

ly related itself to the urban concerns of our nation and to the needs of the poor and marginal persons who increasingly are concentrated in our cities.

We respectfully submit that you are not adequately assessing the urban nature of this nation, nor the serious plight you will create for millions of people in many parts of this interrelated urban nation when you turn your back on the people of New York City.

In so doing you are consigning many poor and middle class persons to joblessness, dislocation, loss of necessities and a limited economic future.

Regardless of the mistakes of New York's leaders, which are matched in many cities and the Federal government, we cannot ignore the American tradition of helping our neighbors and the moral reality that as a nation we are one interdependent neighborhood. The course you have chosen sets a dangerous pattern of unconcern and disregard for what are the urban problems of us all.

We urge you to reconsider your limited and divisive approach to New York's problems. It is a damaging thing to attempt to set the rest of the nation against any one city, or cities against small towns, or Democrats against Republicans when we so desperately need a President of all the people.

Particularly in this our bicentennial year, we need leadership that calls us to rise above temporal and partisan concern and find our strength as a people by working together for the hallowed causes of freedom and justice.

NATIONAL COUNCIL OF CHURCHES.

W. Sterling Cary, President, Hinsdale, Ill.
William P. Thompson, President-Elect, Princeton, N.J.

Mildred Baltzell, First Vice President, Dallas, Tex.

The Most Reverend Archbishop Torkom Manoglian, 2d Vice President, New York City, N.Y.

The Reverend Mrs. Eunice Santana Velez, 3d Vice President, Arecibo, Puerto Rico.

Claire Randall, General Secretary, New York City, N.Y.

PROBLEMS WITH LEGISLATION ON GUN CONTROL

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

Mr. FLYNT. Mr. Speaker, there are many proponents of and much discussion about legislation on gun control. The proposals range from a requirement to register all guns to an outright prohibition of private ownership. Many of those who are most vocal about gun control speak from emotion and varying degrees of ignorance on this subject.

I have recently received a very thoughtful letter from the district attorney of the Griffin Judicial Circuit of Georgia on the subject of gun control. The honorable Ben J. Miller, a distinguished lawyer of wide experience, has been district attorney of the Griffin Judicial Circuit since July 1, 1969, and speaks from intimate knowledge of crimes involving guns. He very wisely identifies the problem as one of crime control rather than gun control and offers sound recommendations based upon his long and successful experience as a district attorney.

I offer his letter as a scholarly comment on crime control and a recommended solution to crime control and gun control.

NOVEMBER 7, 1975.

HON. JOHN J. FLYNT, JR.,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FLYNT: Please accept this letter as my thoughts concerning the recent publicity of pending legislation in the National Congress concerning control of hand guns.

I have been the District Attorney of the Griffin Judicial Circuit since July 1 of 1969, which comprises a four-county area immediately south of Atlanta, with a population of approximately 90,000 people. During this period of time, I have processed over 2,600 felony cases and have tried over 300 felony trials. I have no trial assistants, so my thoughts represent my own experience and not second-hand information.

The only logical reason for any legislation aimed at controlling hand guns is for the purpose of crime control. In examining crime control and the role of the hand gun in the light of the rising crime rate, crime can be placed in two categories:

I. CRIMES OF PASSION

The most common types of these crimes are homicides, aggravated assaults, and certain sexual offenses. I have tried all of the above cases with hand guns involved; I have also tried all of the above cases with a variety of other weapons, such as knives, razors, rifles, shotguns, sticks, baseball bats, broken bottles, and a variety of other types of instruments capable of inflicting bodily harm. One of the most aggravated cases of passion that I have ever been involved in involved the bare hands and the booted feet of the assailant. A check of the statistics which I keep reveals less than 50% of the crimes in these categories are committed with a hand gun, and my experience is that the availability of hand guns bears no relation to the rate of commission of these crimes. It is my opinion, based on having processed hundreds of these cases, and having talked with many defendants involved, that an attack motivated by passion will be made with whatever weapon the attacker can conveniently find at hand.

II. CRIMES FOR PROFIT

Included in this category are burglaries, thefts, forgeries, and robberies. Persons committing burglaries, thefts, forgeries, and other crimes involving fraud are rarely armed and almost never have attendant circumstances of violence. The main category of violent profit crimes are robberies. Approximately 50% of the armed robbery cases processed by me are with hand guns, with the others divided between rifles, shotguns, knives, and other weapons, with sawed-off shotguns amounting to 10%; which violates both State and Federal law. All robberies are planned, premeditated crimes and if a hand gun is available it would probably be used. If not, another weapon would be substituted. In short, if "A" decides to rob "B", "A" will do it with whatever instrumentality he can find to accomplish it.

