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ence to the assertion that the proposed rules only apply to significant contributors to pollution or make any attempt to define what constitutes a discharge from an animal feedlot or the discharge which constitutes a significant contributing source of pollution; and

Whereas, the farmers of Wisconsin, who have been leaders of the state and of the nation in stopping the excessive erosion of the land and in protection of the water supply, are willing to continue to be leaders in developing methods of water pollution control by cooperating with reasonable laws and regulations; now, therefore, be it

Resolved by the senate, the assembly concurring, That the environmental protection agency is strongly urged to amend the proposed rules concerning feedlots to include specific exemptions which exempt, for example, operations containing less than 700 dairy cattle, 1,000 beef cattle and 2,500 swine and that definitions be provided specifying what constitutes a discharge from an animal feedlot and what discharge constitutes a significant contributing source of pollution; and, be it further

Resolved, That the proposed rules also be amended to direct that in all cases enforcement shall be carried on in a reasonable manner to avoid the dislocation of present producers and to provide for survival and revitalization of the small farmer; and, be it further

Resolved, That duly attested copies of this resolution be immediately transmitted to Mr. Phillip B. Wisman, EPA Information Center, Environmental Protection Agency, Washington, D.C. and to each member of the congressional delegation from Wisconsin.

GENOCIDE CONVENTION UNJUSTLY CRITICIZED

Mr. PROXMIRE. Mr. President, critics of the Genocide Convention have expressed their concern that ratification of this treaty would make a wide range of activities subject to punishment under international law.

Article II of the convention defines genocide as any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial, or religious group, as such:

- First. Killing members of the group;
- Second. Causing serious bodily or mental harm to members of the group;
- Third. Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- Fourth. Imposing measures intended to prevent births within the group; and
- Fifth. Forcibly transferring children of the group to another group.

In a number of previous statements before the Senate I have pointed out that the Genocide Convention does not apply to many of the acts which some of its critics fear that it would. The Senate Foreign Relations Committee has enumerated those concerns which are not covered by the Genocide Convention:

It does not alter the rules of warfare, or the obligations of parties to the Geneva Conventions on the treatment of prisoners of war and the protection of civilian persons in time of war.

It does not apply to civil wars as such. It does not apply to discrimination, racial slurs, and insults and the like.

It does not apply to voluntary population control measures.

It does not apply to the past.

However distressing some such actions may be, they do not constitute genocide under the terms of the Genocide Convention and the understandings attached to it.

Mr. President, we must ratify the Genocide Convention.

THE NEED TO ESTABLISH AN OFFICE OF CONGRESSIONAL LEGAL COUNSEL

Mr. MONDALE. Mr. President, I recently introduced legislation (S. 2569) to establish an Office of Congressional Legal Counsel to aid in our attempts to insure that the executive branch obeys the law and the will of Congress.

In the October 17 edition of the Minneapolis Star, Austin Wehrwein analyzes this proposal and effectively demonstrates the need for its speedy adoption. I urge that this article be read as an excellent summary and analysis of the important changes that the establishment of such an office could bring about.

Mr. President, I ask unanimous consent that Mr. Wehrwein's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HOUSE COUNSEL FOR CONGRESS

(By Austin C. Wehrwein)

Watergate didn't create arrogant executive clout.

It was made possible by the existence of power there to be abused, by an accelerated, cumulative growth centered in the White House.

That trend can be summed up in two words. Before Watergate they served, in effect, as the White House's response to congressional challenge.

They were, "So what?"

The rebuttal to that, henceforth, might well be: "So we'll sue you."

This is the point of a new bill introduced by Sen. Walter F. Mondale, D-Minn., which was inspired by Ralph Nader.

Under it the legislative branch would create its own law office. Explained Mondale:

"This office would give senators and congressmen an in-house capability to bring suit against illegal executive branch actions."

The concept in full is a breakthrough.

Still, there are partial precedents.

The General Accounting Office (GAO) is Capitol Hill's own auditing and fiscal investigation agency. It is deep into legalism all the time, of necessity.

The Office of Legislative Counsel aids members in the drafting of bills, a highly technical legal art.

But neither litigates.

Impoundment brought the "so what" problem to the fore.

In the recent past there have been some 20 often successful impoundment lawsuits, including one involving rural disaster relief in Minnesota, brought by the Farmers Union.

A leading precedent for the Mondale concept was the lawsuit brought by the Missouri Highway Commission in which 22 Senators and five representatives filed an amicus curiae brief.

A U.S. Court of Appeals affirmed a lower court's ruling that the secretary of transportation could not, contrary to express law, block appropriated funds.

Too, members of Congress filed lawsuits to attempt to end the war. Others have filed suits to gain information under the Freedom of Information Act. These cases have,

however, been less successful than the Missouri highway case.

On the other hand, Mondale joined three other senators in suing successfully for the ousting of Howard Phillips from his job as acting director of the Office of Economic Opportunity (OEO). It seems the White House just hadn't bothered to send his name up to Capitol Hill for confirmation, so he had no legal right to his paycheck.

The crucial missing element in such tests is that the actual litigation was handled by private lawyers, not by employees of Congress.

Mondale praised their work. But he thinks that if the prerogatives of the legislative branch are to be restored it must have the full potential present only in an Office of Congressional Legal Counsel (CLC). Its own law firm, so to speak, one always on tap. More precisely, what lawyers call "house counsel."

The "senior partner" would be appointed by the speaker and the president pro tem of the Senate from nominations made by the leaders of both parties in both houses.

The CLC would render legal opinions.

It would, armed with appropriate authority, work with private parties bringing civil actions against the executive branch.

It could intervene in actions testing executive abuse of power. Or it could actually represent either house, or committees and individual members or employees of Congress involved in a test of the "validity of any official proceedings."

Finally, and again only after obtaining the green light under regulations, the CLC could itself bring civil actions.

In sum, the CLC would have a busy schedule, including the representation of the Congress and individual members both as plaintiffs and defendants.

This adds a new dimension to our governmental process.

Historically, the power to investigate and the power of the purse were the main joists and beams under the lawmaking function.

Mondale is now proposing the Congressional power to employ, as well as make, the laws so as to guarantee that the executive shall faithfully execute them, constitutionally.

THE NEED FOR A CEASE-FIRE IN THE MIDDLE EAST

Mr. BAYH. Mr. President, it was indeed distressing to learn this morning that the cease-fire has not taken hold in the Middle East. While we must strive for implementation of the cease-fire and adherence to the U.N. Security Council resolution, we must not lose sight of the fact that a major reason for the continued fighting has been the refusal of Syria, Iraq, and Jordan to accept the terms of the Security Council resolution.

Although the reason for the collapse of the cease-fire in the Suez area is less clear, there have been news reports that Egypt—after accepting the terms of the cease-fire—sought to take certain strategic lands and thus precipitated the fresh outbreak of fighting in that region.

Regardless of the success in restoring the cease-fire, it is clear that Israel will require massive military assistance to reequip its forces and to maintain a balance with its Arab enemies who have received large amounts of sophisticated military hardware from the Soviet Union.

To this end I called some days ago for the United States to provide Israel with Phantom aircraft and other military equipment necessary to replace losses