

should be broadened to apply to all taxes and fees; to any spending increase; and to any bill imposing any costs on any type of private business—for example, the Clean Air Act.

So let's be clear that if this supermajority requirement is allowed to stand for one type of legislation, in the future we'll be voting on extending that bad idea to other types of legislation, too. And with it, we slide measurably toward the empowerment of a minority against which Madison warned.

Some question whether the court will even address the merits of our claim. We are confident it will. The U.S. Court of Appeals for the District of Columbia Circuit in *Michel versus Anderson* reached the merits of a new rule of the House to allow delegates to vote in the Committee of the Whole. There, the court rejected various procedural arguments to dismiss the case, stating that the courts are empowered to act on those House actions which "transgress the identifiable textual limits" of the Constitution. Moreover, the court ruled that private citizens have standing in these kinds of suits because they are being harmed through a dilution of the value of their vote in Congress, but unlike Representatives, they do not have the power to persuade the House to change its rules. The plaintiffs in our case are similarly affected by House rule XXI, a rule which, we argue, clearly exceeds congressional authority under the Constitution.

The idea of a three-fifths majority to raise tax rates was first proposed in the Republican Contract With America as a part of a balanced budget amendment to the Constitution, not as a rules change. For those who are serious about this idea, that is the appropriate and lawful way to do it—through an amendment to the Constitution.

Since the House did not follow that process, my coplaintiffs and I have been forced to involve the courts in this matter. The Framers had the wisdom and foresight to grant the Federal courts the authority to decide the constitutionality of acts of other branches of the Government. The Framers knew there would be times in our history when elected officials would be unable to resist the temptation to tamper with the Constitution for short-term political gain.

Today we take advantage of that foresight by asking the court to strike down a politically motivated House rule and preserve the integrity of the Constitution. Our faith in the strength of the Constitution gives us faith in the process of judicial review, and we feel confident that the court will strike down this House rule.

Mr. Speaker, I include in the RECORD the statement of Ms. Becky Cain, president of the League of Women Voters of the United States, in connection with the lawsuit.

(The letter from Ms. Cain is as follows:)

STATEMENT BY BECKY CAIN, PRESIDENT,
LEAGUE OF WOMEN VOTERS OF THE UNITED
STATES, FEBRUARY 8, 1995

On the Lawsuit Challenging House Rule XXI:

Good morning. My name is Becky Cain and I'm president of the League of Women Voters of the United States. On behalf of our members and on behalf of all voters, the League is joining in this suit.

Seventy-five years after its founding, the League still believes in the concept of good government. We still believe that maintain-

ing the integrity of our political system is a worthy goal. Call us old fashioned—we still believe that representative government should operate on the principle of majority rule. We oppose the tyranny of the minority.

Good government means representative government. According to the Constitution, majority rule is the keystone of representative democracy. House Rule 21 turns this principle on its head. By enacting a rule requiring three-fifths vote to raise taxes, the two-fifths who oppose the bill gain control. Congress has thus given up the most basic and fundamental power granted by the Constitution—the power to lay taxes—to minority rule. Good government also means responsive government. But under the three-fifths rule, Congress responds to the interests and will of only a minority of its members.

Good government means being able to make decisions—to make hard choices. As we are seeing now, making decisions that meet the needs of this diverse country is already difficult enough. This rule makes tough budget and tax decisions impossible.

In 1951 when President Eisenhower asked Congress to help him raise revenue for the Korean War effort, they did so by a vote of 233 to 160 in the House of Representatives—less than three-fifths. Under House Rule 21, Eisenhower's defense program would have been blocked or the budget busted.

Finally, good government means abiding by the Constitution. The three-fifths rule does not. The Constitution explicitly requires a supermajority in only seven cases. Requiring supermajorities to pass legislation would, according to James Madison, reverse the principle of free government. In the two centuries since he made this argument, we've seen no evidence that proves him wrong.

Don't be fooled by the term "supermajority." The day the House passed Rule 21, the majority of citizens lost power. Under this rule the votes of some representatives count less than other, and thus the votes of some voters count less than others. This is called vote dilution. We are taking this action, then, on behalf of all those voters whose votes now mean less than they used to.