If a law banning private ownership and possession of hand guns is passed, it cannot be effectively enforced. Such a law must make some provision of enforcement, and the Constitution prohibits searches and seizures without probable cause, leaving a criminal provision as the only means of enforcement. In addition thereto, the Constitution further provides for adequate compensation for the hand guns surrendered, which simple mathematics will show to be an astronomical figure.

However, don't think for a minute "Uncle Joe" is going to give up "Grandpappy's 45" just because "those folks up in Washington pass a law." So Congress will be in the position of making criminals of law-abiding citizens who own and possess hand guns for legitimate purposes, i.e., sporting use and personal defense; and herein lies the real problem: crime control, not gun control.

The law banning private possession and ownership of hand guns, if adhered to, would prevent a private citizen from doing for himself what the State and Federal Governments cannot any longer do for him, i.e., protect his person and property. The rising crime rate is a fact so well established, statistics here would only be redundant. The plain fact is that since the early 1960's, the criminal justice system has been a failure. For whom-ever's fault it might be, this decade and a half of social reform in the criminal justice system has been a total and complete failure. This country has changed in this length of time from an orderly society with a manageable crime rate to a society that does not permit its law-abiding citizens free access to public, and in some cases, private, places without fear. This is not speculation. This is a fact. To suggest that a law banning hand guns, even if enforceable, would cure or even affect this situation, is like the proverbial ostrich hiding its head in the sand. Many of the social reformers responsible for this dilemma believe that the punishment of crime bears no reasonable relationship to the rate of crime. I call their attention to the lack of assassinations and attempted assassinations on heads of State in those countries which treat such with public execution.

My years in the criminal justice system suggest two things that would, if done, alter the existing situation:

1. Speedy trials of persons accused of crimes with an equally speedy appellate process, insuring an end to the now seemingly endless appellate process.

2. Fair but meaningful sentences commensurate with the crime committed for those found guilty, with strict parole rules that are enforced.

Accomplish this, and crime control can be accomplished; and the need for a meaningless scapegoat such as gun control will not be necessary.

With kind regards I remain,

Very truly yours,

BEN J. MILLER.

ANNOUNCEMENT AS TO VOTE

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

Mr. DANIELSON. Mr. Speaker, I missed roll Nos. 673 through 688. I wish the RECORD to show how I would have voted on each of these questions had I been present.

THURSDAY, NOVEMBER 6, 1975

Roll No. 673. H.R. 10230, the National Science and Technology Policy and Organization Act of 1975. I would have voted "yea."

Roll No. 674. House Resolution 836 provided for the consideration of H.R. 6346 to make permanent authorization of appropriations for carrying out title V of the Rural Development Act of 1972. I would have voted "yea."

FRIDAY, NOVEMBER 7, 1975

Roll No. 675. The House resolved itself into the Committee of the Whole for the consideration of H.R. 9019. I would have voted "yea."

Roll No. 676. H.R. 9019 to revise and extend the program for the establishment and expansion of health maintenance organizations. I would have voted "yea."

Roll No. 677. H.R. 1753, Tabulation of Population for State Legislative Apportionment Act. I would have voted "yea."

Roll No. 678. H.R. 6346 makes perma-

nent the authorization of appropriations for carrying out title V of the Rural Development Act of 1972. I would have voted "yea."

MONDAY, NOVEMBER 10, 1975

Roll No. 680. H.R. 10035 establishes the Judicial Conference of the District of Columbia. I would have voted "yea."

Roll No. 681. H.R. 4287 provides for additional law clerks for the judges of the District of Columbia Court. I would have voted "yea."

Roll No. 682. H.R. 9958 transfers certain real property of the United States to the District of Columbia Redevelopment Land Agency. I would have voted "yea."

Roll No. 683. An amendment to section 739 of Public Law 93-198 (H.R. 10041) which retains the Federal enclave and gives the President the authority to appoint an official from within the Federal Government to serve as director of the National Capital Service Area. I would have voted "yea."

Roll No. 684. H.R. 6461 amends certain provisions of the Communications Act of 1934 to provide long-term financing for the Corporation for Public Broadcasting. I would have voted "yea."

