If this description of the meeting is accurate, then the White House meeting is the only place in town where they can afford "bull" while most people cannot afford hamburger.

Mr. Speaker, I am deeply concerned by the content of this article. If it is an accurate portrayal of what went on in the meeting, it means that the White House has very serious doubts about the ability, and I might add, the loyalty of the Department of Agriculture in the fight against higher food prices. The article suggests that the President's chief domestic advisers were "jawboning" the Department of Agriculture in order to get them to follow the President's desires on lowering food prices.

We need action and action immediately. The consumer protest rebellion which is becoming more apparent every day, will not be satisfied with White House meetings, press statements, and bland assurances. What they want and what I want are lower food prices.

As many Members are aware, I am working with the Connecticut Junior Women's Clubs and other groups around the country to lead a meat boycott April 1 through April 7. In addition, to keep pressure on the White House, I am asking consumers to send food checkout slips to the White House, with their names and addresses on the back, urging that President Nixon act to lower prices.

I believe that this activity combined with increasing consumer unrest is having a beneficial effect on mobilizing the President and his assistants to more effective policies to lower food costs. I know that the other Members of Congress are willing to assist the President in this needed action.

For the benefit of my colleagues, I am including the article at this point in my remarks:

WHITE HOUSE EXHORTS TOP AGRICULTURE AIDES OVER PRICES OF FOOD—SESSION CONVENED TO IMPRESS BUREAUCRATS WITH "URGENCY" OF REDUCING COST OF EATING

(By James P. Gannon)

WASHINGTON.—The Agriculture Department's top bureaucrats were marched to the White House woodshed yesterday to be told they will have to try harder to get food prices down.

The farm aides, according to one Nixon administration official, were told to apply the same zeal to reducing eating costs that they have shown for years in trying to push farm income up.

Besides getting a lecture on the urgency of stemming the food-price spiral, the Agriculture Department officials discussed with top White House aides the possibility of additional government steps to reduce farm prices by expanding supplies, it is understood.

"SENSE OF URGENCY"

White House Economist Herbert Stein, one of the several top Nixon aides who participated in the meeting, commented, "We wanted to convey the sense of urgency that is being felt by the White House" on the politically sensitive food-price problem. While Agriculture Secretary Earl Butz fully understands the urgency of the problem, Mr. Stein added, "we wanted to convey this down the line a little further" into the lower echelons of the huge Agriculture Department bureaucracy.

The meeting apparently was part of a White House effort to try to redirect the energies of the 110-year-old agriculture agency toward lower food costs instead of higher farm income. The campaign was mentioned Sunday by White House Domestic Policy Chief John Ehrlichman, who said on American Broadcasting Cos.' "Issues and Answers" TV program that "we are having to turn the Department of Agriculture around to work in the other direction" after many years when it "had as its task keeping food prices up for the benefit of the farmer."

The White House meeting yesterday brought together eight or nine top Agriculture Department officials, including Mr. Butz, and more than a half-dozen key Nixon aides, including Mr. Stein, Mr. Ehrlichman and John Dunlop, director of the Cost of Living Council. Under the Phase 3 wage-price controls program, marketing orders and other Agriculture Department actions that affect food prices must be cleared with the Cost of Living Council.

Agriculture Department officials are known to resent the move by White House policy makers into their traditional sphere of influence. They say they consider at least some of the well-publicized White House effort to increase food supplies as largely "cosmetic," unlikely to have much direct immediate impact. One farm official who attended yesterday's White House session characterized it merely as "a bull session."

DIRECT PRICE CONTROLS DENIED

Mr. Stein, who is chairman of the President's Council of Economic Advisers, said the group discussed "some additional actions" that might be taken to combat rising food prices. He wouldn't disclose specifics, but reiterated the administration's position against imposing direct price controls on unprocessed farm products. "We aren't about to do that," he said.

The White House economist said the group also reviewed the impact of recent decisions intended to expand food supplies through such steps as relaxing planting controls and selling government grain stocks. One question discussed, he said, was whether to speed up disposals of the surplus grain. Mr. Stein said administration officials will be in a better position to consider additional steps after reviewing the Agriculture Department's report on farmers' planting intentions, which is due Thursday.

Though Agriculture Department insiders are skeptical that further Washington decisions can coax much more output from farmers who are limited by wet ground, fertilizer shortages and other factors, they cited these possible moves:

Freeing of the more than 16 million acres diverted from production under the feed grain program for planting of more soybeans or corn.

Increasing planting subsidies under the feed grain program, a move that tight-fisted White House budget officers have already endorsed.

Increasing the soybean price support above the $2.25 a bushel in effect since 1969, to encourage added plantings.

THERE IS NO DEATH PENALTY

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

Mr. WAGGONNER. Mr. Speaker, I think all of us here should take notice of the comment made by one of the holdup men during yesterday's attempted robbery of a vending machine company in Prince Georges County, which made the front page of today's Washington Post.

According to the newspaper account, one of the hostages was told at gunpoint:

We can kill you all—there is no death penalty.

The late Director of the FBI, J. Edgar Hoover used to tell us every year at appropriation time that a major deterrent to crime was a punishment, in the event of conviction, that was commensurate with the crime committed.

Yesterday's crime points up too well that the Congress needs to enact legislation restoring the death penalty if we do not want to see this sort of thing as an every day occurrence.

The article follows:

ONE SLAIN, SIX SHOT IN ROBBERY GUN BATTLE

A gunman was killed and at least six other persons—two more gunmen and four terrorized hostages—were shot yesterday during a robbery attempt broken up by police at a vending machine company in Prince George's County.

Police said they arrested four surviving suspects to end the robbery attempt that began about 3:30 p.m. at the Canteen Corp. offices at 7650 Preston Dr. in the Ardmore Industrial Park near the Beltway and Rte. 50.

The robbers, who apparently grew tense and edgy as their hour-long holdup attempt encountered increasing obstacles, shot one hostage three times and beat or pistol-whipped at least six others, police reported. Thirteen hostages, most of whom were employees of the vending company, were treated at Prince George's General Hospital, where three of them were admitted.

Listed in critical condition were Nancy Weaver, a hostage, who was shot in the throat, and Robert Smith, 27, of 823 N. Henry St., Alexandria, one of the suspects.

Two of the suspects are under indictment for murder, and were scheduled for trial today in a drug-related, execution-style killing in Beltsville on Sept. 19, 1972, according to State's Attorney Arthur A. Marshall Jr.

Marshall identified them as Guy Thurston Marshall, 23, and Robert John Young, 27, and said they were free on bond. Police gave the last known address for both as 5011 Jay St. NE.

Young suffered a cut hand yesterday, while Marshall was reported uninjured.

The fourth surviving suspect was identified as Samuel Edward Brown, 27, of 2930 Knox Pl. SE. He was shot in the stomach and seriously wounded, authorities said.

Marshall said each of the four suspects was charged with armed robbery and murder, since, under the "felony murder" statute suspects in a felony during which a death results can be legally held responsible.

The dead man was identified as Baron J. Cathy, 23, of 2457 55th St. SE.

According to official accounts, Cathy and the two suspects wounded by gunfire were hit by shots fired by some of the approximately 50 county policemen who were dispatched to the canteen offices.

The scene inside the offices and warehouse where the hostages—possibly as many as 20 of them—underwent their ordeal was described as "unbelievable" last night by Lt. Col. John W. Rhoads of the county police.

Teeth were lying on the floor, apparently knocked from the mouth of one of the hostages. Wendy Post, 29, of Lanham, had lost several teeth after being pistol whipped and seriously injured, it was reported.

In addition, the interiors of three rooms and a hallway were chipped and scarred by gunfire.

Raymond U. Johnson, an armed guard for the Dunbar Armored Express Inc., who arrived in the Canteen building during the holdup attempt unaware that anything was amiss, was shot three times by the gunmen, police said.

According to investigators' reports, shortly after Johnson's pistol was taken by the gunmen, he was shot in the leg.

Later, when he was ordered to the bathroom where other hostages were kept, he was chided by a gunman for not moving fast enough, and then was shot in the shoulder.

Still later, after he was ordered to assist the gunmen in stuffing money in a sack, they again found fault with the performance, and he was shot in the neck.

Another hostage, John Terry Robinson, a mechanic for the Canteen Corp., was pistol-whipped but not shot.

According to his own account, he was told by a gunman, "We can kill you all. . . . There's no death penalty."

On hearing this, he told a reporter, he decided to break away, and succeeded in reaching police lines.

"This is the worst robbery I've ever seen," said one robbery detective. "These people even cooperated, but they were beaten anyway.

"They had them lying down in the men's room, and these guys would come in, pick up something and just belt them."

Police said that at one point a gunman "told one hostage he'd shoot her and he did." According to one of the hostages, the robbers fired indiscriminately at times to scare them.

At one point the robbers took hostages outdoors, then demanded that they produce the keys to company vans parked there. But the keys could not be provided, since the robbers had earlier collected all personal property and stored it inside.

Frustrated by this turn of events, one hostage said, the gunmen became particularly abusive.

By 10:30 last night, about six hours after the incident had ended, county authorities had not yet pieced together all the details.

The following account is based on reports from Marshall, police officials and investigators, and on interviews with some of the hostages:

The incident began about 3:30 p.m. when five gunmen arrived at the Canteen Corp. building in a Cadillac automobile.

The five entered the building by three different doors. Once inside, they quickly took hostages. The exact number is still unknown.

Within minutes of the robbers' arrival, at least two alarms were sent out.

In one case, a company employee was talking to a business associate by telephone, as the gunmen approached.

"We're being held up," he said, and hung up.

In addition, a company employee, identified in some accounts as Howard Dillard, an

assistant manager, set off a silent alarm, without the knowledge of the robbers. (Dillard was later pistol whipped.)

The first policeman arriving at the scene heard gunfire from within the building. He radioed for help. Ten more cars with police arrived, and the officers began firing at the building.

They stopped as soon as they learned that there were hostages inside.

According to one account, police learned of the hostages from the driver of the Dunbar Armored truck. The truck arrived to make a collection of cash from the company minutes after the holdup began.

Johnson and a second Dunbar guard entered the building to collect the money and were taken prisoner. The driver, who remained outside heard gunfire from within the building, and radioed a call for help.

According to other accounts, it was the escape of Robinson, the mechanic, that alerted police to the fact that hostages were inside.

About this time, two of the gunmen, Young and Brown, fled the besieged building.

Under police fire, they raced to a fence near the perimeter of the compound. Brown was shot in the stomach. Both men surrendered.

During the exchange of fire, the driver of the armored truck maneuvered his vehicle so that police could use it as a moving barricade.

He was credited with operating it in such a way as to provide a mobile screen for Johnson when the wounded guard broke from the gunman and staggered across an open area to safety.

Meanwhile, using a bullhorn, police had begun calling for the surrender of the others.

Smith attempted to flee through a north entrance, and was wounded by gunfire.

Cathy sought to escape through the same entrance and was shot and killed.

Guy Marshall crawled out of the building on all fours and surrendered unharmed.

In addition to two .38 caliber revolvers taken from the Dunbar guards, police said they later recovered a sawed-off shotgun, another .38 caliber revolver, an automatic pistol and a .32 caliber revolver.

The exact amount of money on hand at the Canteen offices yesterday was not divulged.

Both Raymond Johnson, the armed truck guard and William R. Marcks the other guard were treated for gunshot wounds and admitted to Prince George's General Hospital in good condition.

Another hostage, Edward Foley, a Canteen employee, was treated for a superficial gunshot wound of the left arm and released.

Nine other hostages—all Canteen employees—were treated for a variety of bruises, cuts, and other lesser injuries and released.

These were identified by police and hospital sources as, Howard M. Dillard, the manager, Wendy Post, John Ray, John T. Robinson, L. Kirk, Eleanor Miller, Edward W. Gidson, Louise M. Robinson, and I. Constantin.

This story was written by Washington Post Staff writer Martin Weil from reports filed by staff writers F. J. Bachinski, Karlyn Barker and William A. Elsen.

IMPORTANT IDEA FOR BETTER INTER-AMERICAN RELATIONS

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 this House of the Congress in the CONGRESSIONAL RECORD of February 27, 1973, on "Department of State: Proposal for Consolidating Hemispheric Affairs From Arctic to Antarctic," I recommended that the rank of the Assistant Secretary of State for Inter-American Affairs be increased by statutory enactment to that of Deputy Secretary of State for the Americas responsible directly only to the Secretary of State and that he be charged with supervision over the entire Western Hemisphere including Canada.

The response to this proposal has indeed been gratifying, especially in Latin American diplomatic circles.

The full text of my February 27 address was republished in the English section of the March 2, 1973, issue of El Tiempo, the well-known daily newspaper for all Latin America published in New York. Its significance was emphasized by an accompanying special dispatch to El Tiempo in English and Spanish, which stressed the importance of the idea for fostering better relations between the United States and our sister republics to the south.

Despite the short time that has elapsed since the initial publication in El Tiempo, information has been received that the indicated proposal has already evoked much favorable comment in the press of other hemispheric countries. At an early date the necessary legislation measure will be introduced in the House of Representatives.

In order that the Congress may be apprised of the interest generated by the recent proposal, the indicated editorial and translation are quoted as parts of my remarks:

A VERY IMPORTANT IDEA FOR THE AMERICAS

[By Stephen G. Taracido and Luis M. Barcelo]

Yesterday Congressman Daniel J. Flood, a powerful member of the Appropriations Committee of the U.S. House of Representatives, in an address in the Congress presented the most important new idea on Hemispheric relations since President John F. Kennedy's concept of "The Alliance for Progress". Congressman Flood proposed that the handling of Hemispheric affairs from the Arctic to the Antarctic in the Department of State be consolidated and elevated to the status of an Under Secretary of State.