The League understands the anti-tax sentiment behind this rule. Nobody likes to have their taxes raised. And certainly Congress needs to think long and hard before it enacts any increase. But good intentions do not equal good government. And in those cases where Congress has to evade the Constitution in order to legislate public sentiment, let the voters beware.

With so much at stake, maintaining majority rule is more critical than ever. The League joins this lawsuit to halt the erosion of this constitutional principle.

PERSONAL RESPONSIBILITY ACT

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

Mr. GENE GREEN of Texas. Mr. Speaker, I rise again tonight and take the floor again tonight to continue the discussion of the Personal Responsibility Act.

The Personal Responsibility Act is the Republican majority's welfare reform act. I wish us to take a closer look at the Personal Responsibility Act and how it affects all of us in the United States but particularly the State of Texas.

As I have stated on several occasions before, the Personal Responsibility Act would cut Federal funding in Texas over \$1 billion in fiscal year 1996 alone, representing a cut of 30 percent. There are unsubstantiated rumors running through the Capitol that the senior nutrition program has been pulled from the Personal Responsibility Act. If this is true, I congratulate the Republican majority in their recognition of the absurdity that is included in the Republicans' Contract With America, reducing funding for meals-on-wheels and other senior programs. It just does not make sense.

Under the original Personal Responsibility Act, the Houston Harris County Area Agency on Aging provided preliminary numbers last week from which we estimated how many seniors would be denied meals per day in Houston.

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After a closer calculation, the Area Agency on Aging has provided me with a letter that says 320 seniors would be denied a meal each day, 80,000, more than 80,000 meals a year if the Personal Responsibility Act passed in its present form. I insert that letter in the RECORD at this point, Mr. Speaker, and I appreciate the opportunity to do that.

The letter referred to is as follows:

CITY OF HOUSTON, HEALTH AND
HUMAN SERVICES DEPARTMENT,
Houston, TX, February 2, 1995

Mr. GENE GREEN,
House of Representatives,
Washington, D.C.

Dear Congressman Green: Per the request from your office regarding the impact of 30% reduction in our USDA Award, the following information is provided:

The 30% reduction in our USDA Award would translate to 80,357 less meals available to our nutrition participants. When further analyzed on a daily basis, this would mean 320 seniors per day would not be served a congregate or home delivered meal.

The Area Agency on Aging serves seniors who are 60 years and older. A dependent child of an eligible senior would also be eligible for our services.

If additional information is required, please contact Charlene Hunter James, MPH, Director, Houston/Harris County Area Agency on Aging at (713)794-9001.

Sincerely,
M. DESVIGNES-KENDRICK, MD, MPH,

Director.

On the front page of today's Washington Post, Mr. Speaker, I saw a headline that said, "Republican officials agree on repealing welfare entitlements." That is like two hyenas fighting over a deer with the grandparents and children seeing what is left for them. Unfortunately over a hundred thousand seniors in Harris County had no voice in that agreement, who may or may not get a hot meal, if these rumors are not correct.

The American people, they want results. How can we have the results

when 46 percent of the Members of Congress were simply left out of the process between the Republican Governors and the Republican majority?

In that article in the Washington Post, Mr. Speaker, Vermont Governor Dean describes the situation very clearly. He states the agreement is only a deal between the Republicans. Political partisanship must not take precedent over the lives for seniors or, for that matter, children or mothers.

Allow me to remind my colleagues that school breakfast and lunch programs are not included in the rumors that were talked about, removing senior citizens food programs. Thousands of school children are still under this budget ax when school nutrition programs are subject to a 30-percent cut through this personal responsibility, and tonight we still do not know if our senior citizen nutrition programs are exempt.

Congress should end the welfare as it is currently operating, but the Personal Responsibility Act should not include nutrition programs, whether they be for our seniors or for our youngest children in this country.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. DURBIN] is recognized for 5 minutes.

[Mr. DURBIN addressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

CRIME PREVENTION PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Ms. ROYBAL-ALLARD] is recognized for 5 minutes.

Ms. ROYBAL-ALLARD. Mr. Speaker, I declare my strong opposition to H.R. 728.

This Republican proposal effectively dismantles the highly successful COPS program and the innovative prevention programs that have been praised by law enforcement agencies throughout the country.

The misguided block grant funding called for in H.R. 728 repeats the mistakes of history by returning to the ineffective use of block grants that were the subject of major abuse and scandal in our recent past.