TUESDAY, NOVEMBER 12, 1975

Roll No. 686. The House rejected a motion to recommit the conference report for H.R. 8365, making appropriations for the Department of Transportation and related agencies for fiscal year 1976, and the transition period, to the committee of conference with instructions to the House conferees that they insist on the House position with respect to Senate amendments Nos. 25 and 26 dealing with railroad research and development. I would have voted "nay."

Roll No. 687. The House receded and concurred in Senate amendments Nos. 49 and 50 to H.R. 8365, the transportation appropriations bill. I would have voted "yea."

Roll No. 688. House Resolution 855 condemns the resolution adopted by the General Assembly on November 10, 1975, which wrongly equates Zionism with racism and racial discrimination. I would have voted "yea."

The SPEAKER pro tempore (Mr. HAYES of Indiana). Under a previous order of the House, the gentleman from New York (Mr. ADDABBO) is recognized for 30 minutes.

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

WOMEN IN PUBLIC BROADCASTING

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

Mrs. HECKLER of Massachusetts. Mr. Speaker, during hearings and floor debate in the House on H.R. 6461, the Public Broadcasting Financing Act of 1975, public witnesses and Members of Congress alike questioned public broadcasters' commitment to meet the needs and interests of women, both in employment

and programming. In view of this, I would like to draw the attention of my colleagues to a publication released today by the Corporation for Public Broadcasting—"The Report of the Task Force on Women in Public Broadcasting."

The report states:

Overwhelming evidence points to the existence of pervasive under-representation of women throughout the public broadcasting industry, both in employment and in program content. The disparity is especially marked at the decisionmaking levels in all aspects of public broadcasting.

The report documents this statement with extensive normative and statistical data on the underrepresentation of women. And, most importantly, it makes significant recommendations "for the development of affirmative equitable treatment of women in public broadcast programming and employment at all levels."

CPB is to be commended for conducting such a thorough and comprehensive study and for disseminating it to the public. These actions point to CPB's recognition of its role in meeting the needs and interests of people—both men and women—throughout the United States, as stated in the Public Broadcasting Act of 1967. As a Member of the House who has been a long-time supporter of public broadcasting, I applaud CPB's efforts to more effectively include and serve the sex which comprises more than half our population.

However, I consider this study a first step by CPB in meeting its responsibilities to women under the Public Broadcasting Act. The report should serve as a catalyst to CPB and public broadcasting in general to expand the number of women employed by the national public broadcasting organizations and by local public television and radio stations, especially at the management and professional levels, and to integrate women more fully into public broadcasting's program offerings. In this respect, public broadcasting—financed in part by Federal dollars—can serve as an example to commercial broadcasting.

A clause in H.R. 6461—passed November 10 by the House and November 17 by the Senate—states that CPB officials should be available at any time to report to Congress on public broadcasting's activities and progress, especially in terms of its responsiveness to minorities and women. It is our responsibility to fulfill this oversight function. In terms of women in public broadcasting, we can best do this by familiarizing ourselves with the report and monitoring CPB's progress in carrying out its recommendations. Otherwise, the report will take the route of other studies—conducted, cataloged, and cast aside. I urge the Members of the House to hold CPB accountable for implementing this report. We have the data. We have the recommendations. We have the right to oversight.

THE ELIMINATION OF EPA

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

Mr. CRANE. Mr. Speaker, as with many other Government regulatory agencies, the Environmental Protection Agency was started with the best of intentions—to eliminate dirty air, water pollution, and other forms of ecological decay. Its goal was to make the American society a more pleasant place to live.

To oppose the goal for cleaner air is very much like opposing motherhood. Everyone clearly is for it. Yet, the best idea carried to an extreme defeats itself. Freedom, without some concern for order, becomes anarchy. Order, without an abiding concern for freedom, becomes tyranny.

In very much the same way, the Environmental Protection Agency, subordinating all other goals and purposes of our complex society to the single desire for ecological purity, has carried a good idea to a dangerous extreme.

Prof. Irving Krisol recently noted that:

There is now considerable evidence that the environmentalist movement has lost its self-control—or, to put it bluntly, is becoming an exercise in ecological fanaticism. . . . In just about every aspect of American life, the environmentalists are imposing their regulations with all the indiscriminate enthusiasm of Carrie Nation swinging a baseball bat in a saloon. Common sense seems to have gone by the board, as has any notion that it is the responsibility of regulators and reformers to estimate the costs and benefits of their actions. . . . Making the world safe for the environment is not the same thing as making the environment safe for our world.