For too long the United States has treated the affairs of the countries in the Americas—of which the United States is a part—as of secondary importance to the affairs of Europe and Asia. Canada and the countries of Latin America have been treated as stepchildren, virtually ignored in questions affecting their vital interests.

Congressman Flood, long known for his sympathy for Latin America and for his advocacy of the much-needed major modernization of the Panama Canal, is to be commended for this effort to treat our sister American nations with the dignity and respect they deserve as our neighbors and Hemispheric co-partners. The New World has long suffered from the "benign neglect" of successive Administrations in Washington. This move in the U.S. Congress is a vital step in the right direction. Bravo, amigo Congressman Flood.

THE MYTH OF THE MONOLITHIC POW

(Mr. LEGGETT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, as a long time opponent of the war in Indochina I am hopeful that we are finally getting out, prisoners and all, from the devastation that was Indochina.

The Vietnam war has caused the deepest divisions in this Nation since the War Between the States. Despite administration attempts to portray the POW's as a monolithic force that fully support the President's "peace with honor," it is clear that the POW's are as divided on Vietnam as the rest of us.

Major H. K. Flesher, a 6-year prisoner of war and now a constituent of mine, has made some interesting comments on the conduct of the Vietnam war which I would like to share with my colleagues. Major Flesher states that—

Any one who has looked at the peace term agreed upon by the North Vietnamese this year will see it is exactly what they asked for as far back as 1969.

This is not an easy statement to make, considering the fact that Major Flesher intends to make the Air Force his career. My own reading of the peace accords indicates that the major is right on the mark. We have a peace with honor in Vietnam only if we are working with a convoluted definition of "honor." The late 4 years has cost us 20,000 American lives and billions of dollars. In my book, peace at that price is not honorable.

It is interesting to note that Major Flesher's position on amnesty is more moderate than most of the Washington politicians who spent the last 6 years not in the prisons of North Vietnam, but in Congress urging an intensification of the war effort. On the question of amnesty, Flesher says:

I'm not opposed to it. There were lots of young men who were honestly opposed to this war and were not able or willing to have themselves involved in a situation where possibly they would be killing other people for a cause they didn't believe in. I know it would be hard to separate those truly against the war and those just looking for an easy out. I would think, however, our country would want to separate them, if they could, but I don't see how they can. . . . I'm not bitter about these people. It certainly would not make me angry to see these people back home and fitted back into American Society.

It seems to me, Mr. Speaker, that we should take note of what Major Flesher is telling us. Here is a guy that has given more of himself in the war than anybody in this Chamber, yet he has emerged from 6 years of captivity with a highly reasonable and unemotional view of where this country should go after Vietnam.

At this point in the RECORD, I would like to insert the full account of Major Flesher's remarks published in the Sacramento Bee of March 7:

POW SWITCH: FLESHER THINKS UNITED STATES BUTTED INTO WAR

(By Nancy Skelton)

In a stark departure from the "peace with honor" comments of most of his fellow returning prisoners of war, Maj. H. K. Flesher says he "came to believe that possibly we had asserted our noses in somebody else's business" by waging war in Vietnam and that this belief made his days in prison "more difficult."

The 40-year-old Air Force officer, home in Rancho Cordova after more than six years

in Hanoi area camps, says "anyone who has looked at the peace term" agreed upon by the North Vietnamese this year will see "it is exactly what they asked for" as far back as 1969.

"If we expected a South Vietnam that essentially belonged to us . . . that was in our camp, then we certainly lost the war"—a war, in the major's opinion, "that wasn't ours to win in the first place."

He is not, he says, opposed to amnesty for America's draft resisters.

UNSURE OF WIN

Speaking quietly in his living room, in a home he had never seen until a week or so ago, the tall, graying military career man said yesterday afternoon: "I don't think we really won the war at all, and I want to stress this is strictly my opinion. I don't want to appear to be speaking for any of the rest of the men . . . there are some, of course, who are 180 degrees opposed to what I've said."

The major feels the peace terms, a complete bombing halt, complete withdrawal, complete dismantling of American installations, an end to political intervention in the south and "some kind of elections," were essentially "no different from what North Vietnam sought more than four years ago.

"I think, generally, the motivations that involved us in this conflict were honest. However, we got ourselves involved in a revolutionary war . . . similar to what this country went through in 1776. People like to compare (Vietnam) with the 1940s when the U.S. intervened against Germany . . . but they are entirely different. Adolf Hitler was invading countries with foreign troops. There were no foreign troops in Vietnam, other than Americans and the people that were in our camp.

VIETNAMESE PROBLEM

"Generally speaking," the major says, "it was a conflict between the Vietnamese people . . . and whether you like it or not, it should have been theirs to decide. I think more and more people came to realize this. Many of us came to believe that possibly we had asserted our noses into somebody else's business."

Asked if this made it harder for him to sit so long in a Hanoi prison cell, the major answered: "Yes, it made the days more difficult."

Flesher, an enlisted man for three years until he won his pilot's wings almost 20 years ago, says he will stay in the Air Force flying fighters. As of the war . . . "the only thing I want to do is really forget about it. I could have been bitter once . . . some are coming home bitter. But for most of us it's been years and years (over there) . . . I don't intend to spend another day with bitterness or anger."

LOTS OF ARGUMENTS

Flesher said he was "involved with a lot of arguments with a lot of the guys" over whether the US won the war, but now—"regardless of what made us become involved in the thing—most of us just want to get back into life."

On the question of amnesty, Flesher says, "I'm not opposed to it.

"There were lots of young men who were honestly opposed to this war and were not able or willing to have themselves involved in a situation where possibly they would be killing other people for a cause they didn't believe in. I know it would be hard to separate those truly against the war and those just looking for any easy out (of the US military). I would think, however, our country would want to separate them, if they could, but I don't see how they can."

What the major says America needs is to "get this war in the background and get this country bound together again and working together again to solve its big problems . . . crime, inflation and the economy, dope and drugs, pollution, slums. I'm not bitter about these people. It certainly would not make me angry to see these people back home and fitted back into American society."

As for reconstruction of North Vietnam, Flesher says "if those are the terms of the agreement I suppose we should live up to them, but we have so much to do right here . . . there are plenty of places right here to spend $7 billion."

"The big thing now that this war is over—instead of squanderng our money someplace else . . . is to start spending it on our truly essential problems."

He says that with the "young people—and let's face it, they are the ones who are going to solve the problems and I'm really impressed with how much more educated, well rounded and interested they are—we're going to be able to pull out of this thing."

CAMP TREATMENT

Flesher referred many times during yesterday's two-hour interview to "the early days" and "later on." Treatment in the camps, he indicated, changed radically toward late 1969 and early 1970. The reason, he feels was not Ho Chi Minh's death as some returning POW's have stated "or efforts by our government . . . but strictly because of the tremendous efforts by the wives and families in their letter-writing campaign" which he says "swamped" North Vietnamese officials not only in Hanoi but in Paris.

While not commenting specifically about prison wrong-doing, Flesher said "there would be some action" taken against some prisoners by fellow POWs charged with that responsibility. Asked whether reports were true that those men returning early under peace group sanctions were those who had been segregated from other prisoners and unable to work within the prison structure. The major said "that's essentially true."

REFUSED HOME

"There were a great number of people who had the opportunity to come home early," he said, indicating most refused. "That's about all I can say right now about it."

Flesher painted a vivid verbal picture of the several camps and cells he spent his six years in. When captured in December 1966, he was placed in solitary confinement—then into a 9-by-6-foot room with one other man nine months later. Afterward he had three roommates in the same room. Then he was moved with five others into a 15-by-12-foot room.

Flesher said he did not spend all his time in the infamous "Hanoi Hilton"—a part of a huge, block-long city jail complex.

On the night of Nov. 21, 1970, he was housed in a camp on the outskirts of Hanoi and had already gone to bed "when we began hearing firing and engine noises and saw the SAM missiles being fired. We knew something was up." It was not until later—after the North Vietnamese had rounded up him and his campmates and brought them back into Hanoi—that they learned the battle had been between North Vietnamese soldiers and members of the Green Berets, who had sneaked behind enemy lines in the daring but fruitless Son Tay prison camp raid.

MILITARY ASSISTANCE TO SAFETY AND TRAFFIC PROGRAM

(Mr. DICKINSON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. DICKINSON. Mr. Speaker, on January 15 I introduced a bill (H.R. 2006) which would allow implementation of the military assistance to safety and traffic—MAST—program—a program to utilize military helicopters and service paramedical personnel in responding to civilian medical emergencies, in particular to highway accidents.

The MAST program was considered twice during the last Congress: in the Senate as an amendment to the military procurement authorizations and in the House and Senate as part of a larger emergency medical services bill. MAST was dropped from the military procurement authorizations bill and created quite a bit of controversy when it was considered in the emergency medical services bill due to lack of understanding of the program and fear that it would mean greater costs to the Department of Defense. My bill concerns only the MAST program and would provide that MAST operate only within the limits of existing facilities. I would like to take this opportunity to give my colleagues in the House of Representatives a comprehensive look at MAST because I feel it is an important program which should be implemented as soon as possible.

During the late 1960's various individuals and organizations became interested in the possible role of the helicopter in civilian emergency medical service. Studies and trial projects have shown the cost of civilian helicopter ambulances to be not only extremely high, as expected, but the usage to be unexpectedly low. The conclusion is that the helicopter ambulance in the civilian sector must first be justified for other duties which will still allow it to be diverted for emergency air ambulance work when needed. In looking for available helicopters which had already been justified for other uses, and which could be utilized in the emergency medical service system, the use of military helicopters was investigated.

Early in 1970, then Secretary of Defense Laird noted that paramedical personnel and helicopter crewmen were becoming available with the winding down of the Vietnam war. He suggested that these men with a great deal of training and experience in air rescue could be put to work on rescue missions in the United States to fill the need which exists here. Four months later, MAST was born.

Andrew Schneider, in an article which appeared in the October 18, 1972, issue of Family, reported that—

MAST began in July 1970 with the 507th Medical Company at Fort Sam Houston, Texas, near San Antonio. For the next six months its pilots, medics and 15 H-model Hueys were involved in a test to evaluate the use of combat medical evacuation (medevac) techniques on civilian emergencies.

Within a month, the program-sponsoring Departments of Defense, Transportation and Health, Education and Welfare had activated four additional MAST test sites—two Air Force at Mountain Home AFB, Idaho and Luke AFB, Arizona, and two additional Army at Fort Carson, Colorado and Fort Lewis, Washington.

The initial test of the 507th got off to a rapid start with the unit pulling 11 emergency missions in the first two weeks of the program, with five occurring in one 24-hour period.

Today, the 16 civilian hospitals in the San Antonio areas are still very much involved and enthused with the project. They all have announced a willingness to receive MAST patients and have agreed to provide a landing pad and some method of communicating with the choppers. The Fort Sam Houston program covers the 9500 square miles of San Antonio and its nine surrounding counties.

This may be one of the only military assistance programs ever to be implemented that [does] not cost the taxpayer an extra penny. . . . [A] pilot with Fort Sam Houston's 507th explained, "all chopper units must fly a minimum number of training missions each week. This we accomplished by flying out to the field and picking up simulated casualties. With MAST, we get in our required flying time and, using the same amount of fuel and medical supplies, we are now saving lives."

The MAST Interagency Executive Group, a national group composed of representatives for the Secretaries of the departments involved in establishing MAST programs policies acts as the final decision authority in all MAST activities. The group has developed criteria for implementing MAST which I would like to list below. From these criteria, it will be readily ascertained that all those involved in MAST are concerned that the program have no adverse effect on military units chosen for utilization and that it not cost the taxpayers money the Government is not already spending.

CONSIDERATIONS

MILITARY RESOURCES

The locations of military units possessing sufficient potential resources for supporting MAST operations will be determined by the department possessing the resources. No military unit will be relocated solely to provide MAST support. At the present time, the only regular military units authorized for participation in the MAST program are U.S. Army aeromedical units and U.S. Air Force Aerospace Recovery and Rescue detachments.

CIVILIAN RESOURCES

At the present time, only a limited civilian air ambulance capability exists comparable to that available to the military services. In many rural and isolated areas demographic constraints restrict adequate ground ambulance operations. Civilian medical capability for treatment of critically injured is generally centered in metropolitan areas.

FUNDING

Initially, only aeromedical and Air Force aerospace recovery and rescue detachments will participate in the MAST Program. As experience is gained, it may be possible to include nonmedical helicopter units. Enabling legislation will be required and must contain provisions for having the emergency medical services system which utilizes MAST reimburse the DOD for the marginal cost of conducting MAST operations in the latter case. Nonmilitary resources, such as radio communications and helicopter landing pads, for conducting MAST activities will be provided by the civilian community.

If you are skeptical about the role the civilian community will be willing to play in MAST, let me reassure you. Already, communities located near bases with MAST capabilities have begun plans to take an active part in the program. In my own district, a helicopter pad at a local hospital was recently dedicated in anticipation of implementation of MAST at Fort Rucker. I was also told about an incident where MAST was in operation. It seems that, during an emergency, MAST helicopters were airlifting a number of accident victims from a small hospital and the pilots mentioned to the hospital staff that a light pole in the parking lot was causing hazardous landing conditions. By the time the third helicopter landed at the hospital, the light pole had been removed.

Certain criteria have also been set up by the Interagency Executive Group concerning site selection for implementation of MAST. Among the criteria are the following which I think you will find enlightening:

CRITERIA—MILITARY

Adequate military resources for supporting MAST operations must be available within the proposed operating area. Primary missions of supporting military aviation units will take precedence over MAST requirements.

