

been debated on the floor of the House for 2 days before publication of this inaccurate editorial. The Rules Committee reported out the voting rights bill on July 1, a week before the Washington Post reported editorially that "no harm will be done if the country lets the committee know that it is waiting somewhat impatiently for the legislative traffic cop to get the voting rights vehicle on the road."

Mr. Speaker, under unanimous consent I include in my remarks the editorial entitled "Lull on Voting Rights" which was published in the Washington Post today, Thursday, July 8.

[From the Washington Post, July 8, 1965]

LULL ON VOTING RIGHTS

What has happened to the voting rights bill? Some months ago this measure began its journey through Congress with a great deal of steam behind it. After a long debate the Senate passed the bill on May 26, and the House Judiciary Committee reported out a somewhat different bill on June 1. Since then virtually nothing has been heard of the bill, even though it was supposed to be moving through Congress at an emergency pace.

Experienced observers of the Washington scene who know where to look when they encounter delay will turn at once to the Rules Committee. Their instinct will be entirely right. The supposed traffic director on the legislative highway just sat on the bill for more than 3 weeks. Then it began hearings on June 24, as if it had the responsibility of duplicating the extensive work of the Judiciary Committee.

There are some indications that the bill may emerge the latter part of this week. If so, there may be plenty of time for the House to pass it and for conferees to adjust the serious differences between the two Houses in regard to abolition of State poll taxes and other features before the preadjournment rush begins. But it will be well to keep an eye on the gentlemen who manage the rules. Even in its current reformed status, the committee is capable of mischief on a broad scale. No harm will be done if the country lets the committee know that it is waiting somewhat impatiently for the legislative traffic cop to get the voting rights vehicle on the road.

DEVELOPMENT OF THE NATION'S NATURAL RESOURCES

Mr. ASPINALL submitted a conference report and statement on the bill S. 21, to provide for the optimum development of the Nation's natural resources through the coordinated planning of water and related land resources, through the establishment of a water resource council and river basin commissions, and by providing financial assistance to the States in order to increase State participation in such planning; which was ordered printed.

TO ESTABLISH CONTROLS FOR DEPRESSANT AND STIMULANT DRUGS

Mr. HARRIS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 2) to protect the public health and safety by amending the Federal Food, Drug, and Cosmetic Act to establish special controls for depressant and stimulant drugs and counterfeit drugs, and for other pur-

poses, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 3, line 17, strike out (A).

Page 3, line 21, strike out all after "4761" down to and including "organization" in line 23.

Page 3, line 25, strike out all after "shall" over to and including "committees," in line 1 on page 4.

Page 7, line 8, after "household," insert: "In any criminal prosecution for possession of a depressant or stimulant drug in violation of this subsection (which is made a prohibited act by section 301(q)(3)), the United States shall have the burden of proof that the possession involved does not come within the exceptions contained in clauses (1) and (2) of the preceding sentence."

Page 11, strike out all after line 13 over to and including line 24 on page 15 and insert:

"(g)(1) The Secretary may, from time to time, appoint a committee of experts to advise him with regard to any of the following matters involved in determining whether a regulation under subparagraph (2)(C) or (3) of section 201(v) should be proposed, issued, amended, or repealed: (A) whether or not the substance involved has a depressant or stimulant effect on the central nervous system or a hallucinogenic effect, (B) whether the substance involved has a potential for abuse because of its depressant or stimulant effect on the central nervous system, and (C) any other scientific question (as determined by the Secretary) which is pertinent to the determination of whether such substance should be designated by the Secretary pursuant to subparagraph (2)(C) or (3) of section 201(v). The Secretary may establish a time limit for submission of the committee's report. The appointment, compensation, staffing, and procedure of such committees shall be in accordance with subsections (b) (5) (D), and the admissibility of their reports, recommendations, and testimony at any hearing involving such matters shall be determined in accordance with subsection (d) (2), of section 706. The appointment of such a committee after publication of an order acting on a proposal pursuant to section 701(e) (1) shall not suspend the running of the time for filing objections to such order and requesting a hearing unless the Secretary so directs.

"(2) Where such a matter is referred to an expert advisory committee upon request of an interested person, the Secretary may, pursuant to regulations, require such person to pay fees to pay the costs, to the Department, arising by reason of such referral. Such fees, including advance deposits to cover such fees, shall be available, until expended, for paying (directly or by way of reimbursement of the applicable appropriations) the expenses of advisory committees under this subsection and other expenses arising by reason of referrals to such committees and for refunds in accordance with such regulations."

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

Mr. SPRINGER. Mr. Speaker, reserving the right to object, I would expect the chairman of the committee, the gentleman from Arkansas [Mr. HARRIS] to give an explanation of the amendments.

