

## **Congressional Closeup** by Ronald Kokinda and Susan Kokinda

### **S**enate passes narcotics board legislation

The Senate has been moving to pass a number of individual crime-related bills in the early days of the second session of this Congress, apparently to circumvent the antipathy of the House of Representatives to any "omnibus" anti-crime package.

On Feb. 7, by a vote of 63 to 24, the Senate passed S. 1764, a bill which modifies the "exclusionary rule"—a judicially created sanction which excludes the use of evidence in court that is seized in violation of the Fourth Amendment prohibition against "unreasonable searches and seizures."

As Senate Judiciary Committee chairman Strom Thurmond (R-S.C.), a major proponent of the bill, argued, the exclusionary rule "has been justified by the courts, not as a necessary outgrowth of the provisions of the Fourth Amendment but as a deterrent to police misconduct." The Senate bill allows for the use of evidence in court that has been obtained with a "reasonable, good-faith belief that it was taken in conformity with the Fourth Amendment."

The 24 votes against S. 1764 came from liberal Democrats and a handful of liberal Republicans led by Charles Mathias (R-Md). In arguing against the bill, Ohio Democrat Howard Metzenbaum said, "This bill probably ought to be numbered S. 1984, because this bill is one step—and a major one at that—in the direction of George Orwell's 1984." Metzenbaum predicted that the bill will die in the House.

On the same day, by a voice vote, the Senate passed S. 1787, the National Narcotics Act, which centralizes policy making and responsibility for national anti-drug efforts in the office

of the Attorney General. The bill is seen as a compromise, put forward after the White House vetoed legislation a year ago that would have created a "Drug Czar." Under S. 1787, no new position is created, but a National Drug Enforcement Policy Board is established under the chairmanship of the Attorney General to coordinate U.S. narcotics efforts. Capitol Hill sources suspect that, should the bill reach the White House, it will be vetoed again because of turf battles over anti-drug policy.

### **C**aucus control a dangerous step

In an unprecedented move one day after House Speaker Tip O'Neill endorsed Walter Mondale for President on Feb. 1, the House Democratic Party Caucus endorsed a resolution calling for the "immediate and orderly" withdrawal of U.S. Marines from Lebanon and sent it to the House Foreign Affairs Committee for consideration.

Though the resolution was later abandoned, this represents the first time that a party caucus has initiated a foreign-policy resolution rather than the standing relevant congressional committee.

The last time party caucus discipline was imposed in the House during the early 1900s, legislation was forced through which would never have passed otherwise, including the Federal Reserve Act. Since 1981, when the Reagan administration maintained effective control of the House on major tax and budget matters through an alliance with moderate and conservative Democrats, the Democratic caucus has exerted increasing discipline on independent thinkers, stripping or denying some of them committee po-

sitions or subcommittee chairmanships and threatening to strip others.

### **P**ackwood seeks repeal of fairness doctrine

Senate Commerce Committee chairman Bob Packwood (R-Ore.), a fervent deregulator despite the damage deregulation has inflicted, is pushing legislation which would repeal the Fairness Doctrine requiring that broadcast media air opposing views, and would repeal the equal access provisions under which *EIR* founder Lyndon LaRouche's Democratic candidacy has been able to purchase paid political broadcasting time.

Packwood argues that, with the proliferation of cable and other forms of electronic media, there is enough access to the airwaves to warrant complete deregulation.

A LaRouche campaign representative testified before the committee on Feb. 8 against the repeal of the fairness and equal access doctrines, citing NBC-TV's political dirty tricks against LaRouche and demanding that the committee look at that activity as evidence of the overwhelming political bias of the "Eastern Establishment" media.

The spokesman charged that the "major East Coast-based networks are both monopolistic in terms of their impact on the political process and have an identifiable political bias. The American population's reaction to the media's handling of the recent Grenada events is only the freshest example of the fact that Americans know they can't trust the major networks."