A prime example of EPA's arrogance can be found in Cook County, Ill., where EPA has mandated emission controls testing on autos that travel into Chicago's downtown loop. Although studies have shown that the results of this program will, at best, reduce the level of carbon monoxide in Chicago by less than 0.5 percent, EPA has threatened to withdraw funds from Illinois if the county fails to implement the conditions of the EPA order.

EPA has refused to cooperate with Cook County officials, and has been totally contemptuous of the bipartisan congressional concern. Practical considerations, such as expense and efficiency, have been ignored by the Federal regulators, and it is this indifference on the part of EPA that is at fault here.

Today, we have mounting unemployment. This situation is especially serious in Detroit among those employed by the automobile industry. According to the General Motors Corp., consumers will be levied \$1,225 per car for the equipment required to meet Federal motor vehicle standards in 1978. Unleaded gasoline will increase oil requirements about 1 million barrels a day, and ultimately cost consumers tens of billions of dollars, according to the Department of the Interior. Beyond this, there is substantial scientific evidence leading to the conclusion that there is no concrete link between auto exhausts and harmful health effects. According to the Ethyl Corp., which has won its suit to hold up leadless gasoline, in 50 years of study not one person has been found to have any identifiable toxic effects from lead in motor vehicle exhaust.

The Environmental Protection Agency denies that its actions are harmful to an already recessionary economy. A recent EPA bulletin, under the heading "Environmental Jobs," states that:

Environmental protection creates more jobs than are lost by the closing of marginally profitable plants because of air and water pollution regulations. About 55,000 persons now work in EPA-financed construction, and that number is expected to rise to 125,000 by mid-1977, according to Russell Train, EPA administrator.

What the EPA overlooks is that those working at such jobs are not producing wealth, but expending it. The Indianapolis Star editorially noted that:

The first thing to consider is that all those persons now at work on EPA-financed construction are getting paid to a large extent not by industry, at no cost to the taxpayers, but by government in the form of EPA handouts, which cost the taxpayers plenty. . . . Isn't there a nasty autocratic ring to the way EPA Administrator Train calmly snuffs out those "marginally profitable plants?" Maybe they were once the means of employing quite a few Americans in the American free enterprise system.

What is happening, the Indianapolis Star concludes, is that,

. . . America's marvelously productive free enterprise system is being slowly but surely phased out and a lumbering, wretchedly unproductive bureaucratic system phased in to take its place.

In their enthusiasm, EPA administrators have done our Nation serious damage. Dr. Marion Clawson, acting president of Resources for the Future, pointed out that,

The environmental revivalism of the mid-1960s was overdue, but many of the actions it spawned were ill-conceived, illusory in their results, or even harmful. Electric power companies were encouraged or forced to shift from coal to oil or gas as a source of energy, only shortly to be forced to reconvert at considerable expense when supplies of gas and oil were inadequate. Legislation required banning of chemicals which might cause cancer in humans, regardless of how low the probability and regardless of the adverse consequences to food supply and thus to health.

The EPA has often acted in an irrational manner. In January 1975, EPA gave the United States Steel Corp. a choice of closing its plant in Gary, Ind., or paying a \$2,300 a day fine because it could not meet bureaucratic antipollution requirements. United States Steel decided to close the plant, throwing 2,500 workers out of jobs—together with 1,500 employes in related industries. EPA was not happy. Administrator Russell Train, according to the Washington Post of January 2, 1975, said that he was "shocked" by the United States Steel decision.

United States Steel responded by stating that:

It is the company's view that continued operation is either environmentally acceptable or it is not—and does not become acceptable with a daily fine. Thereby the company has concluded it cannot accede to such principle.

If the EPA continues to have its way jobs will be lost across the country, just as they were lost in Gary. The tax burden of the average citizen will also continue to grow. National expenditures for

pollution control will reach \$80 per citizen annually in 1976, equivalent to about 2 percent of the average family income, the Council on Environmental Quality reported on December 13, 1974. The \$80 figure is about double the level in 1973. It includes expenditures by government at all levels, industry and citizens that are attributable to Federal environmental laws.

EPA has not only been militant, but has often been wrong as well. The catalytic converter, standard equipment on 85 percent of Detroit's cars, has now backfired. After 4 years of promoting the device as the quickest way to clean up auto emissions, EPA now believes that converter is, itself, a dangerous polluter. Unless the problem can be overcome, the EPA is embarrassed once again.

