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# DEBATE ON THE NOMINATION OF NELSON A. ROCKEFELLER TO BE VICE PRESIDENT OF THE UNITED STATES

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## MEETING

HELD BY

THE

## COMMITTEE ON THE JUDICIARY
## HOUSE OF REPRESENTATIVES
### NINETY-THIRD CONGRESS
### SECOND SESSION

DECEMBER 12, 1974

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# DEBATE ON THE NOMINATION OF NELSON A. ROCKEFELLER TO BE VICE PRESIDENT OF THE UNITED STATES

THURSDAY, DECEMBER 12, 1973

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
*Washington, D.C.*

The committee met, pursuant to recess, at 10:50 a.m., in room 2141, Rayburn House Office Building, Hon. Peter W. Rodino, Jr. [chairman] presiding.

Present: Representatives Rodino, Donohue, Brooks, Kastenmeier, Edwards, Hungate, Conyers, Eilberg, Waldie, Flowers, Mann, Sarbanes, Seiberling, Danielson, Drinan, Rangel, Jordan, Thornton, Holtzman, Owens, Mezvinsky, Hutchinson. McClory, Smith, Sandman, Railsback, Wiggins, Dennis, Fish, Mayne, Hogan, Butler, Cohen, Lott, Froehlich, Moorhead, Maraziti, and McCloskey.

Also present: Jerome M. Zeifman, general counsel; Garner J. Cline, associate general counsel; Alan A. Parker, Daniel L. Cohen, William P. Dixon, Robert J. Trainor, Jared B. Stamell, Franklin G. Polk, and Thomas E. Mooney, counsels.

Chairman RODINO. If I may be permitted to offer a brief opinion and to make several short remarks as we undertake our deliberations this morning, I believe that the members of this committee have met a very difficult challenge, and have acted commensurate with the responsibility imposed by the 25th amendment.

I know that there are those of good will who have urged all along that our work be speeded up, that it be accelerated, that it be shortcutted so that this high vacancy could be filled without delay. I myself recognize the great urgency of filling the vacuum in the Vice Presidency, and I appreciate the desire to fill it expeditiously. Indeed, we have a responsibility to act; the language of the Constitution is clear: It calls upon us simply "whenever" there is a vacancy.

But that same amendment calls for an important role to be played by the Congress. Therefore I believe the American people are better served by a thorough and searching inquiry. This appointment alone is subjected by the Constitution to the scrutiny of both Houses.

We have seen in recent months that the 25th amendment can produce both a President and a Vice President, neither of whom have gone before the people to attain their high office. That imposes a very special duty upon us to do a thorough job; and I believe, that though we may have deliberated at length and taken a full 3½ months, that we have better served the people by inquiring into all aspects of the nominee's public life and into those aspects of his personal integrity

and complex family wealth that bear on his fitness to be Vice President.

Having now conducted a vigorous and searching investigation, having now held 9 full days and several evenings of public hearings, having now heard from two dozen witnesses representing all perspectives of American life, and having now analyzed and considered great masses of economic data, I believe the time has come to exercise our individual judgments, and to bring this matter to the full House of Representatives for a collective determination.

I know that every member of this committee is deeply concerned with understanding precisely what criterion it is that marks the standard for exercising our responsibility under the 25th amendment. It is no easy question. I think the real standard for judgment, however, is ultimately a personal matter that rests within each individual. Confirmation under the 25th amendment comes as the result of a collective judgment of 535 men and women based on each one's own conscience, own constituency, and own understanding of the Constitution.

But there are some additional guideposts to help us along the way. The report of both the House and Senate committees that considered the 25th amendment in 1965 make unequivocally clear that the President is entitled to choose a man with whom he is politically and ideologically compatible. That is a standard, therefore, that we will wish to keep in mind today. But Congress, too, has its independent judgment to make, and it is that responsibility that we face this morning.

Finally, I am very sensitive to the fact that this nomination, because of the nominee's extraordinary economic wealth, places a special burden on the Congress. We have therefore attempted to measure the network of Rockefeller family wealth, and to place it into the perspective of both the American economy and the American political system; we have inquired of the nominee regarding a history of gifts, of loans and of forgiven loans.

In order to help us do that, immediately after the submission of the President's nomination we assembled a very able and responsible team of committee lawyers and investigators who traveled extensively in New York State and elsewhere. Here in Washington, every agency of the Federal Government was contacted and a request went out for all files in their possession relating to the nominee.

The results of the committee's very thorough investigative efforts were made available to the committee.

In addition, all members of the committee had access to, and were briefed on the information generated by the Federal Bureau of Investigation. Moreover, the staff of the Joint Committee on Internal Revenue Taxation conducted an independent audit of Mr. Rockefeller's income tax returns for the period covering the last 7 years, and in conjunction with the Judiciary Committee staff thoroughly reviewed scores of personal financial records. Gift tax returns were examined for a period of nearly two decades.

Another team of committee lawyers, with the assistance of the Library of Congress, developed thorough analyses of the nominee's public record and positions on critical public policy issues.

With all of this material now before us, then, I am certain that the American people can know that the judgment we make this morning will be the product of a careful and responsible inquiry.

Chairman RODINO. I now recognize the gentleman from Illinois, Mr. McClory, for the purpose of making a motion.

Mr. MCCLORY. Mr. Chairman, I move that our meeting today be open to coverage in whole or in part by television broadcast, radio broadcast, and still photography, or by any of such methods of coverage, which coverage comes under committee rule 6A through 13.

Chairman RODINO. The question is on the motion of the gentleman. All those in favor please signify by saying "aye."

[Chorus of ayes.]

Chairman RODINO. All those opposed?

[No response.]

Chairman RODINO. The "ayes" have it.

I recognize the gentleman from New York, Mr. Smith.

Mr. SMITH. Mr. Chairman, I move that the committee recommend that the House adopt the following resolution:

Resolved that the House of Representatives confirm the nomination of Nelson A. Rockefeller of the State of New York to be Vice President of the United States.