CRITERIA—CIVILIAN

The civilian community must submit a plan which demonstrates its capability to utilize the military resources as an adjunct to the existing civilian emergency medical services system. The community also must be willing to provide the necessary civilian communication equipment—including maintenance—to enable the military aircraft to communicate with the various elements of the civilian EMS system.

DEMONSTRATION OF NEED

Community requests must contain evidence documenting the need for MAST support, and a comprehensive plan for effective utilization of air ambulances.

RESOURCES—MILITARY

Supporting military units must have a sufficient number of aircraft adequately equipped to support MAST missions, and sufficient personnel trained to deliver the appropriate level of emergency medical care without compromising primary military mission and effectiveness.

RESOURCES—CIVILIAN

The civilian community must have a major medical facility within the proposed operating area. The facility must be equipped and staffed to provide the required medical support. The community also must present evidence of cooperative agreements between all components of the civilian emergency medical service system. These components must be equipped and staffed to provide the necessary support to the MAST program.

There are other criteria worked out for the MAST program which I can make available to any Member who is interested in taking a closer look at the program. The program is well planned, and I have been informed that approximately 10 additional sites have already been picked out and readied for implementation. The following bases would be ready for operation under MAST within 30 to 45 days after passage of my bill:

Fort Bragg, N.C., Fort Jackson, S.C., Fort Stewart, Ga., Fort Ord, Calif., Fort Bennings, Ga., Fort Hood, Tex., McDill AFB, Fla., Fort Riley, Kans., Fort Sill, Okla., and Fort Bliss, Tex.

The Interagency Coordinating Committee—composed of one member from DOD, DOT, and HEW and serving as administrative staff to the Executive Secretary of the Interagency Executive Group—has also done some planning for implementation at Fort Eustis, Va., Fort Belvoir, Va., Fort Rucker, Ala., and Plattsburg AFB, N.Y.

The success of the test MAST program can be summed up with the following remark quoted in the Andrew Schneider article:

A MAST project officer said he was worried because the program was going too smoothly. He admitted candidly, "Anytime the military gets involved with the civilian sector, we've come to expect a fair amount of static. When we started MAST we expected smoke from everyone from the American Helicopter Association to the AMA. It's been two years now and all we've gotten is praise. We must be doing something right."

I believe they are doing something right and would like to see the program fully implemented as soon as possible. I hope any of you who believe the program is worthwhile will help get the helicopters off the ground.

WELCOME TO CONGRESSMAN DON YOUNG

(Mr. YOUNG of Florida asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. YOUNG of Florida. Mr. Speaker, I want to welcome the Honorable DON YOUNG of Alaska to the House of Representatives. As one YOUNG to another, I can assure him that his presence will be well noted and long remembered—particularly by confused telephone operators, mailmen, and sundry others trying to figure one Congressman YOUNG from another.

During the 92d Congress, I had the honor of sharing the YOUNG name with my good friend, the Honorable JOHN YOUNG of Texas. Then three more YOUNGS were added to the 93d Congress. Now DON YOUNG, like myself a Republican and a former State senator, has joined our ranks.

He makes the sixth YOUNG now serving in Congress. This is the most YOUNGS ever to serve together in the Congress in our Nation's history. And it has been nearly 20 years since that many Congressmen sharing the same name have served in the House of Representatives.

There were eight Johnsons serving in the 78th Congress—with five Smiths to add to the confusion.

Now the YOUNGS are having their day. We do not have to keep up with the JONESES—there are only four of them in Congress today. Not to mention three BROWNS, BURKES, DAVISES, and WILSONS.

Last year, I frequently received phone calls meant for JOHN YOUNG. Our mail was sometimes mixed. Now we are being confused with ANDREW, EDWARD, and SAMUEL YOUNG as well—and they are being confused with us.

However, despite all the possibilities for confusion with so many YOUNGS in the House, excellent staff work in the Congress and the various offices involved have kept the mixups to a minimum. Probably the most confused is the visitor who calls out, "Congressman YOUNG!"—and now six heads will turn.

So welcome, DON YOUNG, you are in good company.

PRESIDENT NIXON'S MESSAGE ON LAW ENFORCEMENT

(Mr. HUDNUT asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. HUDNUT. Mr. Speaker, one of my chief concerns about American society as it has been developing over the last 10 to 15 years is its evolving permissiveness that on the one hand encourages disrespect for authority, tradition, and the rule of law, and on the other, excuses infractions thereof and waters down punishments. So I have cosponsored legislation in the Congress that calls for stiffer penalties for drug pushers, a bill to make it a Federal crime to kill or assault a policeman or fireman engaged in the performance of his official duties, and antiskyjacking legislation.

And now, I applaud President Nixon's message on law enforcement, and his recommendations for legislation authorizing the death penalty for such crimes as hijacking, kidnapping, firebombing, and attacks on prison guards or other police officers. I believe the death penalty provision and mandatory life imprisonment sentences would serve both as an effective deterrent to those who would commit such crimes and appropriate punishment for those who commit such crimes. Certainly individual rights and justice must prevail, but society and government also have the obligation to protect the rights, property, and life of law-abiding American citizens—without which protection justice cannot be served.

I commend President Nixon for his strong recommendations in this area of law enforcement, and urge the Congress to take prompt action.

STRIP MINING REGULATION

(Mr. UDALL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. UDALL. Mr. Speaker, on behalf of Representative PATSY MINK and myself, I am today introducing a bill to provide for the regulation of strip coal mining for the conservation, acquisition, and reclamation of strip coal mining areas and for other purposes. This is the coal surface mining bill the House passed during the 92d Congress. As you know, Mr. Speaker, this bill won overwhelming approval by the House last year, but died at adjournment.

It is indeed unfortunate that affirmative action was not taken during the last Congress, for each day that passes without proper environmental regulation of strip mining means the loss of additional acres of land to the destruction of irresponsible mining activities. This is a double tragedy because many maintain that we have the technology to reclaim much of this land. Without the impetus of Federal controls, however, many operators simply refuse to utilize the technology that exists. In short, we must bring reason and restraint to an intolerable situation. While further amendment of this bill will surely be forthcoming in our deliberations, this legislation, which was approved by the full committee and the House last year, is an appropriate starting point.

Hearings on this legislation will be conducted through the joint efforts of the Environment Subcommittee and the Subcommittee on Mines and Mining which is chaired by Mrs. MINK. These hearings have been scheduled for April 9, 10, 16, and 17, and we would like to encourage comment on any of the bills introduced during the 93d Congress. We anticipate that this cooperative effort will produce informative hearings, and we can look forward to early committee action aimed at achieving responsible environmental regulation.

MAYORS COMMEND CRIME COMMITTEE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, copies of telegrams supporting the work of the House Crime Committee have recently come to my attention from the mayors of two Midwestern cities who were witnesses in hearings held last year and in 1969.

Mayor Richard F. Walsh of Kansas City, Kans., addressed the Committee in hearings last October dealing with the increasing problem of drug abuse on secondary and elementary school campuses across the country. Kansas City was one of six cities in which such hearings were held.

Mayor Walsh commends the Crime Committee and, in a larger sense the House of Representatives, for "going out to the country to seek advise from officials and other citizens with expert knowledge in fighting crime and drug abuse."

Mayor Eugene A. Leahy of Omaha, Nebr., advises that he has asked the city council to triple the size of the unit in the police department assigned to narcotics investigations. The mayor testified in late 1969 that while the drug problem in Omaha and other Midwest cities was not nearly as severe as in other urban areas he expected to see a dramatic upswing in the years ahead.

The communication of Mayors Walsh and Leahy are among telegrams and letters received in recent weeks from hundreds of individuals including 11 Governors, 16 attorneys general; 25 mayors; 12 police officials and associations, and 30 citizen associations. I submit the wires from Mayors Walsh and Leahy for the RECORD:

KANSAS CITY, KANS.

CARL ALBERT,
Capitol Hill,
Washington, D.C.

Urge passage of H.R. 205 to continue important work of select committee on crime. Committee hearing last year in Kansas City by Chairman Pepper, Congressman Larry Winn and other members focused attention on the serious problem of drug use and abuse in the schools. Crime committee is to be commended for going out to the country to seek advise from officials and other citizens with expert knowledge in fighting crime and drug abuse.

RICHARD F. WALSH, *Mayor.*

MARCH 6, 1973.

Representative CARL ALBERT,
Speaker of the House, U.S. House of Representatives, Washington, D.C.

I agree with House Resolution 205 which would continue for two years the life of the Select Committee on Crime. The extension of study on street crime and narcotics traffic from the Federal level is urgent if our cities are to make any headway in dealing with these rather complex problems. To this end I am asking our city council for enabling action which will allow for expanding our police department's narcotics unit. This expansion will triple the size of the unit and the added personnel will remain on the unit until such time as the problem is lessened dramatically. I urge you to continue the activities of the Select Committee on Crime so that our efforts will not be in vain.

EUGENE A. LEAHY,
Mayor, City of Omaha, Nebr.

INTRODUCTION OF LAW ENFORCEMENT REVENUE SHARING ACT OF 1973

(Mr. HUTCHINSON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HUTCHINSON. Mr. Speaker, I am introducing the Law Enforcement Revenue Sharing Act of 1973. This legislation is intended to redesign the Federal program for State and local law enforcement and criminal justice assistance created in the Omnibus Crime Control and Safe Streets Act of 1968, which expires next June 30.

The Law Enforcement Revenue Sharing Act is a necessary step in the evolution of the current Law Enforcement Assistance Administration program.

The proposed bill will increase local control and flexibility.

The Law Enforcement Revenue Sharing Act will provide a higher level of cooperation and an even better partnership between the Federal Government and our State and local units of government.

It will also give State and local governments new freedom in fulfilling their public safety responsibilities.

The Congress has determined that crime control is a local responsibility. The Law Enforcement Revenue Sharing Act reinforces that fundamental principle. Substantially greater benefits will result for the people of this Nation under this approach.

The legislation is based upon one of the most important concepts of government in our Nation's history—the New Federalism.

The Law Enforcement Revenue Sharing Act embodies the following basic points:

It retains and gives more emphatic recognition of the basic principles of the Federal-State-local relationships in crime control.

It replaces the block grant program with special revenue sharing with increased emphasis on improving crime control.

It provides for public accountability.

It increases emphasis on fiscal control.

It provides for a single planning and action document submission consistent with each State's budget cycle.

It eliminates prior Federal approval as a precondition of funding.

For all of these reasons and more, Mr. Speaker, I believe that this bill is a most significant reform of the Federal criminal justice assistance program. It is a

notable occasion in the history of this Nation.

Mr. Speaker, I insert in the RECORD following my remarks, a section-by-section analysis of these features.

SECTION-BY-SECTION ANALYSIS

Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended in its entirety to authorize special revenue sharing payments to State and units of general local government.

The Declaration and Purpose Clause has been amended to indicate that it is the purpose of this title to authorize special revenue sharing payments.

In addition, the change in wording from "to improve and strengthen law enforcement" to "reduce and prevent crime and delinquency" is a more precise reflection that the goal of the program is the reduction and prevention of crime and delinquency rather than simply the improvement of the system. The wording does not shift the basic past aims of the program. "Prevent" as used in this context refers to programs or projects which appear to have an immediate and direct impact by deterring or impeding the occurrence of crime.

Section 101—provides that all authority of Title I, as amended, is placed in the Attorney General; that there is established a Law Enforcement Assistance Administration with an Administrator appointed with the advice and consent of the Senate and a Deputy Administrator. At the same time it authorizes delegation of all functions, powers and duties created by the Act so that the most efficient operating arrangement may be achieved.

Section 201 encourages States and units of local government to prepare and adopt comprehensive law enforcement plans.

Section 202 places the responsibility for the State law enforcement planning process under the supervision and control of the Governor and deletes former section 203 requirement for a State planning agency. The Governor may still designate a State planning agency; Any area wide planning shall be the responsibility of a multi-jurisdictional planning and policy development organization, the majority of whose members will be elected local officials.

Section 203 sets forth the requirements necessary for a planning process to properly develop a comprehensive State plan and administer such plan.

Section 204(a) requires that a State beginning on or after July 1, 1973, submit a comprehensive State plan. There will no longer be a requirement for prior approval prior to receipt of special revenue sharing funds. A plan shall be submitted every three years with a yearly revision. Subsection (b) authorizes the Attorney General to review such plan and provide comments to the State and Congress and to publish such comments in the Federal Register.

PART C—REVENUE SHARING FOR LAW ENFORCEMENT PURPOSES

Section 301(a) states the purpose of this part to be to encourage States and units of general local government to carry out program and projects to reduce crime and delinquency and provides that assistance under Part C will be in the form of special revenue sharing payments.

Subsection (b) sets forth the types of law enforcement activities which can be funded. Paragraphs 1–8 are identical to the former title I. The additional paragraphs provide eligibility to (9) diagnostic services within the community-based delinquency prevention and correctional programs; (10) express funding authority for improved court administration and law reform programs. This will allow for the funding of court projects where, for example, improvement of civil procedures will have a clear effect on administration of criminal justice; (11) to provide technical assistance formerly authorized by section 515(c); (12) funding authority for law enforcement education programs through contracts with institutions of higher education (former section 406); (13) funding authority for maintenance and operation of State, regional, and local planning processes; and (14) improved management of law enforcement activities. There is authority within section 301(b) to fund corrections programs authorized by Part E in the former title I and training programs for prosecuting attorneys (former section 408).

Subsection (c) removes the matching requirements (formerly required in title I) and permits 100 percent of program costs to be paid from special revenue sharing funds.

Under *Subsection (d)* no funds may be used for land acquisition. The ⅓ personnel compensation limitation has been removed.