There has not only been a lack of concern for the best interests of American workers and American business on the part of EPA administrators, but also a questionable degree of honesty. An engine developed by Robert and Edward LaForce was said to have a way to separate gasoline so that there are increases in the engine's ability to burn normally unused fuel particles and to be efficient in its internal combustion engine. EPA test reports indicated that the car suffered significant horsepower loss when compared with a standard Hornet, and that it failed to meet 1975 emission standards in simulated city driving. This triggered a 2-month investigation by the Senate Commerce Committee and further tests have been ordered. These tests cast doubt on the developer's claims, but also failed to prove the EPA's denunciation of the engine's potential.

Discussing this case in an editorial in its March 15, 1975, issue, the Phoenix Gazette, notes that,

Investigators said they discovered the EPA's reference to comparing the LaForce car to an economy-tuned Hornet was misleading. "Actually," the report reads, "the changes that were made by EPA personnel to the 1974 Hornet to transform it into the economy-tuned vehicle were much more than simple calibration changes. The changes made. . . constituted tampering with the vehicle to the extent that any manufacturer or dealer who made identical changes would have violated the law." EPA admitted the charges, just as it has admitted knowing that the catalytic converter emits sulfuric acid mists—and keeping quiet about it.

It is high time that the entire notion of an Environmental Protection Agency be seriously reconsidered. Environmental problems are handled most effectively on State and local levels and that is where they should remain. In case after case we have seen the manner in which Federal regulatory agencies have fueled inflation and have acted contrary to the public interest. The examples with regard to the EPA, only a small number of which have been mentioned here, are voluminous—and have been amassed in the very brief time since its creation.

It is for these reasons that I urge the elimination of this unwieldy inefficient, and costly agency. In the long run, the best interest of our environment will be served not by the perpetuation of this bureaucratic leviathan but by its timely elimination.

GOVERNMENT OVER-REGULATION BURDENS THE ECONOMY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. MILLER) is recognized for 10 minutes.

Mr. MILLER of Ohio. Mr. Speaker, for a long time I have advocated a substantial reduction in the amount of paperwork and bureaucratic red tape caused by Federal Government over-regulation. Unnecessary rules and regulations impose a heavy burden on all sectors of our economy and make us a far less productive society than our industrial competitors. Several months ago I cosponsored legislation, H.R. 9801, which would give Congress a 60 day period to disapprove such burdensome Federal regulations. This would be the first step in bringing the bureaucracy under control.

A recent editorial in the Wall Street Journal emphasizes the costs and harmful effects of heavy regulation to businesses, both large and small. For the benefit of my colleagues I wish to insert the editorial in the RECORD at this point:

NOVEMBER 17, 1975.

THE JUNGLE

The chief executive officer of the Goodyear Tire & Rubber Co. raised some eyebrows with his recent comment about federal regulators. In a letter to Congressmen and Senators from the 25 states in which Goodyear operates plants, Charles Pilloid Jr. noted that his firm spent more than \$30 million last year in complying with government regulations—enough to pay 3,400 workers in Akron their regular wages for an entire year.

We suppose it is only a matter of time before someone accuses Goodyear's boss of being a Colonel Blimp or worse. The most likely someone would be the politicians who have unleashed the hordes of regulators among us. By Mr. Pilloid's reckoning, the number of federal employes engaged in regulatory activities is about 63,000 and they will cost taxpayers over \$2 billion in salaries and other expenses this year. That's a lot of people and a lot of money but the direct cost is peanuts compared with the cost of compliance. If the Goodyear experience were translated to the entire country, using the size of the company's work force relative to the national work force as the basis for calculation, the compliance cost nationwide figures out to some \$16 billion. That may well be conservative.

Certainly some government regulation is necessary. But it's hard to weigh those figures cited above and not feel genuine sympathy for the beleaguered businessmen, particularly the smaller businessmen who can't afford the lawyers and accountants necessary to guide them through the bureaucratic thicket. It really is a jungle out there, aswam not so much with ghouls and ghosties and long-legged beasties but with government inspectors armed with enough rules and regulations to keep squadrons of healthy paperhangers in business for the rest of their natural lives.

WHERE DO WE BUS FROM HERE?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland (Mrs. HOLT) is recognized for 5 minutes.

Mrs. HOLT. Mr. Speaker, yesterday's Supreme Court decision approving forced mass busing for racial balance between Wilmington, Del., and suburban coun-

ties is a bad omen for future chaos and even violence in public education.