Chairman RODINO. The Chair, in accordance with the motion, will allow the Members under the rules of the House to proceed for 5 minutes. And the Chair will announce at this time that should there be any desire on the part of the members to proceed beyond 5 minutes, the Chair afterwards will entertain unanimous consent requests to proceed beyond that time.

The gentleman from Michigan, Mr. Hutchinson?

Mr. HUTCHINSON. Mr. Chairman, I will not consume any part of the 5 minutes except to say that I have weighed in my mind the qualifications of Mr. Rockefeller as compared with the qualifications of Presidents and Vice Presidents of the United States, as they have come to office through history. And in my judgment, he is as qualified as most of them, and so I intend to vote for him.

Chairman RODINO. The gentleman from Massachusetts, Mr. Donohue?

Mr. DONOHUE. I have no desire for time.

Chairman RODINO. The gentleman from Illinois, Mr. McClory?

Mr. MCCLORY. Mr. Chairman, I am not going to comment on the evidence, the voluminous testimony and documentary evidence that the committee has received. I do want to recall that I had the privilege of serving on this committee at the time that we considered and recommended the 25th amendment to the Constitution. I did not expect that we would have the opportunity twice within my lifetime and service on the committee, to exercise or apply that amendment.

In recalling the purpose of the amendment, I think it is well for us to recognize that there was a strong desire on the part of the committee and of the Congress to virtually assure that we would always have a Vice President, and therefore, we should act promptly. When it was suggested that the President might be the one who would delay the nominating of a Vice President, it was asserted in the Senate,

at that time, that that would be unpatriotic, and that it certainly would not be compatible with the conduct, the appropriate conduct of the Congress. And so it seems to me that we should act promptly on this.

I also want to recall that the purpose of the amendment was to enable the President to have a Vice President who would be compatible with his views, someone who could work in harmony with him and support him. Although we may have various differences of political and philosophical opinions from those of the Vice-President-designate, it seems to me that in carrying out the purposes and the intent of the 25th amendment, that we should recognize the prerogative of the President to select someone who is compatible with his views.

In considering the various claims that have been made here, the various charges that he somehow used his political office to enhance his own wealth or his family wealth, there has not been one single instance of that in the course of his long experience in public service as Governor of New York or in his other public offices. It seems to me, that charge, if valid, would be the only disqualifying matter that we should consider. It seems to me that he is a man of the highest qualifications. He comes with great experience, with a record of personal integrity, and it seems to me that we should overwhelmingly recommend his confirmation by the House, and I intend to support the motion to make such a recommendation.

Thank you, Mr. Chairman.

Chairman RODINO. The gentleman from Wisconsin, Mr. Kastenmeier?

Mr. KASTENMEIER. Thank you, Mr. Chairman.

While I think there are some who might wonder whether, in fact, the time has come when it is necessary to act on this nomination, or whether the evidentiary inquiry is complete, I would nonetheless concede that the majority, the majority of Congress and the majority of the American people, believe that at this time we should act, and that there is sufficient evidence. However, a case can be made that there are areas the inquiry has not explored, and which might be beneficial to explore insofar as we and the American people are concerned.

Mr. Chairman, I think that many of us differ on the implications of the 25th amendment in terms of the criteria we employ and the obligation we have under it. Some would assume that all we need is to determine whether constitutionally an individual is qualified, and whether he is fit for office in terms of traditional terms. I do not feel that is an adequate criteria for the purpose of fulfilling this office. If the Congress persists in applying only pro forma criteria to these nominees and if Congress refuses to apply a broader role in the nomination confirmation, I suggest that perhaps we ought to reconsider the 25th amendment.

As far as this nominee is concerned, I think it is true that he is experienced, he has many qualifications. Nonetheless, Mr. Chairman, I will vote in the negative for several reasons.

First, I think the nominee's judgment has been called into question in a number of areas. His acting as a patron to a number of public servants, a position which now the nominee appears to regard as inappropriate, nonetheless describes Mr. Rockefeller's public life. I think the lack of candor in the Lasky book affair, and the exercise

of judgment in regard to Attica are black marks against the nominee, although perhaps in and of themselves insufficient to disqualify him.

However, the second part of this, of family wealth, and as one member of this committee, Mr. Sarbanes of Maryland, has stated the question, whether or not there should be the joining of the great power of family wealth together with the greatest power, the political power of this country, is a very grave question. It might have been a question that should have been resolved by the electorate rather than the Congress.

I cannot state and do not state that the nominee has used his wealth incorrectly in terms of seeking benefit for himself. But, it would seem to me that a blind trust would be inadequate to protect the public interest, which is a factor I have considered against the nominee.

Third and last, Mr. Chairman, is the policy area. The gentleman from Michigan, Mr. Conyers, very appropriately suggested that policy grounds alone, particularly if the policies are fundamental, might be sufficient to cast a negative vote. The policy grounds on which I differ with the nominee relate particularly to his record in defense and foreign affairs matters, and, as I regard his responses in defense of dirty tricks abroad as practiced by the CIA as a "necessary resource of this country," to these practices. In addition, his feeble defense of dirty tricks at home practiced by the Federal Bureau of Investigation describes too closely a Watergate mentality.

It is for this, the last reason, in concert with the other two, Mr. Chairman, that compels me reluctantly to vote no on this nomination.

Thank you, Mr. Chairman.

Chairman RODINO. The gentleman from New York, Mr. Smith?

Mr. SMITH. Thank you, Mr. Chairman.

Mr. Chairman, I intend to support my motion that this committee recommend to the House of Representatives that it confirm the nomination of Nelson A. Rockefeller to be Vice President of the United States. And I intend to vote for that resolution when it is brought forth on the floor of the House of Representatives.

I think as the chairman has pointed out, this candidate has undergone a searching investigation. We have had, I think, a frank and full disclosure of his own affairs, and we have had a most interesting revelation and drawing back of the curtain on the Rockefeller family affairs, which I think most people in this country have always been greatly interested in. It is a family, of course, which has been devoted to public service and to the good of mankind.