Mr. HARRIS. Mr. Speaker, if the gentleman will yield, I shall be glad briefly to explain.

Mr. Speaker, the Senate amendments to H.R. 2, the Drug Abuse Controls

Amendments of 1965, make three changes in that bill.

The bill provides greater controls over depressant and stimulant drugs and makes possession of these drugs outside of the legitimate channels of trade a criminal offense, except if the possession is for the personal use of the possessor or a member of his household, or for administration to an animal owned by him or a member of his household.

The first amendment which I will discuss provides that in criminal prosecutions involving the possessor of drugs, the burden of proof shall be upon the United States, that the possession is not within the exceptions stated. This amendment is in the nature of a clarifying amendment and is consistent with our intent in passing the bill.

The second amendment which I will discuss involves the use of advisory committees to make scientific determinations with respect to the coverage of drugs under this legislation. Under the bill as passed by the House, advisory committees were required to be appointed upon the request of any interested person and could have been utilized to delay the effectiveness of orders issued by the Secretary.

The Senate amended this provision to make the appointment of advisory committees discretionary with the Secretary, but encouraged the use of outside consultants by the Secretary. It is my understanding that this amendment is not objected to by the industry, and I suggest its approval.

The last amendment of substance made by the Senate deletes the provision of the House bill which provided that the term "depressant or stimulant drug" does not include peyote used in connection with ceremonies of a bona fide religious organization.

Some concern has been expressed to many by the religious groups affected, and by certain civil liberties organizations concerning the possible impact of this amendment on religious practices protected by the first amendment to the Constitution.

Two court decisions have been rendered in this area in recent years. One, a decision by Judge Yale McFate in the case of *Arizona v. Attakai*, No. 4098, in the superior court of Maricopa County, Phoenix, Ariz., July 26, 1960; and a California decision, *People against Woody*, decided August 24, 1964, in the Supreme Court of California. Both these cases held that prosecutions for the use of peyote in connection with religious ceremonies was a violation of the first amendment to the Constitution.

In view of all this, I requested the views of the Food and Drug Administration and have been assured that the bill, even with the peyote exemption appearing in the House-passed bill, cannot forbid bona fide religious use of peyote.

Mr. Speaker, I ask unanimous consent to include the letter from the Food and Drug Administration at this point in my remarks.

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

There was no objection.

The letter referred to is as follows:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, FOOD AND DRUG ADMINISTRATION,

Washington, D.C., July 2, 1965.

HON. OREN HARRIS,
Chairman, Committee on Interstate and Foreign Commerce,
House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: In response to your request we are stating the position the Food and Drug Administration expects to take if H.R. 2 becomes law as it passed the Senate, with respect to the use of peyote in religious ceremonies.

We have been advised by a representative of the North American Church that this church is a bona fide religious organization and that peyote has bona fide use in the sacrament of the church. The representative has agreed to document both of these statements.

If the church is a bona fide religious organization that makes sacramental use of peyote, then it would be our view that H.R. 2, even without the peyote exemption which appeared in the House-passed version, could not forbid bona fide religious use of peyote. We believe that the constitutional guarantee of religious freedom fully safeguards the rights of the organization and its communicants.

Sincerely yours,

GEORGE P. LARRICK,
Commissioner of Food and Drugs.

MR. HARRIS. Mr. Speaker, in view of the foregoing, I recommend that the House agree to the Senate amendments to H.R. 2.

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

MR. SPRINGER. I yield to the gentleman from Iowa.

MR. GROSS. Mr. Speaker, did the gentleman from Arkansas say that one of these amendments encouraged the use of outside consultants?

MR. HARRIS. The bill, as considered by the other body, provided for advisory committees in the discretion of the Secretary. The report suggested to the Department that outside consultants be used. It did not become a part of the amendment or the bill.

MR. GROSS. In all conscience I cannot conceive of a conference committee or a committee of either the House or the Senate, encouraging any agency or department of the Government to use consultants, because they will do that without any encouragement. Why give them encouragement to put more people on the payroll by this indirect method?

MR. HARRIS. May I remind the gentleman that on scientific questions it is necessary to obtain information, and advisory committees and consultants are useful for this purpose. But I would also emphasize that it is not included in the House report, nor is it included in the bill. This was a reference in the Senate report which suggested that this action be approved by the Secretary of the Department of Health, Education, and Welfare.

MR. SPRINGER. Mr. Speaker, I believe the Senate amendments have resulted in the best compromise that we could get. The amendments should be accepted.

MR. SPEAKER, I withdraw my reservation of objection.

THE SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

PRIVILEGE OF THE HOUSE

THE SPEAKER. The Chair recognizes the gentleman from Oklahoma [Mr. ALBERT].