Today, education is experiencing serious disorders because of mass busing for racial balance within established school districts. But just imagine the destructive potential of merging suburban with city school districts for racial balance.

Mr. Speaker, Congress must stop the courts from playing the racial numbers game. Quality education should, and must, be the goal of education policy.

Does anybody suppose that the students of Boston are obtaining a good education in the hostility and disorder caused by forced busing?

Can there be anybody who seriously suggests that education has been improved in Louisville, Ky., because of mass busing for racial balance?

Surely, nobody claims that the schools of Prince Georges County, Md., have been improved by forced, mass busing?

The Supreme Court is now straining to carry the busing policy further to merge city and suburban school districts. I can assure you that this vastly increases the threat of the most serious kinds of disorder.

Mr. Speaker, social engineering is destroying education in this country by shattering the connection between communities and their schools. The overwhelming majority of parents in our country are angry at forced busing for racial balance in schools, and they have been led to believe this Congress has abandoned them.

How else can they explain the strange and continuing absence of action on this problem by the House Judiciary Committee? How else can they explain the inability of Congress to legislate to restrain the courts?

Well, some of us continue to work very hard on this matter, and I assure you our efforts will never cease. As of this morning, I have signatures of House Members on a letter asking the House Judiciary Committee to conduct hearings on antibusing legislation.

Only yesterday, the House Republican Policy Committee voted to ask the Judiciary Committee to conduct hearings and send to the House legislation which would stop the courts from imposing forced busing.

Mr. Speaker, I appeal to Members of this House to sign the letter urging the Judiciary Committee to act to make a record of the busing experiment. The Congress must not continue to avoid dealing with this most critical issue of enormous public concern.

AMENDMENT TO SUPPLEMENTAL APPROPRIATIONS BILL

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

Mr. GONZALEZ. Mr. Speaker, last week I offered an amendment to the supplemental appropriations bill to add \$1.5 million to title II-B for library training programs. I pointed out that the education appropriations bill only included \$500,000 for these programs, a

cut of 75 percent from the 1975 funding level which was \$2 million.

Chairman FLOOD stated that there was already \$1.5 million allocated for this program; I would like to enter in the RECORD at this point a portion of a letter from the American Library Association which explains my position:

In his dialogue with you, Mr. Flood said there is already \$1.5 million for these programs in the education appropriations act (P.L. 94-94). He is combining the \$500,000 provided for training with \$1 million provided for research and demonstrations also authorized by HEA title II-B. A comparison between fiscal year 1976 funding to date with that provided last year for these two programs is as follows:

	Fiscal year 1975	Fiscal year 1976
HEA II-B Training -----	\$2,000,000	\$600,000
HEA II-B Research and Demonstra- tions -----	1,000,000	1,500,000
Total HEA II-B -----	3,000,000	1,500,000

As you can see, while the total funding for title II-B is \$1.5 million, the amount for the training programs is only \$500,000, less \$1.5 million which I attempted to include in my amendment.

Mr. Speaker, the RECORD shows that in 14 years in the House I have only 5 times offered an amendment to an appropriation bill—always, as in this case, because of real, clear, and present human needs.

I hope the deficiencies in the supplemental appropriation bill of last week will soon be corrected. My amendment would have been well within the budget, unlike several multimillion dollars appropriated in that same supplemental, which were, by the committee's own admission, unbudgeted.

DANGERS IN POLITICAL ACTIVITIES BY FEDERAL EMPLOYEES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Ms. HOLTZMAN), is recognized for 10 minutes.

Ms. HOLTZMAN. Mr. Speaker, I reluctantly opposed H.R. 8617 which in a loose and careless manner, would repeal much of the Hatch Act.

As one who was elected without support of the political machine, I understand very well the importance of citizen participation in the political process. Plainly, democracy functions best through the active and concerned involvement of all its citizens. It is, therefore, only for the gravest reasons that anyone's right to participate in the political process ought to be restricted.

But I think—and this country has recognized for 90 years—that justification does exist for limiting the political activity of Federal employees. Under the Hatch Act at present, Federal employees are not barred from voting, attending meetings or contributing to political campaigns. They are only prohibited from active campaigning or soliciting money and support for candidates. Removing those limitations, particularly without adequate safeguards, creates

grave dangers for the public and Federal employees alike.