There are some on the committee, I think, who perhaps unhappily think that we have not had a look at the entire portfolio on worldwide interests of the Chase Manhattan Bank, but I would say that we probably can take judicial notice of the fact that this bank, one of the world's great banks, whose head is a brother of the nominee, has interests all over the world, and worldwide influence, and I would say that, probably it might be very well, a good thing, to always have the active support of one of the world's great banks on behalf of the United States of America.

I think that we have found that Mr. Rockefeller has made some mistakes, and this only shows that he is human. But, I think if he had not, we might be more tempted to vote against. I find, so far as I am

concerned, that none of the mistakes that he has made has been disqualifying ones. I think that we have found that he is a man of great integrity. We know that he has had an outstanding experience in government at the State and local level but, unfortunately, none in the legislative field, which we here may feel is very important.

We have found Mr. Rockefeller to be intelligent, experienced, sensitive, and fortunately with a saving sense of humor. All throughout he has shown himself to be knowledgeable of the traditions and the history of this country and the world, and, I think, enthusiastic about and dedicated to the mission and the destiny of the United States of America in bringing liberty and justice and brotherhood to all mankind. I think Governor Rockefeller is a national resource that we really cannot afford to lose in this country.

Thank you, Mr. Chairman.

Chairman RODINO. Mr. Edwards?

Mr. EDWARDS. Thank you, Mr. Chairman.

Mr. Chairman, I have problems with this particular nominee, problems that I would not have with a number of other Republican nominees, and I think that many of the reasons have been very adequately expressed by Mr. Kastenmeier. I certainly would not be voting against a nominee because he is rich. Certainly being rich in our country is not a disqualification for any high office. nor is being poor in our country any disqualification for a high office. But our hearings and our investigations have reflected, and it is widely known, that the wealth of the Rockefeller family presents an entirely different problem, and one that this country has never faced before.

It is such a vast empire, it permeates and it is part of the huge economic structure that is nationwide and worldwide. Many parts of it are essentially monopolistic, and they control supply and prices. Portions of it are the antithesis of free enterprise and, indeed, many of the economic problems which the country faces today have to do with the practices of some of these commercial interests. There is no possible way that this empire could be put into a blind trust.

As President, and that is the way we must judge a Vice Presidential nominee, it is difficult to imagine any decision that would have to do with economics that the President could make that would not affect this vast empire—big oil, big banks, airlines, autos, chemicals, insurance. We also should realize that the regulatory agencies which are supposed to protect the people from these huge commercial interests may begin to think of the interests of their boss instead, perhaps even subconsciously.

Mr. Sarbanes first espoused the theory that I think is very well founded, namely that one of the important theories of our economic system is that Government protects the public from huge economic powers through its antitrust laws, through regulatory agencies and so forth. By approving this nominee we are agreeing to a merger of great economic power and political power.

Now, we asked Mr. Rockefeller about this, about this possible conflict of interest, and he said it was a myth. Mr. Rockefeller cannot appear to understand the dangers that some of us on this committee think are very real. His inability to understand these dangers is rather incomprehensible to me, but this is one of the problems of people who

have conflicts of interest. The person concerned, however honorable and well-intentioned, often does not have a free choice. He does not know how it is affecting him internally. His decisions are a product of his background, his environment, his upbringing, and it is a subjective thing.

One witness, a lawyer from Washington, pointed out that in a Nation of over 200 million people, President Ford has selected a nominee who has more conflicts of interest than any other person in the United States. When you think about that, there is something to be said for that view.

I agree with that view, and the chief reason that I am going to vote no on this nomination is because of the conflict of interests which are of so much concern to us.

Thank you.

Chairman RODINO. Mr. Sandman?

Mr. SANDMAN. Thank you, Mr. Chairman.

I am amused, to say the least, when I hear some of the objections today. I listened to people who testified such as the vice president of the ADA, when he tried to make the committee believe that in, as sanctimonious terms as he could, his objection was solely caused by this conflict of interest. Never before did the ADA or any of its followers ever make such a comment against a member of the party that they always support. And I have said consistently here, and I mean it so much, that I admire the statement made by my friend, the gentleman from Texas, Mr. Brooks, a comment that he made during the Ford confirmation hearings. Mr. Brooks, it is to be remembered, said:

> I know Jerry Ford; I know he is honest; I know he has integrity. I know that he is going to conscientiously do everything he can for the country. But, insofar in believing a blessed thing he believes in, I don't because he is not a member of my party.

"But" he said, "honestly the Vice President is not going to be a member of my party, and I cannot let that stand in my way," and for this reason he voted for then Vice President Ford.

I would hope that the other side of the aisle will follow the strong recommendation made by Congressman Brooks during the Ford hearings. I think it was so apropos—solid, sound, no phony reasoning. He honest-to-God meant what he said. And this I think is what the people of the country want to know. They don't want to hear any manufactured excuses. We are dealing with a man's ability. A more able man has never testified in this Chamber, and everybody in this room knows it.

Now, when they talk about his appeal, how he was going to appeal to people who have no wealth because he has such great wealth, well somewhere he must have appealed to 20 million people in New York because they elected him their Governor on four occasions, and he is regarded as being a pretty good Governor.

There is not any question about the man's integrity, not one single bit of evidence has been presented, although we searched backwards, sideways and every way humanly possible to find something wrong that he did. And any man who has been the Governor of a big State for 15 years, who is subject to the metropolitan press and all of the media, if there is anything that he did that was wrong, we would

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have seen it on the tube, we would have heard about it and it would have been in bold print. That you can rely upon. But not a single bit of that has been presented here.

Instead, we get one hypothetical case after the other, what would happen if this happened, what would happen if that happened. No evidence whatsoever, only speculation.

Well, the great things that I always thought made this such a great country, no matter how poor I am, where I come from, the people of my district gave me this high privilege because I have no wealth, and because I have no wealth it is darn good that I have this opportunity. And I would not want to see someone in an opposite position deprived of being the Chief Executive of this country because he has wealth. That, I think, is wrong.

