

Mr. WIGGINS. I would have no trouble at all in supporting this bill, given just a few amendments. But I could not support it and will not support it in its present form, because I am convinced that it is unconstitutional.

The CHAIRMAN. Mr. Delaney?

Mr. DELANEY. What about the general welfare clause? Would that exempt it?

Mr. WIGGINS. No, sir. There is no right of Congress to legislate, apart from the appropriation of money, for the general welfare. I stated that positively as a matter of constitutional law.

I really should say that is my opinion, but I think that is the law, that this Congress has no police power or jurisdiction, to do whatever is in the public interest or the general welfare. That clause only comes into play in connection with the spending of money.

Mr. DELANEY. Not with the delegation of power. We have only such power as delegated to us by the original articles, and then the amendments as they have been added.

Mr. WIGGINS. That is right.

Mr. DELANEY. You found no place where under a general welfare clause this could be included?

Mr. WIGGINS. I find only one article, one power. I am talking about article 1, section 8, the enumerated power of the Constitution that might be called upon to support this legislation, and that is the commerce clause.

Mr. DELANEY. Thank you.

Mr. BOLLING. No questions.

The CHAIRMAN. Mr. O'Neill? Mr. Quillen?

Mr. QUILLEN. Mr. Wiggins, I, too, want to commend you and ask you a question.

The gun law provisions, and the titles dealing with the rights of the Indians, would you consider those two parts of the bill to be germane to the matter at hand?

Mr. WIGGINS. I would be happy to give my opinions on the matter.

Under the rules of the House I am not sure how I would rule if I were the parliamentarian. But they border upon being not germane.

The Indian civil rights bill is a civil rights bill in that broad context and perhaps should be included here. I personally think that it is a mistake, however, to do so without separate consideration by a committee of this House.

On the sole issue of germaneness, if I had to make a mistake, I would make a mistake on the side of conservatives and say that it is not germane for the purpose of seeing that it had better consideration by this House.

Mr. QUILLEN. Thank you.

The CHAIRMAN. Mr. O'Neill?

Mr. O'NEILL. I have no questions.

The CHAIRMAN. Mr. Sisk?

Mr. SISK. No questions, Mr. Chairman, other than to commend the gentleman. I know he is a very able lawyer. I think he has prepared a very fine statement.

Mr. WIGGINS. Thank you.

The CHAIRMAN. Mr. Latta?