Section 302 provides for the authorization to obligate funds for the continuation of projects approved under former Title I prior to the date of enactment of this Act.

Section 303 authorizes the Attorney General to make special revenue sharing payments when a State has on file a comprehensive state plan. There is no longer a requirement that such a plan must be approved by LEAA.

Section (b) sets forth the considerations which must be included for a plan to be comprehensive. This provision incorporates the major assurances in former section 453 for correctional programs.

Section 304 provides for the State government to receive applications for financial assistance from units of local government and other applicants and authorizes the State government to disburse funds when the application is in accordance with the purposes of section 301.

Section 305 allows the Attorney General to reallocate funds if a State fails to file a comprehensive plan.

Section 306(a) sets forth how special revenue sharing funds shall be allocated. Under paragraph (1) eighty-five per centum are special revenue sharing funds. There is first an initial allocation of $200,000 to each of the states for the support of the planning process. Thereafter the remaining funds are allocated according to relative population. Five per centum of this total shall be made available for support of the State and local planning process.

Subparagraph (A) provides for the variable pass through of special revenue sharing funds once the planning funds have been distributed.

Subparagraph (B) provides for pass through of planning funds to units of local government.

Paragraph 2 provides that the remaining fifteen per centum of the appropriated funds shall be allocated to the States, units of local government and non-profit organizations at the discretion of the Attorney General.

Subsection (b) provides that the discretionary grant may be up to 100 per centum of the cost of the program or project.

Section 307 defines special revenue sharing.

Section 308 provides that no person shall be excluded from participation in the program or projects funded under this Act due to discrimination. This is similar language found in Section 122 of the General Revenue Sharing Act except that subsection (b) (3) of this Act authorizes the Attorney General to use the powers and functions of section 509 to secure compliance.

Section 309 provides for the method of payment of special revenue sharing funds.

Section 401 States the purposes of this part which include (1) make grants or enter into contracts with public agencies, institutions of high education, or private organizations to conduct research, demonstrations, or special projects pertaining to the purposes described in this title; (a) make continuing studies to develop new or improved approaches, techniques, systems, etc., to improve and strengthen law enforcement—not limited to projects or programs carried out under this title; (3) carry out behavioral research projects on the causes and preventions of crime and the evaluation of correctional procedures; (4) make recommendations for the improvement and strengthening of law enforcement by Federal, State, and local governments; (5) carry out programs of instructional assistance, such as research fellowships; (6) collect and disseminate information to improve and strengthen law enforcement; and (7) establish a research center to carry out the programs described in this section; (8) cooperates with and renders training and technical assistance to States, units of local government, or other public and private agencies.

Section 402 continues the operation of the National Institute of Law Enforcement and Criminal Justice within the Law Enforcement Assistance Administration.

Section 403 provides that grants for this part may be up to 100 percent of the total cost of each project for which a grant is made.

Section 404 continues the authority under former section 404, regarding the training of State and local law enforcement personnel at the Federal Bureau of Investigation National Academy at Quantico, Virginia.

The substantive portions of former sections 406 through 455 are now incorporated in prior sections.

PART E—ADMINISTRATIVE PROVISIONS

Section 501—Authorizes the Attorney General, after consultation with representatives of States and units of general local government, to establish rules and regulations necessary to the exercise of his functions under, and are consistent with the stated purpose of this title.

Section 502 provides that the Attorney General may establish, alter or discontinue such organizational units of the Administration as he deems necessary.

Section 503 provides that super grade positions remain the same.

Section 504—Section 504 gives a hearing examiner, upon authorization of the Attorney the power to hold hearings, sign and issue subpoenas, administer oaths, examine witnesses, and receive evidence at any place in the United States he may designate.

Section 505 deletes from Section 5315 of Title 5 the positions of Associate Administrators after January 1, 1974.

Section 506 adds to Section 5316 of Title 5 the position of Deputy Administrator.

Section 507 through 511 are identical to prior section 507 through 511 but conform the vesting in the Attorney General of such administrative authority as are found in those sections.

Section 512 requires accounting and auditing evaluations and reviews as the Attorney General may consider necessary to insure full compliance with the requirements of this title.

Subsection (b) authorize review by the Comptroller General.

Section 513 authorizes the Attorney General to request from other Federal agencies statistics, data, program reports, and other material in order that the programs under this title can be carried out in a coordinated manner.

Section 514 provides for the reimbursement of the heads of other Federal departments for the performance of any functions under this title.

Section 515 subsections (a) and (b) of section 515 provide that the Attorney General shall collect and disseminate information on the condition and progress of law enforcement in the United States, deletes former section 515(c) which authorized the Administration to provide technical assistance to States or local governmental units. This is now authorized under parts C and D.

Section 516 subsection (a) of section 516

permits the Attorney General to determine the method of payments under this title.

Subsection (b) of section 516 provides that not more than 12 percent of the funds appropriated for any one fiscal year shall be used in any one State. This limitation does not apply to grants made under part D.

Section 517 authorizes the Attorney General to appoint advisory committees and makes provisions for compensation and travel allowances.

Section 518 provides that nothing contained in this title or any other act shall be construed to authorize any Federal control over any law enforcement agency of any State or political subdivision thereof.

Subsection (b) of former section 518 has been eliminated.

Section 519 directs the Attorney General to report to the President and to the Congress by March of each year on the activities under this title.

Section 520 provides for funding authority to carry out the provisions of the title. In addition, any funds not expended within the current fiscal-year will remain available for obligation until expended.

Section 521 provides for the confidentiality of statistical and research information collected under Administration programs and for a civil sanction of up to $10,000 to enforce such confidentiality.

PART F—DEFINITIONS

Section 601 includes the same definitions as former section 601 with the following additions:

"comprehensiveness as it applies to a State plan, 'area wide' and 'multi-jurisdictional planning and policy development organization."

PART G—CRIMINAL PENALTIES

Section 651 sets forth criminal penalties for whoever embezzles, willfully misapplies, steals, or obtains by fraud any funds, assets or property which are the subject of a grant or contract or other form of assistance.

This section includes under the criminal penalties anyone who *attempts* to embezzle, willfully misapply, steal, or obtain by fraud the same and whoever *receives conceals* or *retains* the same with intent to convert it to his use or gain, knowing it to have been embezzled, willfully misapplied, stolen, or obtained by fraud.

These two categories of crime have been added to strengthen this provision out of an abundance of caution in order to cover those who may not have totally completed the conversion of such funds or property to their use or gain or those who may have received said funds or property knowingly. The "attempt" provision is similar to the proposed Federal Criminal Code Revision and the "receiving" provision is similar to 18 U.S.C. 641 of the present code.

SECTION 3

Makes this Act effective July 1, 1973.

SOME FACTS AND FIGURES ON THE PROPOSED EXTENSION OF THE WEST FRONT OF THE CAPITOL, AMERICA'S LEGISLATIVE CAT WITH NINE LIVES

(Mr. STRATTON asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. STRATTON. Mr. Speaker, the other day the Commission on the Extension of the Capitol proposed that Congress proceed at once to the expenditure of $60 million in this time of strict budget crisis to provide for the extension of the west front of the Capitol, a program we shot down in flames on the floor of this House only about 7 months ago.

Well, Mr. Speaker, all I can say is, "Here we go again! This is where I came in!" As Members are well aware I have been opposing this extension proposal now for nearly 7 years. Each year we succeed in shooting it down. Each year it rises again a Phoenix from its own ashes to haunt us once more. This surely is a legislative cat with nine lives.

How it manages to do so I confess I do not know. Obviously the proposal has neither the support of the Congress nor the support of the people. Yet for some strange reason the proposal is revived over and over again, in the hope presumably that those who speak for the people in opposing it will eventually weary of the long fight and give up, or will somehow be momentarily distracted or be caught looking somewhere else so that the proposal can quietly be slipped by.

Needless to say, Mr. Speaker, I do not intend to let this happen while I am around. The proposal is as bad today as it was when it was first proposed in June, 1966. In fact it is worse, for two specific reasons. First, because we have hard, solid, engineering facts now to back up the contention it is unnecessary. And second because the needless waste of $45 million of the taxpayers money is even less supportable in the midst of today's grave budget crisis than it was back in 1966.

If I may, Mr. Speaker, let me just review the west front project briefly so that I may quickly summarize the growing case against it.

When the extension proposal was first made it was justified on the ground the Capitol was in imminent danger of collapse and only an elaborate, 4-acre, $60 million extension could save the venerable and historic structure. Today we know that assertion was as phony as a $3 bill. In 1970, at a cost of nearly a quarter of a million dollars, Congress commissioned the most prestigious structural engineering firm in the country, the Praeger firm of New York City, to determine the validity of this contention. In early 1971 they filed their report. It concluded: First, that the Capitol was not in any danger of falling down, second, its wear and tear could be repaired and restored without any elaborate change in its design or structure, and third, the cost of this repair and restoration would amount to about $15 million in contrast to the $60 million needed for the expansion.

This report is on the record. Congress and the taxpayers paid mightily for it. Yet the Commission for the Extension of the Capitol and the Architect of the Capitol—who opposed the extension until he got on the Capitol payroll—go on blithely ignoring it and give us their word for it that Praeger & Co. are nuts and were just talking through their hats.

But they cannot really ignore Praeger. They just try to switch the debate. Before Praeger it was that the Capitol was falling down. Now it is a new tune: Congress needs more space. More space for what? We have got lots of unused space and under-used rooms and corridors in the Rayburn Building. What is wrong with them? We have just taken over the whole Congressional Hotel as additional office space. What is wrong with that?

But somehow the space has to be in the Capitol. Why? Well, let us not kid ourselves. Mostly the 290 odd new rooms that will be added to the Nation's No. 1 historic shrine under this $60 million boondoggle will be hideaway offices for favored senior House Members who would prefer to do their office work just off the House floor instead of riding back the 100 yards to the office building. The Capitol architect admits this now: he calls them tuckaway offices. A noble ambition, but is it really worth $60 million at a time of severe budget crisis? A noble ambition, but does it really justify destroying for all time the Nation's most sacred shrine of democracy, covering up—on the eve of our Nation's 200th birthday—the sole remaining portion of the historic original Capitol building of 1800 that even the British redcoats were unable to destroy when they invaded Washington in 1814?

If we build "tuckaway" offices for a few where do we stop? Will the demand for enlargement go on until all 535 Members have secret, "tuckaway" offices?

We are told we need the space to handle visitors. But only a couple of years ago we appropriated millions for a new visitors center two blocks away in the Union Station. Do we really need to build another one now in the Capitol itself? Do we really need to deface this great historic building to make plush office space available for a few officials of the Capitol Historical Society?

We are told we need the space for more restaurants? But we cannot get the ones we have to pay for themselves now. Must we spend another $60 million to build even more restaurants so that the House Restaurant Committee can go even deeper into debt?

The whole process is so utterly and patently absurd that one wonders how grown men can continue to come back to this Nation year after year—like dogs to their vomit—with straight faces and the renewed hope of success. If its space we need must we pay the most exhorbitant costs in all Christendom for space to suit our own personal convenience while poor people are being derived of food stamps, children are losing their milk for lunch, and the aged are being asked to pay increased sums for their medical care?

An ordinary Holiday Inn costs roughly $15 a square foot to build. The costly, plush Rayburn Building cost something like $50 a square foot. The new FBI building on Pennsylvania Avenue, the most expensive in history, will cost about $68 a square foot. Yet the 4 acres of space in the $60 million west front extension will cost nearly six times that fantastic cost, $368 a square foot. Can we really afford it this year? Can we really explain that to our constituents in this economy year?

Mr. Speaker, this is the real question this 93d Congress must face up to this year, and we cannot avoid it.

Recognizing that matters of esthetics or even of history are not likely to pack much wallop in the Halls of Congress I have so far hesitated to touch on the damage which this $60 million boon-

doggle will also do to a great architectural monument. But let me just touch on two simple points that, let us hope, may ring some small responsive bell, if not in the hearts of this committee then at least of the House. If we have to destroy the present Capitol why in heavens name do we also have to destroy the beautiful Olmstead terraces that surround it on the west and stretch down the side of the hill? Can't we get enough hideaway spaces to slake our space thirst without doing mayhem to the whole Hill. Maybe we can do a passable job of copying the Capitol in Georgia marble. But nobody is around who can duplicate those Olmstead terraces. Cast stone just won't do the job—I do not care what George White tells you.

Finally, Mr. Speaker, has anyone stopped to realize that if we really let the Capitol Architect get going on this project now, the 200th anniversary of this country's birth in just 3 years is certain to find us with the whole vista of the U.S. Capitol as seen from downtown Washington completely torn up in a mess of concrete, mud, wooden fences, and general chaos. Is this really the way we want to greet that historic event?

I really do not think so. Let us come down to earth and admit that the west front extension, after 7 unsuccessful years, is finally dead. Let us give it a decent burial here in this House. And then let us get to work and appropriate $15 million to repair and restore this historic building to its original grace and charm, in time for the celebration and the spirit of 1976.

Under leave to extend my remarks I include first the statement of Mr. Archibald C. Rogers, vice president of the American Institute of Architects, before the House Legislative Appropriations Subcommittee. The AIA's alternate suggestions for getting necessary space in the Capitol merit serious attention. Second, I include a statement by Mr. George Hartmann, architect of Washington, D.C. with regard to the special problem of the Olmstead terraces to which I have already referred. And, finally, I include editorials from the Washington Post of March 4 and the New York Times of March 12 on the subject of the proposed west front extension.