We can take all of the items that were brought up, and I don't have that much time to cover them all. But, that man, when he testified, gave a real solid answer to every question. In fact, in 25 years of cross-examining witnesses, I have never seen a better witness on any stand in any court in my life. And I think that the 38 lawyers of this committee have to admit that to be a fact.

Now, we are dealing with the 25th amendment versus what used to be known as the law of succession. You now have to go through a detailed examination of this man's background. Under the 25th amendment you can make him the Vice President of the United States. Or if you want, if you want to delay it, you then can revert back to the law of succession and the Speaker of the House, who has been under no scrutiny at all, would then be first in line. Is that a better proceeding? I don't think so. And the Congress of the United States did not think so and neither did the people because three-fourths of all of the States did ratify the 25th amendment.

Now, I am not concerned about his wealth being any part of something that is bad, because it is going to be standing out like a sore thumb, and it is not going to interfere with what he is going to do.

One last statement, Mr. Chairman.

I did attend the Senate hearings and I listened to the debate over there, and one thing that I think is worthy of repetition is the statement made by Senator Cook. Senator Cook said this man was chosen by five Presidents of the United States to head up very important missions. Two of those Presidents were of the opposite party. If he was good enough to serve five Presidents of the United States, heading up something that is so awfully important, chosen by them, why is he not able to be the Vice President of the United States? And I submit to you he should be. He will be confirmed by just as heavy a vote as the Senate will confirm him, and I suggest that we go on with our business and confirm this good man.

Chairman RODINO. The time of the gentleman has expired.

The gentleman from Texas, Mr. Brooks, is recognized.

Mr. BROOKS. Mr. Chairman, I want to apologize for being delayed and say briefly that the hearings on the nomination of Nelson Rockefeller to be Vice President, and the investigation into his finances, have been completed. We must now make a decision.

There are those who feel that the investigation has not been extensive enough. I disagree. We do not have before us someone who has been charged with wrongdoing but rather someone who has been

recommended because of his experience and his background. It was incumbent upon us to ascertain whether that recommendation was well-founded. We have done so.

I personally am satisfied that Nelson Rockefeller is as acceptable to me as any Republican nominee could be. I will vote for his confirmation, although I clearly would not vote for him if I were in a polling booth on election day, and although I do not agree with Mr. Rockefeller's politics, I do believe that he is a man of integrity, he is as experienced as any nominee that Mr. Ford would choose, and I believe that this administration desperately needs intelligent, experienced leadership. I am hopeful that the Governor will provide such a service as Vice President.

I yield back the balance of my time, Mr. Chairman.

Chairman RODINO. The gentleman from Illinois, Mr. Railsback?

Mr. RAILSBACK. Mr. Chairman, I am impressed that Nelson Rockefeller has served honorably and ably, five American Presidents, Democrats and Republicans alike. I further believe that he will be of great assistance to this President, Gerald Ford.

I concur with the remarks of my friend from Texas, Jack Brooks. I think that Nelson Rockefeller and his experience are needed at this particular crucial time. I am proud to support his confirmation and I believe it is in the best interests of the country.

I yield back the balance of my time.

Chairman RODINO. The gentleman from Missouri, Mr. Hungate, is recognized.

Mr. HUNGATE. Mr. Chairman, I have certain reservations about this nomination, not the least of which are what we might get if we turn him down. I have reservations about the conduct at Attica, the Lasky book and the right-to-life positions, as well as the loans and gifts to public officials. And the overriding problem that recurs when we say it doesn't recur is the wealth.

A statement was made on this some time ago by a gentleman who held the Vice President's office:

> It is important to the people to grapple with the problems connected with the amassing of enormous fortunes and the use of those fortunes. No amount of charity in spending such fortunes in any way compensates for misconduct in making them. We can no more and no less afford to condone evil in the man of capital than evil in the man of no capital.

Former Vice President and later President Theodore Roosevelt continued in 1906 to say:

> We shall ultimately have to consider the adoption of some such scheme as that of a progressive tax on all fortunes beyond a certain amount either given in life or devised or bequeathed upon death to any individual—a tax so framed as to put it out of the power of the owner of one of these enormous fortunes to hand on more than a certain amount to any one individual. Such taxation should be aimed merely at the inheritance or transmission in their entirety of those fortunes swollen beyond all healthy limits.

Theodore Roosevelt continued:

> The first requisite in all public servants, whether legislatives or executives, is honesty.

Will Rogers highlighted the need for sanity and commonsense in 1935 discussing an inheritance tax, similar to the one proposed by Roosevelt:

Secretary Morganthau, a very able man—he came out with a plan to put a bigger and better tax on these big estates, an inheritance tax on a man who died, and on an estate of say $10 million, why the government will just take about 90 percent of it, and then giving the offspring ten. And then on estates of $100 million and $200 million, a billion, and like that, well, the government just takes all of that and notifies the heirs. Says, "your father died a pauper here today." And he died a pauper here today and he is being buried by the MEBA, that is the Millionaires Emergency Burial Association. It is a kind of a branch of the RFC.

I don't hold any brief or any great grief either for a man who dies and leaves millions and hundreds of millions and billions. But I don't believe Mr. Morganthau's plan will work because he gives figures in there that show what this new inheritance tax would bring in every year. He gives these figures to show what it would bring in every year. And he seems to know just who is going to die each year. And how much they are going to leave. Now brother, that's planning, ain't it?

Now, suppose for instance he has scheduled to die J. P. Morgan. He has got him scheduled to die on a certain year. And you can bet if they can arrange it they will have him die while the Democrats are in so they can get the benefit, so they get the benefit of that estate, see? Now, according to plans, J. P. Morgan has got to die in order for Mr. Morganthau to reach his quota for that year. Now, while I think Mr. Morgan is a nice man—I never met him but once, that was a time when he was on trial in Washington, and he had the midget on his knee—I met him there, but he is a very able, nice fellow. And I don't hear from him but very seldom. But I think his patriotism would compare with some of the rest of us. But whether he would be patriotic enough to want to die on this year's schedule or not, just to make Morganthau's budget balance, I mean, that is asking a good deal.