First, if there is one lesson we should have learned from Watergate, it is that we must strive to reduce, rather than increase, political influence in the Federal law enforcement and investigative agencies. This bill would, instead, authorize and invite the politicizing of the Justice Department, FBI, U.S. Attorneys' Offices and Internal Revenue Service, as well as the CIA, National Security Agency and Defense Intelligence Agency. The dangers are twofold: That law enforcement and investigative powers will be used to serve political ends, and that law enforcement and investigative offices, which should be wholly merit operations, will instead return to the spoils system.

In addition, the administration of justice must not only be free of political influence in fact; it must be perceived as fair and impartial as well. We all acknowledge the vital necessity for restoring credibility to law enforcement agencies. But who will believe that a U.S. Attorney who has endorsed a local candidate can conduct a complete, impartial investigation of that candidate's activities? And who will believe that a District Director of Internal Revenue pledged to a particular candidate will give that candidate's tax returns a thorough audit?

The proponents of this bill simply say that law enforcement officials engage in political activities now and, therefore, we might as well allow these activities to become legal. I think the answer to this kind of abuse is not to condone it by legalization, but to stop it by enforcing existing penalties.

Without, at minimum, barring political activities by all high level law enforcement personnel, this bill is fatally flawed.

Second, the bill does not provide effective remedies in the event of wide scale abuses prior to an election. Thus, for example, if a Federal supervisor were to require his employees to campaign on behalf of a particular candidate, the aggrieved opponent would have virtually no preelection remedy under the cumbersome enforcement procedure in this bill. Without effective preelection remedies, this bill does not protect the aggrieved candidate or the public.

The third problem is that some Federal employees whose support is desired will be coerced by their supervisors into engaging in various political campaigns. The bill's supporters purport to refute this by saying that there will be serious penalties for coercion. This argument is not persuasive. A superior has many subtle ways of pressuring an employee that are difficult to detect. The superior is often responsible for an employee's promotion or the conditions under which the employee must work. He or she can make an employee's life pleasant or difficult. The protections in this bill are simply not adequate, and in my judgment many Federal civil servants will be subject to subtle but effective pressure to campaign or contribute to campaigns against their will.

The fourth danger in this bill is illustrated by an argument made by some of

its supporters. They have said that the bill will allow Federal employees to demonstrate their gratitude to members who have been responsive to their needs in the past. Clearly, some persons see this bill as an effort to obtain additional campaign support in return for past actions on behalf of Federal employees.

Federal civil servants ought to be properly reimbursed for the valuable work that they do for the public. Wage increases and fringe benefits ought to be decided on the basis of what is fair and what the Government can afford. They should not be decided just on the basis of how much political muscle civil servants can bring to bear at election time.

Finally, because of the importance of this issue, I asked my constituents for their opinion in a questionnaire. Their response was nearly 2 to 1 against weakening the Hatch Act. I think that my constituents accurately perceive the need for continued protection to the public and the Federal civil service afforded by much of the Hatch Act.

For these reasons, I would not support this bill.

THE ADOPTION OF THE ADMINISTRATIVE PROCEDURE ACT OF 1946

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. FLOWERS) is recognized for 10 minutes.

Mr. FLOWERS. Mr. Speaker, on October 9, 1975, I introduced a series of six bills, H.R. 10194 to 10199, to improve administrative procedures. The foundation for administrative justice in this country is the Administrative Procedure Act adopted in 1946. Since that date the act has not been materially changed other than by addition of what is popularly known as the Freedom of Information Act.

However, the Administrative Procedure Act has deficiencies and as early as 1953, the President's Conference on Administrative Procedure was formed to recommend improvements. The conference's report in 1955 together with that of the Hoover commission and its Task Force on Legal Services convinced the American Bar Association that it should join in these efforts. In the 22 years since the commencement of this activity a number of basic reforms have been generally recognized as desirable; however, differences of approach and lack of joint congressional action have frustrated enactment of legislation. Finally in 1972 the American Bar Association adopted resolutions endorsing 12 proposals for change. All of these proposals have been reviewed by the Administrative Conference of the United States and other interested parties and finally we are at a point where they are firm, positions have crystallized, and the matter is fit for quick and long awaited congressional action. H.R. 10194 to 10199 are designed to implement these and other reforms in administrative procedure.

Specifically, H.R. 10194 would implement two ABA recommendations which have been endorsed by the Administrative Conference of the United States and 234106 which no significant opposition

has developed. Section 1 of this bill refines the concept of rule to exclude proceedings which affect one individual or firm. However, to preserve flexibility in agency action and to accommodate suggestions of the Administrative Conference the phrase ratemaking and cognate proceedings is added to the Administrative Procedure Act.