The statements and editorials follow:

RESTORATION OF THE WEST FRONT OF THE U.S. CAPITOL BUILDING

(A statement by Archibald C. Rogers, FAIA, first vice president, the American Institute of Architects to Subcommittee on Legislative Branch, Committee on Appropriations, U.S. House of Representatives, Washington, D.C., March 8, 1973)

Mr. Chairman and Members of the Committee. I am Archibald C. Rogers, FAIA, First Vice President of The American Institute of Architects and a practicing architect and urban planner in Baltimore, Maryland. Accompanying me are George Hartman, AIA, a practicing architect in Washington, D.C. and a member of the Institute's Design Committee, and Maurice Payne, AIA, the Institute's Director of Design Programs.

Today The American Institute of Architects, the national society for the architectural profession representing 24,000 licensed architects, wishes to reaffirm its support for restoration of the West Front of the United States Capitol Building. The Institute's position is based on our professional opinion that restoration is the best course to follow with regard to the West Front. We believe that fact and logic support the case against extension as it is currently planned.

While we have the highest regard for the professional judgment of the Architect of the Capitol, George White, our firm opposition to the extension of the West Front is based on several considerations: (1) the need to preserve the last remaining facade of the original Capitol Building and the terraces designed by America's great landscape architect, Frederick Law Olmstead; (2) the findings of the Congressionally commissioned Praeger-Kavanaugh-Waterbury engineering study affirming the feasibility of restoration; (3) the lack of comprehensive development plan for the Capitol Hill areas; (4) the results of a review of space utilization in the Capitol Building; and (5) possible alternatives to the proposed extension which would supply needed office and meeting space in proximity to the chambers without destroying the West Front.

HISTORIC PRESERVATION

As the 1976 Bicentennial approaches, it is increasingly important that we protect our nation's cultural and historical landmarks in order to maintain a sense of national identity, as well as to preserve important aesthetic attractions.

The Federal Government has developed criteria to determine which properties are worthy of preservation. The prime requisite is historical significance. Historical significance may be found in properties that are naturally the bases from which broad political, military, social, or cultural history can best be presented; in sites which are associated with the lives of key figures in history, with dramatic incidents, or which are symbolic of some great idea or ideal; and in structures that represent the characteristics of an architectural type or the work of a master builder, designer or architect. Surely none here can dispute the applicability of all these criteria to the Capitol Building and its grounds.

If the extension is carried out as proposed, the work of important early American architects and landscape architects—Thornton, Latrobe, Bulfinch and Olmstead—will be lost. We believe the original sandstone walls of the West Front should remain forever, so that future generations of Americans may read their country's heritage in the face of the Capitol.

FEASIBILITY OF RESTORATION

In 1969, Congress commissioned a study to determine the feasibility of restoring the West Front. The results of the study were to be used by the Commission for Extension of the U.S. Capitol in reaching a decision on whether to restore or extend the West Front.

At the same time, Congress approved $2 million dollars to be used for the preparation of plans for extension if the Commission was satisfied that five specific conditions relating to restoration were not fulfilled:

(1) That restoration could be undertaken without creating unsafe conditions and that it would be durable and beautiful for the foreseeable future;

(2) That restoration would not cause any more vacation of existing space than extension;

(3) That the plans for restoration would be adequate for competitive lump sum bidding for the final project;

(4) That the cost of restoration would not exceed $15 million; and

(5) That the time for restoration activity would not exceed the time necessary for extension.

The feasibility report done by the Praeger-Kavanaugh-Waterbury engineering/architectural firm was completed in December, 1970, and concluded that all five conditions for restoration could be met.

Following the release of the Praeger Report, the AIA appointed a Task Force on the West Front, which studied and analyzed the report and unanimously endorsed its method of analysis, its general findings and its conclusions. The Task Force stated that the Praeger Report offers conclusive evidence to sustain the Institute's resolution for, and belief in, the practicality of restoration of the West Front *in situ*.

At this point, I would like to quote from the AIA Task Force report.

"It is our opinion that the proposed restoration as recommended by the Praeger Report fulfills the five conditions for restoration as set down by Congress in Public Law 91–145:

1. That the restoration can, without undue hazard, be made safe, sound, durable and beautiful for the foreseeable future.

2. The restoration can be accomplished with no more vacation of the west central space than would be required by any extension plan.

3. The Praeger Report provides proper methods of restoration. The Task Force recognizes that the work could be done on a competitive, lump sum, fixed price construction bid or bids but we feel that competitive bidding for a fixed profit and overhead with the work being done on a cost basis should be strongly considered in the same way the White House restoration was accomplished.

4. It would be impossible for anyone at this stage of study to guarantee a total restoration cost. However, the Task Force felt that the Praeger Report methods and budget allowed adequate contingency.

5. The Task Force is certain that the restoration work would not exceed the projected time estimated for accomplishing the extension plan.

"This Task Force recommends that the present perimeter facades of the Capitol Building be declared inviolable and the surrounding grounds, bounded by First Streets, East and West, and Independence and Constitution Avenues, be declared open space, devoid of significant structures protruding above present grade levels. Extant mature tree groupings in these surrounding grounds also should also be declared inviolable and sub-surface development be encouraged but confined to areas now either in grass, paving or shrubbery.

"The Task Force observes that the present space usage in the Capitol is crowded, misused, or underused; that many functions now located in the Capitol have questionable need of being there; and some functions are duplicated. The Task Force was made aware of the need for additional space by Members of the House of Representatives, especially space adjacent to the House Chamber.

"Present preliminary findings of the Architect of the Capitol, following a space need study of the House of Representatives, would seem to indicate that any proposed future extension of the Capitol will not begin to meet present, least of all projected, space needs.

"The Task Force reaffirms the AIA's historic position that Master Planning of the Capitol must be undertaken if impetuous action by the Congress is to be avoided. This planning should include (1) an inventory space utilization of present buildings; (2) an analysis of floor area ratio within the confines of the present Capitol area; (3) a study of possible new land acquisition; (4) a study with particular reference to below surface development capability, categories of use, and environmental factors.

"Consideration must be given to the displacing of routine services or lower priority functions now occupying space in the Capitol to new locations.

"With the realization of the Metro system, the Visitor's Center at Union Station and the emergence of new people-mover sys-

tems, all parking should be remoted and the Capitol's surrounding grounds cleared of all but official business cars. New systems of shuttles, horizontal elevators and even a Metro branch should be considered. They could provide fast, automatic, safe and frequent services between all of the buildings in the Capitol complex and would make ready proximity a question of time rather than distance.

"It is the recommendation of the Task Force that the Architect of the Capitol could and should request the counsel and guidance of leading architects and other design professionals. Since the future of our Capitol is of deep concern to all Americans, their gratuitous participation in the development of a comprehensive plan can be expected."

In September 1971 the Institute's Board of Directors, representing architects in every region of the United States and elected in grassroots caucuses, accepted and endorsed the Task Force's findings as a reaffirmation of the Institute's long standing position supporting restoration of the West Front. With the Chairman's permission, we would like to have the full report of the AIA Task Force on the West Front inserted in the record at this time.

COMPREHENSIVE DEVELOPMENT PLAN

I would like to comment further on the need for a comprehensive development plan for Capitol Hill.

We move from crisis to crisis under present procedures for approval and construction of Capitol Hill buildings. Unlike other parts of the capital city, neither the Fine Arts Commission nor the National Capital Planning Commission has authority over Capitol Hill architecture and development. A Congressional inquiry in 1965 brought out the fact that there had been no planning for Hill development during the previous eight years. And today, a long-range master plan still does not exist to guide development of Capitol grounds and contiguous areas.

Construction on Capitol Hill seems inextricably steeped in controversy. Much of the cause of this situation can be attributed to the procedures that have been allowed to develop which are not in the best interests of the Capitol Hill area.

For example, most universities, towns, and cities of consequence have recognized the benefits of a master plan. And Congress has insisted that comprehensive master planning be accomplished before Federal funds are granted for Interstate highways, model cities, and other development programs. Yet no such plan exists for Capitol Hill.

"Why," one Congressman has asked, "should this 131 acres known as Capitol Hill be excluded and denied the benefits of comprehensive master planning which Congress in its wisdom . . . felt was an indispensable condition to their spending a dime of Federal funds to help any city?"

Congress should have an orderly plan for the development of the Capitol grounds and contiguous areas. The cost of creating an excellent plan would be far less than the amount which will be spent unnecessarily without one.

The Congress in the past has considered legislation to establish a Commission on Architecture and Planning. The Commission, to be composed of highly experienced professionals, would supervise the implementation of a master plan and would pass on the design of buildings on Capitol Hill. We believe the legislation has a great deal of merit. Accordingly, we strongly urge that the Commission on Architecture and Planning bill be re-introduced and enacted.

At this time I would like to call upon George Hartman to comment on some additional aspects of the proposed West Front extension.

CONCLUSION

If Congress determines that the pressing need for working space in the Capitol must be met in the near future, then we trust that our recommendations for expansion alternatives to the proposed West Front plan be given full and careful consideration.

Our primary recommendations, however, are: (1) that the West Front be restored immediately so that our country's heritage may remain for future generations to view; (2) that a comprehensive study be done of the needs and growth potential of Capitol Hill; and (3) that a master plan for development be prepared. In these activities, The American Institute of Architects again pledges its services and cooperation.

HARTMAN-COX ARCHITECTS,
Washington, D.C., March 7, 1973.

NOTES ON THE PROBLEM OF THE WEST FRONT OF THE CAPITOL

We are now approaching the 100th anniversary of the first proposal to extend the West Front of the Capitol, when the unconventional character of this elevation became apparent upon completion of the dome. There is, however, an important difference between the current proposal to destroy the last remaining facade of the original Capitol, now 144 years old, and Thomas U. Walter's plan of 1874. At this time, the West facade completed in 1829, was less than fifty years old. Walter himself had added the two wings in the 1850's and the dome during 1856–65. It was only logical that he and his immediate successors would propose bringing the building into a traditional classical balance by extending the West Front. This possibility was abandoned with the addition of the Olmstead terraces in 1884–92.

During the 1880's Olmstead made several studies for extensions to the West Front. In fact, surviving drawings show almost every variation ever proposed by anyone, including the suggestions of Bulfinch, Walter and Clark, in addition to his own. These studies ranged from major extensions of the facade to mere face lifts achieved through the addition of pediments. The terraces as built did not allow or provide for any extension of the West Front. Why did Olmstead, whose far-sighted vision was large enough to include the design of Central Park in NYC before the city itself had even developed to the Plaza, not allow for the extension of the facade when he executed the west terraces?

The answer lies in an analysis of the West elevation itself, Capitol Hill falls off rapidly to the West; consequently any addition would project into the sight lines of the dome when seen from below and lessen the present dramatic visual impact of the dome when seen from the West. Furthermore, any addition would tend to unify the center with the two wings and integrate the entire structure into one massive block. To see this effect, compare the regularity of the existing East elevation with the articulation of the existing West facade, while realizing that the current proposal pushes parts of the West Front as far in front of the wings as it now is behind them.

The current massing of the Capitol is the result of a most fortunate series of accidents, as are many of the most successful examples of urbanism. It ranks with Renwick's Smithsonian, Mullet's State War and Navy Building and Meig's Pension Building, as being of unquestionable aesthetic value. No one would any longer seriously propose demolishing the Smithsonian to regularize the Mall, nor remodeling the Executive Office Building to make it match the Treasury. Contemporary planning does not require stylistic continuity through the purging of the past. The West elevation, deliberately preserved for over a hundred years following Olmstead's aesthetic decision, should not now be destroyed through the relentless demands for space and efficiency, and then be justified as being the realization of Walter's original plan. The very real requirements for additional space can be met in other ways. Like it or not, this building is now a monument, albeit a working monument, and there is no such thing as an efficient or economical monument. Any extension or alteration we make to this building will become a symbol of our attitude toward our heritage.

The most immediately apparent alternative to meeting the current space requirements is the development of an underground complex underneath Capitol Hill. Because it will not be seen, it offers the unprecedented advantage of allowing asymmetrical building to respond to an unsymmetrical program. This approach, together with a much needed remodeling of the existing spaces, promises to provide enough additional space for the foreseeable future, unlike the extension of the East and West Fronts. Since the majority of the space behind the proposed West facade would not have windows in any event, and is already spread over 4 to 7 levels, which require a constant reliance on an elaborate system of high speed elevators, if the same space were dug into the hill alongside the House, the majority of the offices would be nearer the floor in terms of walking distance and travel time than they would be in the extended West Front. Furthermore, it is unquestionably less expensive to build and operate underground facilities than it is similar ones above ground. This development is also consistent with meeting the service and communication needs of the entire Capitol Hill complex while simplifying the problems of the existing surface traffic. Moreover, it is a thoroughly contemporary solution, which, while providing exactly the space that is needed where it is needed, is also completely compatible with, and even respectful of, the past.

[From the Washington Post, March 4, 1973]

AN ADDITION THAT DOESN'T ADD UP

Instructed by the Commission for the Extension of the Capitol, Capitol Architect George M. White has rather unexpectedly appeared before the House Appropriations Subcommittee last week, requesting $58 million to begin immediate construction of an addition to the west side of the country's most cherished and venerable building. This request seems politically, economically and aesthetically so utterly unwise, that we cannot conceive that Congress will grant it.

The commission (which is synonymous with the established congressional leadership) and the Architect of the Capitol (who appears to have changed his professional judgment on the matter since his appointment to this job), have, to be sure, pursued their proposal with praiseworthy persistence. It has been around for at least 10 years. But in these years, alas, the rationalizations and justifications for the extension of the west front of the Capitol have crumbled, while the original, historic west front, which the previous Architect of the Capitol claimed was crumbling to the point of collapse, is still standing up quite proudly, thank you. There is no problem about shoring it up, according to competent engineers, for about a quarter of the price we are now asked to pay for plastering (or should we say "marbeling"?) it over with a new addition. And the restoration cost, we might add, would surely be far lower, if the Architect of the Capitol had kept the old facade in good repair, rather than gamble on the realization of his dreams of white marble extensions.