MR. ALBERT. Mr. Speaker, I rise to a question of the privilege of the House.

THE SPEAKER. The gentleman will state the question of privilege.

MR. ALBERT. Mr. Speaker, in my official capacity as a Representative and as majority leader of this House, I have been served with a summons issued by the U.S. District Court for the District of Columbia to appear in connection with the case of the All-American Protectorate, Inc. against Lyndon B. Johnson, and others.

Under the precedents of the House, I am unable to comply with this summons without the consent of the House, the privileges of the House being involved. I therefore submit the matter for the consideration of this body.

I send to the desk the summons.

THE SPEAKER. The Clerk will read the subpoena.

The Clerk read as follows:

SUMMONS FROM THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

(The All-American Protectorate, Incorporated, Plaintiff v. Lyndon B. Johnson, Individually and as President of the United States of America; Mike Mansfield, Individually and as majority leader of the U.S. Senate; Everett M. Dirksen, individually and as minority leader of the U.S. Senate; John W. McCormack, individually and as Speaker of the U.S. House of Representatives; Carl B. Albert, individually and as majority leader of the U.S. House of Representatives; Gerald R. Ford, individually and as minority leader of the U.S. House of Representatives, defendants)

To the above-named defendant, CARL B. ALBERT, individually and as majority leader of the U.S. House of Representatives:

You are hereby summoned and required to serve upon Lovell W. George plaintiff's attorney, whose address 8015 Forsyth Boulevard, Clayton, Mo., an answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment will be taken against you for the relief demanded in the complaint.

[SEAL OF COURT]

HARRY M. HULL,
Clerk of Court.
AMELIA G. SHANNON,
Deputy Clerk.

Date June 25, 1965.

MR. GERALD R. FORD. Mr. Speaker, I rise for the same purpose as the distinguished majority leader and I would like to read a statement.

MR. SPEAKER, in my official capacity as a Representative and as minority leader of this House, I have been served with a summons issued by the U.S. District Court for the District of Columbia to appear in connection with the case of the All-American Protectorate, Incorporated, against Lyndon B. Johnson et al.

Under the precedents of the House, I am unable to comply with this summons without the consent of the House, the privileges of the House being involved. I therefore submit the matter for the consideration of this body.

I send to the desk the summons.

THE SPEAKER. The Clerk will read the subpoena.

The Clerk read as follows:

SUMMONS FROM THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

(The All-American Protectorate, Inc., plaintiff v. Lyndon B. Johnson, individually and as President of the United States of America; Mike Mansfield, individually and as majority leader of the U.S. Senate; Everett M. Dirksen, individually and as minority leader of the U.S. Senate; John W. McCormack, individually and as Speaker of the U.S. House of Representatives; Carl B. Albert, individually and as majority leader of the U.S. House of Representatives; Gerald R. Ford, individually and as minority leader of the U.S. House of Representatives, defendants.)

To the above-named defendant, GERALD R. FORD, individually and as minority leader of the U.S. House of Representatives:

You are hereby summoned and required to serve upon Lovell W. George, plaintiff's attorney, whose address 8015 Forsyth Boulevard, Clayton, Mo., an answer to the complaint which is herewith served upon you, within 60 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

[SEAL OF COURT]

HARRY M. HULL,
Clerk of Court.
AMELIA G. SHANNON,
Deputy Clerk.

Date: June 25, 1965.

THE SPEAKER. The Chair, in his official capacity as Speaker of this House, has been served with a summons issued by the U.S. District Court for the District of Columbia to appear in connection with the case of the All-American Protectorate, Incorporated v. Lyndon B. Johnson et al., civil action file No. 1583-65.

Under the precedents of the House, the Chair is unable to comply with this summons without the consent of the House, the privileges of the House being involved. The Chair therefore submits the matter for the consideration of this body.

The Clerk will read the summons.

The Clerk read as follows:

SUMMONS FROM THE U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

(The All-American Protectorate, Inc., plaintiff v. Lyndon B. Johnson, individually and as President of the United States of America; Mike Mansfield, individually and as majority leader of the U.S. Senate; Everett M. Dirksen, individually and as minority leader of the U.S. Senate; John W. McCormack, individually and as Speaker of the U.S. House of Representatives; Carl B. Albert, individually and as majority leader of the U.S. House of Representatives; Gerald R. Ford, individually and as minority leader of the U.S. House of Representatives, defendants)

To the above-named defendant, JOHN W. McCORMACK, individually and as Speaker of the U.S. House of Representatives:

You are hereby summoned and required to serve upon Lovell W. George plaintiff's attorney, whose address 8015 Forsyth Boulevard, Clayton, Mo., 63105, an answer to