Section 2 of H.R. 10194 narrows the exceptions to the rulemaking requirements of 5 U.S.C. 553(a). It limits the military and foreign affairs exceptions in section 553(a)(1) to those matters which should be kept secret in the interest of national defense or foreign policy. By requiring that such determinations be made by Executive order and that such orders be properly applied, the proposal strikes a balance between the goal of executive accountability and legitimate concerns over foreign and defense security interests. The other change made by Section 2 is to delete the current exceptions for rulemaking in matters relating to "public property, loans, grants, benefits, or contracts." These exceptions have been widely criticized because of the significance of Federal Government grant, loan, contract and property management activity.

H.R. 10195 and H.R. 10196 are alternative bills dealing with the problem of separation of functions in agency adjudication. The purpose of both bills is to limit agency personnel who engage in investigating and prosecuting activity from either participating in or making the initial decision, from advising that decisionmaker, or from serving as a supervisor to the decisionmaker. Such a combination of roles might affect the decisionmaker's objectivity and would certainly affect public confidence in the fairness of the proceeding. H.R. 10195, which is supported by the ABA, totally prohibits supervisory contracts and limits communication with decisionmakers to situations where notice to and opportunity for participation by other parties has been afforded. H.R. 10196 is the Administrative Conference's version. It is the same as H.R. 10195 except that it allows a high level agency employee who had no connection with a particular ratemaking—or similar—proceeding to provide informal advice to the decisionmaker even though such employee may have general responsibility for investigatory or prosecutory functions.

H.R. 10197 contains a series of ABA proposals which the Administrative Conference has not endorsed. Section 1 clarifies the requirement of an initial decision in adjudication and restricts the rulemaking, ratemaking, and initial licensing situations in which the agency can dispense with a recommended decision by the administrative law judge in three respects: First:

An expedited decision [must be] imperatively and unavoidably required to prevent public injury or defeat legislative policies.

This is stronger than the current language which requires finding that—

Due and timely execution of [agency] functions imperatively and unavoidably requires [dispensing with an initial decision].

Second. Tentative agency decisions are never an acceptable alternative to

recommended decisions of the administrative law judge.

Third. Agency employees may not recommend decisions in lieu of the administrative law judge.

Also, it should be noted that section 1 reflects changes which are called for by H.R. 10198, section 1. Although the Administrative Conference supports requirements for recommended or initial decisions in adjudication, the Conference believes that in initial licensing, rulemaking, and ratemaking the need for expeditious action may outweigh the value of such an initial or recommended decision and that an agency should have flexibility in determining whether it needs the decision of the presiding officer.

Section 2 of H.R. 10197 directs the Administrative Conference to develop uniform rules of procedure for adjudicatory proceedings. These rules would be binding on all agencies. To finance the preparation of the uniform rules the sum of \$250,000 is appropriated. Despite the ABA's request this effort be launched, the Administrative Conference has asked that it not be given this duty. The Conference prefers to simply recommend uniform rules to the agencies in those areas where the need is most apparent.

Section 3 of H.R. 10197 deals with ex parte communications between interested parties and those agency personnel who are involved in the decisional process. The section defines the phrase "ex parte communications," prohibits such communications, requires agency personnel who receive such prohibited communications to place them in the public record, and directs agencies to consider any violations of these requirements in deciding the merits of a proceeding. Also the section sets forth the point in time at which these restrictions take effect. The ABA supports the legislation. Although the Administrative Conference approves the purpose of the legislation, it has not endorsed it because it has not yet decided whether legislation or agency rules are the most effective way of handling the problem.

Section 4 of H.R. 10197 authorizes agencies to provide by rule for abridged procedures for use in on-the-record hearings when all interested parties consent. The Administrative Conference opposes this proposal because it believes that agencies already have this power and because it fears that enactment of such a provision might be construed to invalidate certain procedures presently employed in the absence of unanimous consent. The ABA rejects these arguments.

Section 5 of H.R. 10197 provides a technique for handling the problems of adverse agency publicity in connection with matters being investigated or prosecuted. The ABA proposes this reform because it believes such publicity can both cause unwarranted harm to private businesses and individuals and produce bias at the agency which undermines a party's right to a fair hearing. To guard against these problems the bill relies upon four proposed provisions. First, agencies are directed to refrain from ini-