The proposal seems politically unwise because, in the first place, only a year ago Congress, in the face of strong leadership pressure, clearly said "no" to this costly boondoggle. "We knew," said Senators Clifford P. Case (R-N.J.) and William Proxmire (D-Wis.) in a joint statement on the renewed request, "that we spoke for millions who

wanted an end to government extravagance." If that was the mood a year ago, it is surely even stronger now that we are in a severe budget crisis and that the Nixon administration asserts to have been given an overwhelming mandate in the last election to curtail and even abolish domestic programs which a good many people consider vital to the national welfare.

Economically, the proposed $58 million expenditure makes no sense at all. That money, says Mr. White, is to buy Congress more space. But space for what? Anyone who has visited his congressman or senator recently will acknowledge that congressional staffs often work in crowded conditions. But the proposed addition would not provide efficient new work space. It would provide hideaways, conference lounges and other rooms for as yet unplanned and unspecified purposes, as well as tourist facilities, which are also to be provided when nearby Union Station is converted into a visitors' center. Nor will the $58 million suffice to pay for this folly. Some of the same group of architects who worked out the extension plan, also designed the Rayburn House Office Building. It was originally estimated to cost $66 million. It ended up costing $129 million. That adds up to $34.26 a square foot which, at the time of its completion, made it the most expensive office building in the world. Even at the present $58 million estimate, the promised added space in the west front addition would come to at least $170 a square foot, or five times as much.

If the Architect of the Capitol would at last get on with drawing up a masterplan for future Capitol development, he would surely find a spot or two where new space could be provided at a more sensible price.

As to the aesthetics of the proposal, it seems nothing short of reckless vandalism to hide the last remaining portion of the original Capitol behind a new marble addition. We don't mean to disparage the talents of Mr. White and his friends, who have already given us quite a few million dollars worth of new construction on Capitol Hill. But we doubt that they are quite as good as William Thornton and Benjamin Henry Latrobe, the great American architects, whose glorious work they would now arrogantly cover up.

[From the New York Times, March 12, 1973]

CAPITOL CRIME

A bad idea never dies—particularly in Congress; it doesn't even fade away. If it's bad enough, it will be revived over and over again, as in the case of the extension of the West Front of the Capitol. Now that this misguided scheme has been proved economically and architecturally outrageous—it would currently cost $60 million for some poorly planned office space achieved through the destruction of art and history—it is being pushed again by Vice President Agnew and the Congressional Commission for the Extension of the Capitol.

Expert and professional opinion opposes the plan on the grounds of irreparable damage to the national patrimony at a grotesque square footage cost. Rational alternate possibilities and studies have been provided, and master planning of the entire Capitol area has begun. But a genuine outrage, like the big swindle, is often easier to pull off than a petty crime.

At the nub of the problem is the fact that a small group of Congressmen apparently believe that they, rather than the American people, own the Capitol and can do whatever they want to it. This is not a remodeling plan, it is vandalism. It deserves immediate burial.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GIBBONS (at the request of Mr. MCFALL), for today and the balance of the week, on account of death in family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GONZALEZ, for 15 minutes, today to revise and extend his remarks and include extraneous material.

(The following Members (at the request of Mr. COHEN) to revise and extend their remarks and include extraneous material:)

Mr. ESCH, for 15 minutes, today.
Mr. BIESTER for 1 hour, March 15.
Mr. VEYSEY, for 15 minutes today.
Mr. ROBISON of New York, for 5 minutes, today.
Mr. WALSH, for 15 minutes, today.
Mr. HOGAN, for 30 minutes, today.
Mr. MCCLOSKEY, for 10 minutes, today.
Mr. CRONIN, for 5 minutes, today.
Mr. BURKE of Florida, for 10 minutes, today.
Mr. YOUNG of Illinois, for 5 minutes, today.

(The following Members (at the request of Mr. MCSPADDEN), to revise and extend their remarks, and to include extraneous matter:)

Mr. MCFALL, today, for 5 minutes.
Mr. CHARLES H. WILSON of California, today, for 5 minutes.
Mr. DRINAN, today, for 5 minutes.
Mr. GONZALEZ, today, for 5 minutes.
Mr. LITTON, today, for 5 minutes.
Mr. FRASER, today, for 5 minutes.
Mr. REUSS, today, for 10 minutes.
Mr. HARRINGTON, today, for 5 minutes.
Mr. BURKE of Massachusetts, today, for 10 minutes.
Mr. MONTGOMERY, today, for 5 minutes.
Mr. MCSPADDEN, today, for 5 minutes.
Mr. COTTER, today, for 5 minutes.
Mr. WAGGONNER, for 5 minutes, today.
Mr. FLOOD, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. GERALD R. FORD immediately following President's message on crime.

(The following Members (at the request of Mr. COHEN) and to include extraneous material:)

Mr. O'BRIEN.
Mr. DICKINSON.
Mr. FREY.
Mr. ESCH.
Mr. PRITCHARD.
Mr. BOB WILSON.
Mr. SPENCE.
Mr. DERWINSKI in three instances.
Mr. CARTER.
Mr. HORTON.
Mr. WYMAN in two instances.
Mr. ROBISON of New York.
Mr. RONCALLO of New York.
Mr. ASHBROOK in three instances.
Mr. MCCLOSKEY.
Mr. ZWACH.
Mr. HUNT.
Mr. FINDLEY.
Mr. CRONIN.
Mr. MCCOLLISTER in 10 instances.
Mr. HASTINGS.
Mr. RHODES in five instances.

(The following Members (at the request of Mr. MCSPADDEN) and to include extraneous matter:)

Mr. CORMAN in two instances.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. HARRINGTON in 10 instances.
Mr. KARTH in two instances.
Mr. LEHMAN in 10 instances.
Mr. REID.
Mr. EVINS of Tennessee in three instances.
Mr. CLAY.
Mr. HUNGATE.
Mr. BOLLING.
Mr. WON PAT.
Mr. ASHLEY.
Mr. DAVIS of Georgia.
Mr. GUNTER
Mr. TAYLOR of North Carolina.
Mr. RODINO.

JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on March 13, 1973 present to the President, for his approval, a joint resolution of the House of the following title:

H.J. Res. 334. Joint Resolution to provide for the designation of the second full calendar week in March 1973 as "National Employ the Older Worker Week."

ADJOURNMENT

Mr. MCSPADDEN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 3 o'clock and 2 minutes p.m.), the House adjourned until Thursday, March 15, 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:

574. A letter from the Secretary of Defense, transmitting the military manpower training report for fiscal years 1974 through 1976, pursuant to section 604 of Public Law 92-436 (10 U.S.C. 133, note); to the Committee on Armed Services.

575. A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting a report covering the period July through December 1972, on negotiated contracts for experimental, developmental, test or research work under 10 U.S.C. 2304(a)(11), and in the interest of national defense or industrial mobilization under 10 U.S.C. 2304(a)(16), pursuant to 10 U.S.C. 2304(e); to the Committee on Armed Services.

576. A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to extend for 1 year the authority for more flexible regulation of maximum rates of interest or dividends; to the Committee on Banking and Currency.

577. A letter from the Chairman of the Board of Governors, Federal Reserve System, transmitting a portion of the Board's annual report, dealing with monetary policy and the

economy, covering calendar year 1972; to the Committee on Banking and Currency.

578. A letter from the Director, Office of Telecommunications Policy, Executive Office of the President, transmitting a draft of proposed legislation to amend the Communications Act of 1934 to provide that licenses for the operation of a broadcast station shall be issued for a term of 5 years, and to establish orderly procedures for the consideration of applications for the renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

579. A letter from the Secretary of Commerce, transmitting a draft of proposed legislation to establish a national policy relating to conversion to the metric system in the United States; to the Committee on Science and Astronautics.

580. A letter from the Fiscal Assistant Secretary of the Treasury, transmitting the second annual report on the financial condition and results of the operations of the Airport and Airway Trust Fund, pursuant to section 208(e)(1) of the Airport and Airway Revenue Act of 1970, as amended [49 USC 1742(e)(1)] (H. Doc. No. 93–61); to the Committee on Ways and Means and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 149. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 134 of the 93d Congress (Rept. No. 93–57). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 181. Resolution providing for the expenses incurred pursuant to House Resolution 175 (Rept. No. 93–58). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 190. Resolution to provide funds for the expenses of the investigations and studies authorized by House Resolution 19 (Rept. No. 93–59). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 202. Resolution to provide funds for expenses incurred by the Select Committee on the House Restaurant (Rept. No. 93–60). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 219. Resolution providing funds for the expenses of the Committee on Standards of Official Conduct (Rept. No. 93–61). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 225. Resolution to provide additional funds to the Committee on Education and Labor to study welfare and pension plan programs (Rept. No. 93–62). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 249. Resolution to provide funds for the expenses of the investigations and studies by the Committee on House Administration (Rept. No. 93–63). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 261. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 180 (Rept. No. 93–64). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 263. Resolution providing funds for the expenses of the Committee on Ways and Means (Rept. No. 93–65). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 264. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Armed Services pursuant to House Resolution 185 (Rept. No. 93–66). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 265. Resolution to provide funds for the Committee on the Judiciary (Rept. No. 93–67). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 270. Resolution to provide funds for the expenses of the investigations and studies authorized by House Resolution 253 (Rept. No. 93–68). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 271. Resolution to provide funds for the expenses of the investigations and study authorized by House Resolution 187 (Rept. No. 93–69). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 277. Resolution to provide funds for the expenses of the investigation and study authorized by rule XI(8) and House Resolution 224 (Rept. No. 93–70). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 278. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 267, 93d Congress (Rept. No. 93–71). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 285. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 228 (Rept. No. 93–72). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 301. Resolution providing funds for the Committee on Rules (Rept. No. 93–73). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 302. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 72 (Rept. No. 93–74). Referred to the House Calendar.

Mr. THOMPSON of New Jersey: Committee on House Administration. House Resolution 303. Resolution to provide funds for the expenses of the investigation and study authorized by House Resolution 182 (Rept. No. 93–75). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. ABZUG:

H.R. 5573. A bill to allow States and localities more flexibility in utilizing highway funds, improve the efficiency of the Nation's highway system, and for other purposes; to the Committee on Public Works.

By Mr. ANNUNZIO:

H.R. 5574. 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. ASHBROOK:

H.R. 5575. A bill to promote the foreign policy of the United States by strengthening and improving the Foreign Service personnel system of the Department of State and of the U.S. Information Agency; to the Committee on Foreign Affairs.

By Mr. ASHLEY:

H.R. 5576. A bill to provide for accelerated research and development in the care and treatment of autistic children, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BRINKLEY:

H.R. 5577. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of certain public safety officers who die in the performance of duty; to the Committee on the Judiciary.

By Mr. BROTZMAN (for himself, Mr. BROWN of California, Mr. HARRINGTON, and Mr. VEYSEY):

H.R. 5578. A bill to provide, for purposes of computing retired pay for members of the Armed Forces, and additional credit of service equal to all periods of time spent by any such member as a prisoner of war; to the Committee on Armed Services.

H.R. 5579. A bill to amend title 5, United States Code, to include as creditable service for purposes of civil service retirement certain periods of imprisonment of members of the Armed Forces and of civilian employees by hostile foreign forces, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. BROWN of Michigan:

H.R. 5580. A bill relating to the withholding of income or employment taxes imposed by certain cities on the compensation of Federal employees; to the Committee on Ways and Means.

By Mr. BURKE of Florida:

H.R. 5581. A bill to amend title 38 of the United States Code, in order to provide additional compensation to veterans who are totally disabled as a result of combat injuries; to the Committee on Veterans Affairs.

By Mr. CASEY of Texas:

H.R. 5582. A bill to provide for accelerated research and development in the care and treatment of autistic children, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CEDERBERG:

H.R. 5583. A bill to create a National Agricultural Bargaining Board, to provide standards for the qualification of associations of producers, to define the mutual obligation of handlers and associations of producers to negotiate regarding agricultural products, and for other purposes; to the Committee on Agriculture.

By Mr. CONABLE:

H.R. 5584. A bill to amend the Internal Revenue Code of 1954, to encourage the preservation of coastal wetlands, open space, and historic buildings and to encourage the preservation and rehabilitation of all structures, and for other purposes; to the Committee on Ways and Means.

H.R. 5585. A bill to amend section 231 of the Trade Expansion Act of 1962, to permit the extension of trade agreement concessions on a reciprocal basis to products of the Union of Soviet Socialist Republics, Rumania, Hungary, Bulgaria, and Czechoslovakia; to the Committee on Ways and Means.

By Mr. CONYERS:

H.R. 5586. A bill to extend the period within which the President may transmit to Congress reorganization plans concerning agencies of the executive branch of the Federal Government; to the Committee on Government Operations.

By Mr. CONYERS (for himself, Mr. DELLUMS, Mr. PEPPER, Mr. LEGGETT, Mr. HARRINGTON, Mr. GREEN of Pennsylvania, Mr. THOMPSON of New Jersey, Mr. MOAKLEY, Mr. WON PAT, Ms. SCHROEDER, Ms. JORDAN, Mr. BROWN of California, Mr. BOLLING, Mr. BURTON, Mr. SARBANES, Mr. DE LUGO, Mr. OWENS, Mr. WALDIE, Mr. DIGGS, Mr. EDWARDS of California, Mr. STOKES, Mr. METCALFE, Mr. MITCHELL of Maryland, Mr. ROSENTHAL, and Mr. HICKS):

H.R. 5587. A bill to amend the Economic Opportunity Act of 1964, to require that any plans to reorganize the Office of Economic Opportunity be transmitted to Congress pursuant to the Executive Reorganization Act, and for other purposes; to the Committee on Education and Labor.