Well, I think this illustrates the need for a commonsense approach to a position of wealth. I don't think it is necessary to don sack cloth to enter Government service. I think that the broad disclosure that this committee has developed of the stockholdings and other property of this man and his family have been useful. It also made many aware of the concerns of the public resulting because of such vast wealth. With this disclosure I think the public and the press can maintain an eye on Mr. Rockefeller's activities, check him for the human weaknesses we all possess. Mr. Rockefeller is fortunate that he is not a camel and this committee is not the eye of a needle.

I shall vote aye.

Chairman RODINO. The gentleman from California, Mr. Wiggins, is recognized.

Mr. WIGGINS. Thank you, Mr. Chairman.

A reasoned response to the issue before our committee this morning requires satisfactory answers to at least the following questions.

1. Is Mr. Rockefeller constitutionally qualified to serve the office he seeks? The anwer to that, of course, is yes.

2. Is Mr. Rockefeller one of perhaps several compatible with the administration in power, who has demonstrated a capacity to serve the Nation well as its Vice President? The answer to the latter query properly falls into the question of the experience of the nominee, his integrity and most of all his judgment. Our record, Mr. Chairman, is a voluminous one, but taken as a whole it adequately answers this latter question in the affirmative.

But there remains a nagging, perhaps a pervasive concern which has been expressed by many of our colleagues, and that is, namely, that the economic power of the nominee is incompatible with his service as Vice President. Power, be it economic or political, or a

wedding of both, can, of course, be abused. A rich man can abuse power. So, too, a poor man can abuse power. If the mere potential for abuse is unacceptable, then the only answer is to eliminate the power of the office itself. But, of course, this we cannot do.

A President or a Vice President must possess a vast power to serve the Nation. Our proper concern therefore must focus not on the existence of power, nor upon its potential for abuse, but rather, whether in fact it has been abused by the nominee.

There is no record of this nominee abusing either his economic or political power, both of which he has possessed and possesses in abundance.

In my opinion, Mr. Chairman, the nominee is entitled to be confirmed.

Chairman RODINO. Thank you.

Mr. Conyers is recognized.

Mr. CONYERS. Thank you, Mr. Chairman.

I have approached this question on the basis of whether or not the nominee ought to be confirmed, if his policies in the judgment of each Member of the Congress would not be in the best interests of the citizens of this country. After reviewing his record, I conclude that they would not be.

We are now moving out of a period in American history, one in which since World War II, and up to Vietnam and Watergate, government has operated under a misconception, a myth, if you will, that all would prosper in this country through the expansion and consolidation of American corporate wealth within the United States and abroad. Our governmental policies have reflected this continually. We supported a huge defense establishment and supported a CIA with its destabilizing ability. We have supported expansionary fiscal policies and all of a sudden we realize that perhaps this theory, this myth no longer applies. I think that this question of what are the best interests of the people in this country are involved in the vote on this confirmation, because I suggest that on policy grounds alone this nominee does not meet the test.

I must respectfully refuse to use as a guide that the nominee is as acceptable as any Republican would be. The reason that I reject that theory is that we would be injecting partisanship and we would be bringing political considerations to this test. That is not the test. Our test is more important than whether the nominee has ideas compatible with the President who nominated him. That is not the point and that is precisely why the 25th amendment provided that each member would enter his or her one small 435th of a judgment, separate from that of the President of the United States who made the nomination. So I see that the policy grounds are sufficient basis on which to reject the nominee. But, if that were not a sufficient ground, I would argue to my colleagues that the great merger of wealth and power which would result if this nomination is confirmed is more than this Congress should tolerate.

Now, I am not willing to say that the American people in an election would not have the right to elect Nelson Rockefeller to the Vice Presidency or indeed the Presidency. But I do say, and I say very firmly, and with a deep conviction, that this Congress has no authority for the first time in our history to ratify this enormous merger of

wealth and economic power with the political power that would become his in occupying the Office of the Vice President.

There is one other notion that I feel I must address because all have granted rather cavalierly that the rich and the poor should not be precluded from public office. This is something like precluding the wealthy from being able to sleep under bridges. The poor, in fact, are excluded from the American political process and I think that it would be incumbent upon at least some of us to make that statement public. Poor people, not professional people, not middle-class income people, but poor people, traditionally have been excluded from the political process, not only as participants but also as voters.

What is before us now is a question that is so enormous on the question of wealth and power that this Congress ought to pass on this question in the negative.

Finally, I have been troubled by the lack of candor, and I suppose it goes to the integrity of the nominee. I have been impressed that most of the critical evidence has not been brought forward in a voluntary manner, but it has been discovered almost despite the activities of the staff and the counsel and persons assisting Nelson Rockefeller in this hearing. It has been brought forward most reluctantly. There are any number of contradictions on the record itself that disturb me, that really go to the issue of integrity. But as I say, this is the more minor consideration.

In conclusion, Mr. Chairman, my views on how this country ought to be run are not compatible with those that have been expressed and are reflected in the record of this nominee. In addition, his enormous wealth should not be brought to this enormously powerful political office.

Chairman RODINO. The gentleman from Indiana, Mr. Dennis, is recognized for 5 minutes.

Mr. DENNIS. Thank you, Mr. Chairman.

Mr. Chairman, when Governor Rockefeller was here before us a few days ago I made a statement to him which summed up my views of the matter as of that time. As they have not changed substantially since, and as I think I probably expressed myself about as well then as I did, I believe that I will repeat what I said at that time with perhaps one or two small interpolations.

At that time I said each of us is the product of our own background and experience. In my own case, I am a small town lawyer from the Middle West. I have spent most of my life representing neither big business nor big labor, nor a big and allegedly paternal government, but rather smaller individual people in the middle strata of society. In the modern jargon of today, I am supposed to be a conservative, but I like to think of myself as a liberal in the old meaning of the word. The people that I represent back home, while perhaps a bit more ready than I am to grab off a part of the welfare state, nevertheless tend to be more conservative than I do in such matters as law and order and international relations and social customs in general.