Let us not forget the shameful instances of taxpayer money used to buy private cars, airplanes, and even an armored tank under the former block grant program L.E.A.A.

H.R. 728 opens the door once again for abuse, while doing nothing to guarantee enhanced public safety. It does not guarantee one single new police officer on our streets or the implementation of one additional prevention program.

I am particularly concerned that under H.R. 728 communities will lose \$2.5 billion that would have put more community police officers on the street and would have provided for the additional implementation of crucial prevention programs.

It is significant that the National Association of Counties, whose members would receive the grants, opposes H.R. 728 and supports the President's 1994 crime bill with a balanced approach of funding for both law enforcement and prevention programs.

Those who argue that prevention programs are useless fail to understand the complex causes of crime. They fail to understand that in communities across our Nation, criminal activity occurs primarily where opportunity and hope do not exist.

Supporters of H.R. 728 argue that the prevention programs it repeals are useless fluff and a waste of public funds. They are dead wrong.

In the 1980's communities in my district received Federal and State funds specifically for crime prevention efforts aimed at reducing heavy gang activity.

Programs were initiated to provide at-risk youths with positive alternatives to gangs.

For students, after-school programs including sports, study skill clinics, and mentoring were offered.

For those out of school with no job prospects and clearly the most vulnerable to violent gang participation; programs were offered in basic education, job skills, and self esteem.

These programs not only helped lower crime, but nearly eliminated gang activity in the east Los Angeles community.

Ironically, when the gang activity dropped to such a low level the funds for prevention programs were misguidedly shifted to a different community.

Almost instantaneously, gang violence increased dramatically and has been rising steadily ever since.

Prevention programs work. They work because they give alternatives to individuals who have few options and they work because they give hope to individuals who have none.

If we are to win our struggle against violence and crime in our country, we must have more police on our streets and effective programs that give positive alternatives to crime and provide individuals with hope and opportunity for a better life.

The Republican leadership calls H.R. 728 the taking back our streets act. What this bill takes back, however, is not our streets, but our chance to create safe streets all across America.

Police, parents, and public officials nationwide have proven that community policing and prevention programs are our best hope for eliminating crime in our country.

To make this hope a reality, we must oppose H.R. 728.

COMMUNITY POLICING

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Massachusetts [Mr. MEEHAN] is recognized

for 60 minutes as the designee of the minority leader.

Mr. MEEHAN. Mr. Speaker, I rise to talk about the issue that we are dealing with in the Congress this week and early into next week, the issue of the crime bill.

Just last September President Clinton signed the most comprehensive, effective, tough crime bill in the history of this country. It was a crime bill that was tough on repeat offenders. It was a crime bill that made a significant contribution to building more prisons across this country, \$10 billion. It was also a bill that put 100,000 new police officers on the streets of America.

But I want to talk about two parts of that bill because two important sections of that bill are in serious jeopardy over the next several days in the Congress of the United States; that is, sections of the bill that require and fund 100,000 new police officers across America, partially funded by the Federal Government, community policing.

Let me just say that as a former first assistant district attorney in Middlesex County, one of the largest counties in the country, and having had the experience of overseeing a caseload of over 13,000 criminal cases a year, and having had the experience of working with 54 cities and towns and 54 different police departments across that Middlesex County, I can tell you that community policing is a cutting edge of what works in law enforcement. It is not an accident that we have for the time an Attorney General with vast experience in the front lines of the fight against crime.

This attorney general knows what it is about to manage a case load, knows what it is about to work with police departments, and knows what fighting crime in tough areas is all about. And that is why I believe we have seen this smart, tough, effective crime bill passed into law.

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Community policing has worked all over America, and I want to talk for a minute about my hometown, the city of Lowell, MA, where 13 additional police officers and a commitment made by the Federal Government, and a commitment, by the way, made by the Republican Governor of Massachusetts, Governor Weld, a former prosecutor who also understands that community policing works.

Because of that commitment, the city of Lowell has been able to form community partnerships using the Community Policing Program. Community partnerships are the hallmark of police and community oriented proposals. During the last year the Lowell Police Department under the leadership of Police Chief Educate Davis has opened up new community policing precincts in different sections of the city of Lowell, Lower Belvidere, Back Central Street, Lower Highlands. They have established a Team Lowell to go