By Mr. CONYERS (for himself, Mr. FRASER, Miss HOLTZMAN, Mr. ROONEY of Pennsylvania, Mr. ROYBAL, Mr. STARK, Mr. RIEGLE, Ms. ABZUG, Mr. YOUNG of Georgia, Ms. MINK, Mr. DAVIS of South Carolina, Mr. MCCLOSKEY, Ms. BURKE of California, Mr. SEIBERLING, Mr. KASTENMEIER, Mr. HELSTOSKI, Mr. MOORHEAD of Pennsylvania, Mr. CLAY, Mr. ASHLEY, Mr. HOLIFIELD, Mr. MCCORMACK, Mr. WILLIAM D. FORD, Mr. MEEDS, and Mr. REUSS):

H.R. 5588. A bill to amend the Economic Opportunity Act of 1964, to require that any plans to reorganize the Office of Economic Opportunity be transmitted to Congress pursuant to the Executive Reorganization Act, and for other purposes; to the Committee on Education and Labor.

By Mr. DAVIS of Georgia (for himself, Mr. MOSHER, Mr. BEVILL, Mr. BOLAND, Mr. BREAUX, Mr. BROWN of California, Mr. COTTER, Mr. COUGHLIN, Mr. DAVIS of South Carolina, Mr. EILBERG, Mr. FISHER, Mr. FULTON, Mr. GUDE, Mr. HUBER, Mr. HUDNUT, Mr. JONES of North Carolina, Mr. KARTH, Mr. LENT, Mr. MCCORMACK, Mr. MOAKLEY, Mr. WON PAT, Mr. PETTIS, Mr. PICKLE, Mr. REES, and Mr. ROUSH):

H.R. 5589. A bill to amend the National Bureau of Standards Act of 1901 in order to broaden activities in the field of fire research and training, and for other purposes; to the Committee on Science and Astronautics.

By Mr. DAVIS of Georgia (for himself, Mr. MOSHER, Mr. BAKER, Mr. BUCHANAN, Mr. CARNEY of Ohio, Mr. DELANEY, Mr. ESCH, Mr. FLYNT, Mr. GINN, Mr. GOLDWATER, Mr. GROVER, Mr. HENDERSON, Mr. JOHNSON of California, Mr. JONES of Tennessee, Mr. JONES of Alabama, Mrs. MINK, Mr. ROYBAL, Mr. SHIPLEY, Mr. STEPHENS, Mr. STUCKEY, Mr. VAN DEERLIN, and Mr. WOLFF):

H.R. 5590. A bill to amend the National Bureau of Standards Act of 1901, in order to broaden activities in the field of fire research and training, and for other purposes; to the Committee on Science and Astronautics.

By Mr. E DE LA GARZA:

H.R. 5591. 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.

By Mr. DRINAN (for himself, Ms. ABZUG, Mr. BROWN of California, Ms. BURKE of California, Mr. BURTON, Mr. CONYERS, Mr. DELLUMS, Mr. DIGGS, Mr. EDWARDS of California, Mr. FRASER, Mr. HARRINGTON, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. LEGGETT, Mr. MCCLOSKEY, Mr. METCALFE, Mr. MITCHELL of Maryland, Mr. MOLLOHAN, Mr. OBEY, Mr. RANGEL, Mr. REES, Mr. REUSS, Mr. ROYBAL, Mr. ROSENTHAL, and Mr. TIERNAN):

H.R. 5592. A bill to abolish the death penalty under all laws of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. DRINAN (for himself, Mr. WALDIE, and Mr. YOUNG of Georgia):

H.R. 5593. A bill to abolish the death penalty under all laws of the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. ESCH:

H.R. 5594. A bill to make rules governing the use of the Armed Forces of the United States in the absence of a declaration of war by the Congress; to the Committee on Foreign Affairs.

By Mr. ESCH (for himself, Mr. BIESTER, Mr. BRASCO, Mr. BROWN of Michigan, Mr. BROWN of California, Ms. BURKE of California, Mr. CLEVELAND, Mr. CONTE, Mr. CORMAN, Mr. DERWINSKI, Mr. DRINAN, Mr. DUNCAN, Mr. EILBERG, Mr. FISH, Mr. FRENZEL, Mr. GUDE, Mr. HECHLER of West Virginia, Mr. KEMP, Mr. RANGEL, Mr. RIEGLE, Mr. ROYBAL, and Mr. SISK):

H.R. 5595. A bill to establish a national adoption information exchange system; to the Committee on Education and Labor.

By Mr. FAUNTROY:

H.R. 5596. A bill to amend the District of Columbia Revenue Act of 1937, to provide for the registration of automobiles at least 25 years old as antiques; to the Committee on District of Columbia.

H.R. 5597. A bill to provide for the issuance of special registration certificates and identification tags for motor vehicles operated by members of the Department of the District of Columbia Disabled American Veterans; to the Committee on the District of Columbia.

By Mr. FAUNTROY (for himself, Mr. DELLUMS, and Mr. CONYERS):

H.R. 5598. A bill to regulate the maximum rents to be charged by landlords in the District of Columbia; to the Committee on the District of Columbia.

By Mr. FRELINGHUYSEN:

H.R. 5599. A bill to amend the Truth in Lending Act to prohibit discrimination on account of sex or marital status against individuals seeking credit; to the Committee on Banking and Currency.

By Mrs. GREEN of Oregon:

H.R. 5600. A bill to amend the Railroad Retirement Act of 1937, to provide that an individual who performed military service during a war service period may have such service credited for annuity purposes under that act even though he entered the military service before such war service period began; to the Committee on Interstate and Foreign Commerce.

By Mr. GUBSER:

H.R. 5601. A bill to amend the National Science Foundation Act of 1950 in order to establish a framework of national science policy and to focus the Nation's scientific talent and resources on its priority problems, and for other purposes; to the Committee on Science and Astronautics.

By Mr. GUDE:

H.R. 5602. 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.

By Mr. HANSEN of Idaho:

H.R. 5603. A bill to amend the Federal law relating to the care and treatment of animals to broaden the categories of persons regulated under such law, to assure that birds in pet stores and zoos are protected, and to increase protection for animals in transit; to the Committee on Agriculture.

H.R. 5604. A bill to provide assistance in improving zoos and aquariums by creating a National Zoological and Aquarium Corporation, and for other purposes; to the Committee on House Administration.

H.R. 5605. A bill to require the Secretary of the Interior to make a comprehensive study of the dolphin and porpoise for the purpose of developing adequate conservation measures; to the Committee on Merchant Marine and Fisheries.

H.R. 5606. A bill to require the Secretary of the Interior to make a comprehensive study of the wolf for the purpose of developing adequate conservation measures; to the Committee on Merchant Marine and Fisheries.

By Mr. HARRINGTON (for himself, Mrs. HECKLER of Massachusetts, Mr. HICKS, Mr. MEEDS, Mr. MOAKLEY, Mr. STUDDS, and Mr. DRINAN):

H.R. 5607. A bill to provide compensation to U.S. commercial fishing vessel owners for damages incurred by them as a result of an action of a vessel operated by a foreign government or a citizen of a foreign government; to the Committee on Merchant Marine and Fisheries.

By Mr. HASTINGS (for himself, Mr. ROGERS, Mr. SATTERFIELD, Mr. KYROS, Mr. PREYER, Mr. SYMINGTON, Mr. ROY, Mr. NELSEN, Mr. CARTER, Mr. HEINZ, and Mr. HUDNUT):

H.R. 5608. A bill to extend through fiscal year 1974 the expiring appropriations authorizations in the Public Health Service Act, the Community Mental Health Centers Act, and the Developmental Disabilities Services and Facilities Construction Act, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HASTINGS (for himself, Mr. MURPHY of New York, Mr. PEPPER, Mr. BRINKLEY, Mr. STOKES, Mr. FASCELL, Mr. BUCHANAN, Mr. KYROS, Mr. STARK, Mrs. SCHROEDER, Mr. COUGHLIN, Mr. BELL, Mr. KEMP, Mr. HORTON, Mr. RONCALLO of New York, Mrs. GREEN of Oregon, Mr. BIESTER, Mr. FISH, Mr. RODINO, Mr. BIAGGI, Mr. MARAZITI, Mr. MOAKLEY, Mr. STEIGER of Wisconsin, and Mr. SARBANES):

H.R. 5609. A bill to provide for the humane care, treatment, habilitation, and protection of the mentally retarded in residential facilities through the establishment of strict quality operation and control standards and the support of the implementation of such standards by Federal assistance, to establish State plans which require a survey of need for assistance to residential facilities to enable them to be in compliance with such standards, seek to minimize inappropriate admissions to residential facilities and develop strategies which stimulate the development of regional and community programs for the mentally retarded which include the integration of such residential facilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYS:

H.R. 5610. A bill to amend the Foreign Service Buildings Act, 1926, to authorize additional appropriations, and for other purposes; to the Committee on Foreign Affairs.

By Mr. HELSTOSKI:

H.R. 5611. A bill to amend the Economic Stabilization Act of 1970, to establish a Food Price Control Commission in order to control the wholesale and retail level of food prices; to the Committee on Banking and Currency.

By Mr. HOGAN (for himself, Mr. ANDREWS of North Dakota, Mr. HAS-

TINGS, Mr. HAWKINS, Mr. ROE, and Mr. WILLIAMS):

H.R. 5612. A bill to amend the Social Security Act, to establish a national catastrophic illness insurance program under which the Federal Government, acting in cooperation with State insurance authorities and the private insurance industry, will reinsure and otherwise encourage the issuance of private health insurance policies which make adequate health protection available to all Americans at a reasonable cost; to the Committee on Ways and Means.

By Mr. HUTCHINSON (for himself, Mr. MCCLORY, and Mr. SANDMAN):

H.R. 5613. A bill to provide for Special Law Enforcement Revenue Sharing; to the Committee on the Judiciary.

By Mr. JARMAN:

H.R. 5614. A bill to adopt a moratorium upon State legislation relating to the regulation of travel agents; to the Committee on Interstate and Foreign Commerce.

By Mr. LEHMAN:

H.R. 5615. A bill to establish a congressional internship program for secondary school teachers of government or social studies in honor of President Lyndon Baines Johnson; to the Committee on House Administration.

By Mr. MATSUNAGA:

H.R. 5616. A bill to amend section 931 of the Internal Revenue Code of 1954, as amended; to the Committee on Ways and Means.

By Mr. METCALFE:

H.R. 5617. A bill to create a National Commission on the Olympic Games to review the question of U.S. participation in the Olympic games and to evaluate and formulate recommendations concerning such participation; to the Committee on the Judiciary.

By Mrs. MINK:

H.R. 5618. A bill to amend the Economic Opportunity Act of 1964, to provide that when Federal assistance to a community action program is discontinued, Federal property used for the program shall be transferred to the organization continuing the program; to the Committee on Education and Labor.

H.R. 5619. A bill to prohibit discrimination against locally recruited personnel in the granting of overseas differentials and allowances, equalize the compensation of overseas teachers, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MOAKLEY:

H.R. 5620. A bill to amend title 38 of the United States Code, in order to grant to any veteran with nonservice-connected disability involving the loss or loss of use of all extremities eligibility for pension, specially adapted housing, and specially adapted automobiles; to the Committee on Veterans' Affairs.

By Mr. NEDZI:

H.R. 5621. A bill to provide for the presentation of a flag of the United States for deceased members of the National Guard and Selected Reserve; to the Committee on Armed Services.

By Mr. O'BRIEN:

H.R. 5622. A bill to amend section 355 of title 38, United States Code, relating to the authority of the Administrator of Veterans' Affairs to readjust the schedule of ratings for the disabilities of veterans; to the Committee on Veterans' Affairs.

By Mr. O'HARA (for himself and Mr. DELLENBACK):

H.R. 5623. A bill to amend the Higher Education Act of 1965, to protect the freedom of student-athletes and their coaches to participate as representatives of the United States in amateur international athletic events, and for other purposes; to the Committee on Education and Labor.

H.R. 5624. A bill to protect collegiate and other amateur athletes; to the Committee on Education and Labor.

By Mr. REID:

H.R. 5625. A bill to provide for Federal

By Mr. PEYSER:

rent stabilization; to the Committee on Banking and Currency.

By Mr. REID (for himself, Mr. ADAMS, Mr. ADDABBO, Mr. ANDERSON of California, Mr. ASHLEY, Mr. BADILLO, Mr. BENITEZ, Mr. BINGHAM, Mr. BRASCO, Mr. BROWN of California, Mrs. BURKE of California, Mr. BURTON, Mrs. CHISHOLM, Mr. CLAY, Mr. CONYERS, Mr. CORMAN, Mr. DOMINICK V. DANIELS, Mr. DANIELSON, Mr. DELLUMS, Mr. DE LUGO, Mr. DENT, Mr. DIGGS, Mr. DRINAN, Mr. ECKHARDT, and Mr. EDWARDS of California):

H.R. 5626. A bill to amend the Social Security Act, as amended, to eliminate certain limitations on the use of Federal funds for social service programs; to the Committee on Ways and Means.

By Mr. REID (for himself, Mr. FRASER, Mr. FULTON, Mr. GONZALEZ, Mrs. GRASSO, Mr. HARRINGTON, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Ms. HOLTZMAN, Mr. HOWARD, Mr. KOCH, Mr. KYROS, Mr. LEGGETT, Mr. LEHMAN, Mr. MATSUNAGA, Mr. MCCLOSKEY, Mr. MCFALL, Mr. MEEDS, Mr. METCALFE, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MOORHEAD of Pennsylvania, Mr. Moss, and Mr. MURPHY of Illinois):

H.R. 5627. A bill to amend the Social Security Act, as amended, to eliminate certain limitations on the use of Federal funds for social service programs; to the Committee on Ways and Means.