So given this background, I said to the Governor:

I am sure it comes as no particular surprise that you were not my choice for this nomination, and still less were you the choice of my constituency, and I think I can say that is true today.

However, hearings here and in the other Body have reenforced the belief that I always held that you are a man of wide experience and great ability, and they have led me to several other firm conclusions.

First, your wealth cannot be a determining factor. Under our system no man's financial status, rich or poor, can itself qualify him or disqualify him for office. And I would humbly suggest that that is what really some of my colleagues are talking about. We all give lip service to that statement, but yet if you have just a little bit too much wealth it apparently does become disqualifying.

In a way, it is like people who say they feel that every man should have counsel in his defense as long as he does not get one that is too good.

Second, when you tell the Committee, Governor, that you have never previously given consideration to the idea that your wealth might improperly influence your public actions or lead to a basic concept of interests, I completely believe you. I do believe him on that statement and I think the record bears it out. There is no evidence that that ever took place that has been presented here.

Third, it is not a man's money or the lack of it that matters but it is his integrity. If you were dishonest, neither a blind trust nor a total donation of your investment income to charity would cure it. If you are honest, and the record says and I believe that you are, then neither of these actions is necessary.

Fourth, the precedents which are set in these matters may be very important. It will be a sad day when and if we discourage all people of substance from seeking high office. And many nominees with less money than you have would, but still with more than some politicians may feel they ought to have may very well be discouraged if becoming a candidate for office comes to require not only a wide range of inquiry into their own most personal affairs, but also a financial sacrifice which some qualified people may be far less able to bear than are you.

Fifth. According to me, we are confirming the nomination of Nelson Rockefeller and this gives us no hunting license to explore the personal affairs of the whole Rockefeller family until and unless there is some specific evidence pointing at something of ascertainable concern which apparently needs to be followed up, and that I have not seen.

Finally, I said to the Governor:

I am entirely sure that there are many important matters of public policy on which you and I would profoundly disagree and because of some of these probable philosophical differences, I am by no means sure that I would support you at a Presidential Nominating Convention. But we are not in that situation and I have not to date heard anything here which would cause me to reject your nomination, and barring something unexpected I intend to support it.

There are two matters which I did not mention at that time, Attica and the gifts, particularly to Mr. Ronan. In both of those matters I consider that the Governor made errors of judgment. But neither of them, in my opinion, disqualify him for the high office which he now seeks, and I intend to support him with my vote.

Thank you, Mr. Chairman.

Chairman RODINO. Thank you.

The gentleman from Pennsylvania, Mr. Eilberg, is recognized.

Mr. EILBERG. Mr. Chairman, the question of the nomination of Nelson Rockefeller to be Vice President and possibly President of the United States has given this committee many problems which were not anticipated when the 25th amendment was being written. It was never contemplated that the office would become vacant twice in one 4-year term. Nobody thought that the Nation would ever be governed by two persons who had not been elected by the people.

At the same time I am sure that no one thought the issues involved in a nomination for the Office of Vice President would be as complex as those we have before us now. To say that Governor Rockefeller is not an ordinary man is an understatement at best. With almost any other nominee we would have had to determine if he or she took

money in return for special favors. In this case, the nominee made gifts of huge amounts of money to persons whose incomes already put them in the top income brackets nationally.

There was some vague talk that these gifts were made to help the recipients in family emergencies or other hardships, but no evidence of this was found by the committee's investigators nor was it presented by any of the witnesses in our public hearings. The thrust seems to be that the gifts were made to allow the recipients to live in luxurious retirement. We still do not know what obligations were placed directly on Dr. Ronan and Mr. Morhouse or the others, or what they felt they owed their benefactor.

There is also the question of how Governor Rockefeller's already great personal fortune and the vast wealth and economic power of his family affects his thinking on the major issues facing the Nation. The Rockefeller family, through its holdings in the banking, oil, and other industries has enormous worldwide power. How this power has been used to influence our Government and the governments of other countries has not been determined.

What we have been able to learn is where the Rockefellers do invest their money, they are often able to place an employee on the board of directors of the company involved. We have also been told by the nominee, his brother and their chief financial advisor, Mr. Dilworth, that the family never acts as a unit economically, or that it even considers itself an economic entity, even though it has a joint staff of advisors which occupy three fioors of Rockefeller Center.

Because of the brevity of our investigation, a great many questions about these issues remain unanswered and, for this reason, doubts remain as to whether Nelson Rockefeller should be appointed Vice President to serve with a man who has also not been approved by the people in an election. I believe that as servants for the people in this matter, we must consider their opinions as much as possible and if there are doubts in opposition to the nominee from a sizable portion of the population, then he must be rejected.

The latest polls show that a majority of the people do not favor the nomination of Nelson Rockefeller to be Vice President. They show that the people are worried about the economic power of his family, and the criteria he will use to make his decisions. The mail that I have received from my district and around the country makes this point clear. The people who have contacted me do not believe that Mr. Rockefeller will weigh their needs as heavily as those of big business, multinational corporations, and the Nation's banks. There is simply no evidence that Mr. Rockefeller can relate to the needs of the great majority of the people of this Nation, who have to worry about meeting mortgage payments and the increased prices of food and fuel.

It has been said that Mr. Rockefeller should not be condemned for his lavish gifts because $1,000 or $10,000 means no more to him than $10 means to anybody else. But this is another example of his detachment from the realities that most people have to face. If Mr. Rockefeller believes he can deal with these problems on behalf of the people, he should present himself for election in 1976, but he should not be named to a national office without the people stating directly how they feel about his qualifications.

I shall vote no, Mr. Chairman.

Chairman RODINO. Thank you.

The gentleman from New York, Mr. Fish, is recognized.

Mr. FISH. Thank you, Mr. Chairman.