The LaRouche representative described the growth of the LaRouche organization—the mass candidates'

movement, the achievement of the matching funds threshold, the California ballot decision—and the three major networks' reaction to that newsworthiness: blackout from two networks, and an editorial slander on the third, NBC.

## **D**emocrats demand giant defense cuts

Congressional Democratic leaders participating in the Reagan administration-initiated "bipartisan negotiations" to reduce the federal deficit have proposed \$100 billion in defense budget cuts and are threatening to abandon any further negotiations unless the administration agrees to substantial cuts in the defense budget. According to Senate sources, the \$100 billion in defense cuts would take place over three years.

In a letter to White House Chief of Staff James Baker III sent by House Majority Leader James Wright (D-Tex.) after the first negotiating session on Feb. 8, Wright outlined the demands of House Speaker Tip O'Neill that "at least \$100 billion" in military spending be cut and that the next negotiating session be devoted "exclusively" to that purpose. Senate participants led by Minority Leader Robert Byrd (D-W. Va.) are demanding specific White House proposals to cut the defense budget at least 48 hours in advance of an agreement on their part to conduct a second negotiating session.

Wright charged that the administration has offered a mere laundry list of cuts. With Social Security reductions deemed politically impossible in an election year, the two major entitlement programs on the chopping block

are the Medicare and Medicaid programs.

Last year the administration kept its defense modernization plans moving forward, although the chemical warfare program was defeated, because House Democratic leaders, with the exception of O'Neill, backed the major programs. In 1983's last test vote on the MX, which passed by a close 220 to 207, Wright switched his position to oppose the missile, reportedly because of liberal threats to deny him the succession to the Speakership. As Democratic attacks on the defense budget grow, the MX will undoubtedly become one of the hardest fights on a major weapons system during 1984.

The White House set itself up for congressional pressure to cut the defense budget after a combination of Harrimanite Democrats and Kissinger-style Republicans led by Reps. Les Aucoin (D-Ore.) and Chalmers Wylie (R-Ohio) submitted a resolution in the House calling for a bipartisan commission to cut the deficit. Insisting, like Federal Reserve Board chairman Paul Volcker, that spending cuts and tax increases are the only path to lower interest rates and economic recovery, this group is determined to force the President to cut military spending.

## **M**elcher sues the Federal Reserve

Senator John Melcher (D-Mont.), a long-time foe of the Federal Reserve Board, filed a motion to intervene as a plaintiff in a suit against the Federal Reserve Board on Jan. 27. Melcher said that the suit, which is pending in U.S. District Court for the District of Columbia, argues the unconstitutionality of the Federal Reserve System's

independent Federal Open Market Committee, which regulates the nation's money supply.

Melcher stated that he is intervening because the Federal Open Market Committee, "one of the most powerful regulatory agencies in the U.S. government," is composed of members who have not been appointed by the President or confirmed by the U.S. Senate as required by the 'appointments' clause of the U.S. Constitution. "Therefore, I am asking the court to protect my constitutional right as a member of the U.S. Senate by permanently prohibiting the five current members of the committee, who were selected by Federal Reserve Banks, from serving as members, or alternatively, from voting or serving as officers of the committee," Melcher said.

He added that the FOMC, through its control of the money supply, affects the value of U.S. currency, foreign exchange rates, interest rates, investment and employment throughout the United States.

The FOMC was established in the Glass-Steagall Act of 1935. Its 12 members include the seven Federal Reserve Board Governors, who are appointed by the President and confirmed by the Senate, with the remaining five members selected by the nation's 12 Federal Reserve Banks. Melcher said that while these latter members have not been appointed or confirmed, the actions they take go beyond those performed by any official of the United States.

Though three attempts have been made by the Committee for Monetary Reform to have the federal courts rule on the constitutionality of the FOMC, the courts have ruled that only a senator, whose right to advise and consent is being abrogated, would have standing in such cases.