By Mr. REID (for himself, Mr. PEPPER, Mr. PODELL, Mr. PRICE of Illinois, Mr. RANGEL, Mr. REES, Mr. RIEGLE, Mr. RODINO, Mr. ROSENTHAL, Mr. ROYBAL, Mr. SARBANES, Mrs. SCHROEDER, Mr. SEIBERLING, Mr. JAMES V. STANTON, Mr. STARK, Mr. STUCKEY, Mr. STUDDS, Mr. SYMINGTON, Mr. THOMPSON of New Jersey, Mr. TIERNAN, Mr. VAN DEERLIN, Mr. VANIK, Mr. VIGORITO, Mr. WALDIE, and Mr. WOLFF):

H.R. 5628. A bill to amend the Social Security Act, as amended, to eliminate certain limitations on the use of Federal funds for social service programs; to the Committee on Ways and Means.

By Mr. REID (for himself, Mr. WON PAT, Mr. YOUNG of Georgia, Mr. FAUNTROY, Ms. JORDAN, Mr. YATES, Mr. EILBERG, Ms. ABZUG, Mr. MURPHY of New York, and Mr. STOKES):

H.R. 5629. A bill to amend the Social Security Act, as amended, to eliminate certain limitations on the use of Federal funds for social service programs; to the Committee on Ways and Means.

By Mr. RHODES:

H.R. 5630. A bill to amend the Land and Water Conservation Fund Act of 1965, to establish a special annual entrance permit for handicapped persons; to the Committee on Interior and Insular Affairs.

By Mr. RHODES (for himself, Mr. DEL CLAWSON, Mr. MOORHEAD of California, and Mr. MCCOLLISTER):

H.R. 5631. A bill to amend the Federal Salary Act of 1967, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. ROBINSON of Virginia (for himself, Mrs. HOLT, and Mr. SARASIN):

H.R. 5632. A bill to improve and implement procedures for fiscal controls in the U.S. Government, and for other purposes; to the Committee on Rules.

By Mr. ROBISON of New York:

H.R. 5633. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966, to require certain safety standards be established for schoolbuses, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROE:

H.R. 5634. A bill to prohibit the impoundment of funds appropriated for airport and airway programs; to the Committee on Appropriations.

H.R. 5635. A bill to prohibit the impoundment of funds appropriated for urban mass transportation; to the Committee on Appropriations.

H.R. 5636. A bill to prohibit the impoundment of funds appropriated for the National Institutes of Health, for assistance to education, or for related programs and activities under the jurisdiction of the Secretary of Health, Education, and Welfare; to the Committee on Appropriations.

H.R. 5637. A bill to prohibit the impoundment of funds appropriated for the Special Action Office for Drug Abuse Prevention; to the Committee on Appropriations.

H.R. 5638. A bill to prohibit the impoundment of funds appropriated to the Veterans' Administration for grants to States for extended care facilities; to the Committee on Appropriations.

H.R. 5639. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, to include in the definition of law enforcement the enforcement of laws, ordinances, and regulations in any State relative to environmental recreation, including parks; to the Committee on the Judiciary.

By Mr. ROGERS (for himself, Mr. KYROS, Mr. PREYER, Mr. SYMINGTON, Mr. ROY, Mr. HASTINGS, Mr. HEINZ, and Mr. HUDNUT):

H.R. 5640. A bill to amend the Public Health Service Act, to establish a national program of health research fellowships and traineeships to assure the continued excellence of biomedical research in the United States, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. RUNNELS:

H.R. 5641. A bill to authorize the conveyance of certain lands to the New Mexico State University, Las Cruces, N. Mex.; to the Committee on Interior and Insular Affairs.

By Mr. STAGGERS (for himself and Mr. DEVINE):

H.R. 5642. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the disclosure of ingredients on the labels of all food; to the Committee on Interstate and Foreign Commerce.

H.R. 5643. A bill to amend the Federal Food, Drug, and Cosmetic Act to establish a code system for the identification of prescription drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. STEELE:

H.R. 5644. A bill to make use of a firearm to commit a felony a Federal crime where such use violates State law, and for other purposes; to the Committee on the Judiciary.

H.R. 5645. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, to provide benefits to survivors of certain public safety officers who die in the performance of duty; to the Committee on the Judiciary.

By Mr. STEELMAN:

H.R. 5646. A bill to amend title II of the Social Security Act to provide that no deductions on account of outside earnings will be

made from the benefits of an individual who has attained age 65; to the Committee on Ways and Means.

By Mr. STEIGER of Arizona:

H.R. 5647. A bill to authorize the partition of the surface rights in the joint use area of the 1882 Executive order: Hopi Reservation and the surface and subsurface rights in the 1934 Navajo Reservation between the Hopi and Navajo Tribes, to provide for allotments to certain Paiute Indians, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. STUBBLEFIELD:

H.R. 5648. A bill to amend section 355 of title 38, United States Code, relating to the authority of the Administrator of Veterans' Affairs to readjust the schedule of ratings for the disabilities of veterans; to the Committee on Veterans' Affairs.

By Mrs. SULLIVAN:

H.R. 5649. A bill to extend until November 1, 1978, the existing exemption of the Steamboat *Delta Queen* from certain vessel laws; to the Committee on Merchant Marine and Fisheries.

By Mr. THONE:

H.R. 5650. A bill to promote commerce and amend the Federal Power Act to establish a Federal power research and development program to increase efficiencies of electric energy production and utilization, reduce environmental impacts, develop new sources of clean energy, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. UDALL (for himself and Mrs. MINK):

H.R. 5651. A bill to provide for the regulation of surface coal mining for the conservation, acquisition, and reclamation of surface areas affected by coal mining activities, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. WALSH:

H.R. 5652. A bill to provide compensation for the victims of crime; to the Committee on the Judiciary.

By Mr. BOB WILSON:

H.R. 5653. A bill to amend title 10, United States Code, to change the method of computing retired pay of certain enlisted members of the Army, Navy, Air Force, or Marine Corps; to the Committee on Armed Services.

H.R. 5654. A bill to further amend the Federal Civil Defense Act of 1950, as amended, to require national standard firehose screw threads on couplings of firehoses and other equipment used for fire protective purposes; to the Committee on Armed Services.

By Mr. WRIGHT:

H.R. 5655. A bill to amend the Civil Rights Act of 1964, to provide that no State or political subdivision thereof shall enact or enforce any statute, ordinance, resolution, rule, regulation, order or directive whose purpose it is to make residency therein a condition of employment as a member of a fire department; to the Committee on the Judiciary.

By Mr. YOUNG of Florida (for himself and Mr. VEYSEY):

H.R. 5656. A bill to amend the Communications Act of 1934, to direct the Federal Communications Commission to require the establishment nationally of an emergency telephone call referral system using the telephone number 911 for such calls; to the Committee on Interstate and Foreign Commerce.

By Mr. ZWACH:

H.R. 5657. A bill to restore, reduce, and reform the REAP program; to the Committee on Agriculture.

By Mr. CEDERBERG:

H.J. Res. 428. Joint resolution to authorize the President to issue annually a proclamation designating the month of May in each year as "National Arthritis Month"; to the Committee on the Judiciary.

By Mr. FAUNTROY:

H.J. Res. 429. Joint resolution to amend the Constitution to provide for representation of the District of Columbia in the Congress; to the Committee on the Judiciary.

By Mr. HANSEN of Idaho:

H.J. Res. 430. Joint resolution calling for an immediate and appropriate moratorium on the killing of polar bears; to the Committee on Foreign Affairs.

H.J. Res. 431. Joint resolution calling for an immediate moratorium on the killing of the eastern timber wolf; to the Committee on Foreign Affairs.

By Mr. REID (for himself, Mr. ADAMS, Mr. ADDABBO, Mr. ANDERSON of California, Mr. ASHLEY, Mr. BADILLO, Mr. BENITEZ, Mr. BINGHAM, Mr. BRASCO, Mr. BROWN of California, Mrs. BURKE of California, Mr. BURTON, Mrs. CHISHOLM, Mr. CLAY, Mr. CONYERS, Mr. CORMAN, Mr. DOMINICK V. DANIELS, Mr. DANIELSON, Mr. DELLUMS, Mr. DE LUGO, Mr. DENT, Mr. DIGGS, Mr. DRINAN, Mr. ECKHARDT, and Mr. EDWARDS of California):

H.J. Res. 432. Joint resolution prescribing model regulations governing implementation of the provisions of the Social Security Act relating to the administration of social service programs; to the Committee on Ways and Means.

By Mr. REID (for himself, Mr. FRASER, Mr. FULTON, Mr. GONZALEZ, Mrs. GRASSO, Mr. HARRINGTON, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Ms. HOLTZMAN, Mr. HOWARD, Mr. KOCH, Mr. KYROS, Mr. LEGGETT, Mr. LEHMAN, Mr. MATSUNAGA, Mr. MCCLOSKEY, Mr. MCFALL, Mr. MEEDS, Mr. METCALFE, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MOORHEAD of Pennsylvania, Mr. MOSS, and Mr. MURPHY of Illinois):

H.J. Res. 433. Joint resolution prescribing model regulations governing implementation of the provisions of the Social Security Act relating to the administration of social service programs; to the Committee on Ways and Means.

By Mr. REID (for himself, Mr. PEPPER, Mr. PODELL, Mr. PRICE of Illinois, Mr. RANGEL, Mr. REES, Mr. REIGLE, Mr. RODINO, Mr. ROSENTHAL, Mr. ROYBAL, Mr. SARBANES, Mrs. SCHROEDER, Mr. SEIBERLING, Mr. JAMES V. STANTON, Mr. STARK, Mr. STUCKEY, Mr. STUDDS, Mr. SYMINGTON, Mr. THOMPSON of New Jersey, Mr. TIERNAN, Mr. VAN DEERLIN, Mr. VANIK, Mr. VIGORITO, Mr. WALDIE, and Mr. WOLFF):

H.J. Res. 434. Joint resolution prescribing model regulations governing implementation of the provisions of the Social Security Act relating to the administration of social service programs; to the Committee on Ways and Means.

By Mr. REID (for himself, Mr. WON PAT, Mr. YOUNG of Georgia, Mr. FAUNTROY, Ms. JORDAN, Mr. YATES, Mr. EILBERG, Ms. ABZUG, Mr. MURPHY of New York, and Mr. STOKES):

H.J. Res. 435. Joint resolution prescribing model regulations governing implementation of the provisions of the Social Security Act relating to the administration of social service programs; to the Committee on Ways and Means.

By Mr. RHODES:

H.J. Res. 436. Joint resolution to establish the Tule Elk National Wildlife Refuge; to the Committee on Merchant Marine and Fisheries.

By Mr. HANSEN of Idaho:

H. Con. Res. 152. Concurrent resolution pertaining to the methods used on animals in research; to the Committee on Science and Astronautics.

By Mr. ROE:

H. Con. Res. 153. Concurrent resolution to establish a joint committee to conduct an investigation of the U.S. Postal Service; to the Committee on Rules.

By Mr. THOMPSON of New Jersey:

H. Res. 306. Resolution to provide funds for the expenses of the studies, investigations, and inquiries authorized by House Resolution 18; to the Committee on House Administration.

H. Res. 307. Resolution to provide funds for the expenses of the investigations and studies authorized by House Resolution 162; to the Committee on House Administration.

H. Res. 308. Resolution authorizing the expenditure of certain funds for the expenses of the Committee on Internal Security; to the Committee on House Administration.

H. Res. 309. Resolution to provide funds for the Select Committee on Crime for studies and investigations authorized by House Resolution 256; to the Committee on House Administration.

By Mr. VEYSEY:

H. Res. 310. Resolution to amend the Rules of the House of Representatives to create a standing committee to be known as the Committee on the Environment; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. CONTE:

H.R. 5658. A bill for the relief of Guadalupe L. Anchecta; to the Committee on the Judiciary.

By Mr. FAUNTROY:

H.R. 5659. A bill to permit the Capital Yacht Club of the District of Columbia to borrow money without regard to the usury laws of the District of Columbia; to the Committee on the District of Columbia.

By Mr. HELSTOSKI (by request):

H.R. 5660. A bill for the relief of Mr. and Mrs. Manuel Abarca; to the Committee on the Judiciary.

H.R. 5661. A bill for the relief of Mr. and Mrs. Luis Labarca; to the Committee on the Judiciary.

H.R. 5662. A bill for the relief of Mr. and Mrs. Ascanio Reyes; to the Committee on the Judiciary.

By Mr. HOGAN:

H.R. 5663. A bill for the relief of Maria Ceballos; to the Committee on the Judiciary.

H.R. 5664. A bill for the relief of Rosa Pasmino; to the Committee on the Judiciary.

By Mr. MITCHELL of Maryland:

H.R. 5665. A bill for the relief of Zahra Shahla Hosseini-Alavi; to the Committee on the Judiciary.

By Mr. PEPPER:

H.R. 5666. A bill for the relief of World Mart, Inc.; to the Committee on the Judiciary.

By Mr. SCHNEEBELI:

H.R. 5667. A bill for the relief of Linda Julie Dickson (nee Waters); to the Comittee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

83. By the SPEAKER: Memorial of the Legislature of the State of South Dakota, relative to veterans' benefits; to the Committee on Veterans' Affairs.

84. Also, memorial of the House of Representatives of the State of Illinois, relative to the supply of petroleum fuels; to the Committee on Ways and Means.