I am delighted to have this opportunity to formally express my support for the confirmation of Nelson Rockefeller as Vice President of the United States. This committee has again distinguished itself in these proceedings under your very able leadership, Mr. Chairman, and that of the ranking Republican, Mr. Hutchinson. We have conducted an extensive and an intensive investigation of the nominee's credentials and public career.

It has already become a cliche that he has been subjected to the most grueling scrutiny of any nominee in the history of our Republic. Before us is not a political novice but one with a long public career, fully known and confirmed at four separate times at the polls.

Like so many others, it is my conclusion that our Nation has few others as uniquely and eminently qualified to be a mere heartbeat away from the Presidency. The nominee served my own State of New York as Governor for 15 years. His administration was one of unparalleled accomplishment and progress in such varied fields as education, health, transportation, environmental protection, urban development, and human rights.

Over the years, Nelson Rockefeller has served five Presidents beginning with President Roosevelt as Coordinator for Latin American Affairs and then as an Assistant Secretary of State. He has deeply been involved with the creation of the complex Department of Health, Education, and Welfare under President Eisenhower and served as its first Undersecretary.

Today he serves President Ford as a member of the Foreign Intelligence Advisory Board.

So, he brings with him both a knowledge of foreign affairs and domestic issues.

Mr. Chairman, the involvement with the Goldberg book as well as the gifts and loans to close advisers were errors in judgment that the Governor publicly acknowledged. But they stand out as an aberration in an otherwise remarkably unblemished career. He has made a full public disclosure of his fortune which limits the potential for abuse and effectively protects the public interest. Furthermore, he has offered to place his financial holdings in a blind trust as an additional sign of good faith.

There are some who sincerely express the concern about a man possessing such vast wealth being placed in a position of high public trust. The conflicts of interest, they say, are inherent and unavoidable. True, the melding of great personal fortune and public power is unique in our country and it has demanded intense examination by this committee. I urge those expressing these concerns to again review the Rockefeller record of public service nationally and as Governor of New York.

Surely during these many years, a personal character susceptible to corruption, to abuse of trust, would have been revealed.

It is my impression that it is not claimed by members of the committee that the nominee has or would use his powerful position to enrich himself or enhance the Rockefeller financial interests. The issue,

therefore, I submit, is whether Nelson Rockefeler has used his complex of personal weath and of public power to the detriment of the public interests.

And, Mr. Chairman, the record over three decades of public life set before us has survived the closest scrutiny. In his appearance before this committee, the Governor demonstrated a belief in the ideals of our country, and an impressive grasp of the problems we currently face. His performance here can only serve to reenforce the feeling of many of us that he is a man of high ideals, and a remarkable public servant. He qualifies to be Vice President on the basis of talent, experience, dedication and a keen sensitivity to the problems facing America and the world.

I will vote to confirm him without hesitation.

Chairman RODINO. The gentleman from California, Mr. Waldie, He is recognized for 5 minutes.

Mr. WALDIE. Mr. Chairman, we are in this nominee's case exercising the prerogative that has been exclusively that of the people prior to the recent events in the executive branch and the election of the President of the United States. And we need not be confused that we are dealing with a Vice President. We only consider him in terms of a Presidency and, therefore, the standards as to this nominee even have to be different than the standards for Gerald Ford, because if you examine the political pedigree and integrity with which he appears before us you find that he is appointed by a President who himself was appointed, who was appointed by a President whose disservice and dishonor were so great that he had to resign in the face of the certainty of impeachment and conviction and removal from office.

It is difficult, therefore, to find any legitimacy at all in this nominee's position that he is seeking. That legitimacy really must be questioned and, therefore, to deny the people the right to make the determination as to the legitimacy of any nominee of this President but, particularly this nominee who presents some unique questions is a decision that we ought to take on very seriously, and with a great deal of consideration.

Now, I think we have repeated so often the proposition that wealthy individuals should not be denied the Presidency, that it has become no longer a proposition to be enacted, but it has become a litany to be intoned. We ought to really examine that proposition. And I say to you that if an individual with the enormous wealth which goes beyond description of this nominee were running for election, I would vote against him because of that fact. So, we ought to examine that proposition that we all so smoothly and easily state that just because a man is wealthy he ought not to be denied the Presidency, particularly when you have an opportunity to examine how that candidate has used his private wealth in terms of a wedding of that enormous power with a high political office and its power, the governorship of New York, and I think that examination shows that he has used his private wealth and his family's private wealth in concert, and we need not belabor ourselves, or delude ourselves that they act independently. That family acts as a unit. They have used that private wealth not for the public benefit in the case of Nelson Rockefeller, but to enhance Nelson Rockefeller's political career.

Poor people do not have equal access to the governorship of New York. When you have a family that gives you $20 million to obtain

the governorship of New York, that is not within the public interest nor acceptable $20 million to buy the governorship of New York.

And when you indicate, as this nominee has done with great reluctance, and only under the greatest of extreme pressures has he disclosed that he has made huge gifts beyond the comprehension of ordinary people to political figures, secretly, for the purpose of obtaining their favors. You must understand that he has used that private wealth to enhance his political power and to make it invulnerable to accountability.

I also found myself deeply concerned that the nominee does not understand that there really is a new standard of political ethics in this country that is post-Watergate. When the nominee answered question after question, in the moment, in the limited 5-minute period that we were given to conduct the investigation, interrogation, whenever the question became embarrassing and then the nominee answered the question, "that's a good question." Now, that was not candor, that was not honesty, that was not anything but evasion and then he said that none of his testimony was as a result of direct recollection, it was all reconstruction, both he and his brother, Laurence, said that was so reminiscent to this member, at least, to the taped conversations we heard in the White House, when they were discussing a way to testify under oath in a manner that you could not be held accountable for evasion or falsehoods. I found nothing of comfort that the nominee understands the new morality that this country ought to be demanding of its appointees. And I particularly found it objectionable when the ethical standard that was enunciated by the nominee generally resolved itself into a statement that if it is legal, it is, therefore, ethical. That really is not the ethical standard that we ought to demand in the proceedings of the 25th amendment.

In conclusion, Mr. Chairman, I obviously intend to vote against the nominee. I think we do the people of this country a great disservice if we substitute our judgment on an issue of this critical importance that this nominee presents for the judgment that ought to be theirs exclusively.

Chairman RODINO. The gentleman from Iowa, Mr. Mayne, is recognized for 5 minutes.

Mr. MAYNE. Thank you, Mr. Chairman.

I think no objective observer could have failed to be impressed by the manner in which the nominee conducted himself during the 3 days that he appeared before this committee. And we should bear in mind that this was after the committee staff had spent weeks investigating his background, and we members also had available to us when we started to question the nominee, the entire work products of the Senate Committee staff, the Rules Committee over there, the transcripts of 8 days of hearings in the Senate. Certainly every effort had been made to uncover any flaw serious enough to disqualify the nominee, and it does not seem to me that such a flaw has, in fact, been uncovered.

To my mind, the most questionable activity on Governor Rockefeller's part was the gifts he made to Dr. William Ronan totalling some $625,000, which was to say the least a rather remarkable departure from the good judgment and sensitivity to ethics which he has at all other times displayed. But, we must bear in mind that the nominee has agreed not to make such gifts or loans in the future and I would like

to suggest to members of the committee that Mr. Russell Baker has had to put the Ronan gifts in their proper perspective in an article entitled, "Where Charity Ends," which appeared in the New York Times on December 10, 1974. I ask unanimous consent that this article appear with the record following my remarks.

Chairman RODINO. Without objection, so ordered.

Mr. MAYNE. I don't know how other members will feel but I know that I, myself, am indebted to Mr. Baker for the light that he has shed on this problem of the gifts in such comments as the following:

> The distaste that the Members of the Congress professed for Mr. Rockefeller's habit of spending his riches to get elected is not persuasive. This year the public expects Members of Congress to be shocked by the fact that campaigns need rich men to pay for them although every Congressman knows it from his cradle.
>
> What was genuinely shocking to them was not that he spent his money to obtain public office but that he also gave it away for no self-serving purpose at all. David Brinkley compared them to small town bankers examining the local grain merchant's loan application. A man who meant to use the money for grain was perfectly understandable, but just giving it away—that was beyond comprehension. Was such a man to be trusted?
>
> If money is to be given away, Congress wants to do the giving: If anybody else has money to pass around, Congress wants to relieve him of it and do the giving for him although not usually to the people or projects of his choice.
>
> It is no wonder the Congressmen were shocked to find Mr. Rockefeller simply giving money away. Precedents like that if allowed to stand could wipe out the Government.

Now, there is another very practical consideration here, Mr. Chairman, and that is that when the House votes next Friday, 4 months will already have elapsed since this nomination was first submitted to us. I suggest that this office has already been too long vacant. The country has been too long without a Vice President and if Nelson Rockefeller were to be rejected, it would be doing great violence to the spirit and purpose of the 25th amendment to have this nominating process start all over again, perhaps consuming another 4 months.

So for this practical reason and the other reasons, I will vote to confirm.

[The newspaper article "Where Charity Ends" follows:]

[From the New York Times, Dec. 10, 1974]

WHERE CHARITY ENDS

(By Russell Baker)

The Thunderous Futility Award for 1974 will doubtless go to the two Congressional committees that spent months investigating Nelson Rockefeller and discovered that he comes from a very rich family. This is reminiscent of Molière's social climber who went in for learning in middle life and was delighted to discover that he spoke prose.

The distaste that the members of Congress professed for Mr. Rockefeller's habit of spending his riches to get elected was not persuasive. This year the public expects members of Congress to be shocked by the fact that campaigns need rich men to pay for them, although every Congressman knows it from his cradle.

What was genuinely shocking to them was not that he spent his money to attain public office, but that he also gave it away for no self-serving purpose at all. David Brinkley compared them to small-town bankers examining the local grain merchant's loan application. A man who meant to use the money for gain was perfectly understandable, but just giving it away—that was beyond comprehension. Was such a man to be trusted?

To mentalities of this order, giving money away is prima facie evidence of foolishness, but since Mr. Rockefeller, whatever his defects, could scarcely be

dismissed as a fool, they concluded uneasily that he must be up to something sinister.

And so they extracted a pledge that he would not do it any more. Thus, when he becomes Vice President one Congressional dictate by which he must abide is to cease giving people money.

Mr. Rockefeller becomes the first millionaire in history to be made a tightwad by act of Congress.

This suspicion of men who give money away runs deep among members of Congress. They are constantly harassing private foundations about whom they give money to and why. It is of a part with their suspicion of Mr. Rockefeller's private gifts.

If money is to be given away, Congress wants to do the giving; if anybody else has money to pass around Congress wants to relieve him of it and do the giving for him, although not usually to the people or projects of his choice.

The trouble is that Congress is not a very efficient giver. Suppose Mr. Rockefeller had had to use Congress as an agent to pass the famous half-million dollars to William Ronan. It is doubtful that Dr. Ronan would ever have seen a cent.

Out of the half-million, they would have had to hire tax collectors to pick up the money from Mr. Rockefeller, printers to produce the forms requisite to the collection, clerks to process the forms and other clerks to put them in file cabinets, which would also have to be paid for from the half-million.

A share of the money would have had to be spent to pay for meetings of both houses of Congress (salaries, heat and light bills, printing costs, dusting and brass polishing, doorkeepers, spittoon cleaning, etc.) and preliminary meetings of Congressional committees.

An agency—the Federal Ronan Relief Administration, perhaps—would have had to be set up (a building, administrators, lobbyists, civil servants, typewriters, vending machines, automobiles). New forms in quadruplicate would have had to be created, on which Dr. Ronan could make application, submit certification and explain his business, family life and intentions for use of the money. Lawyers would have had to be hired to examine the completed documents for compliance with the will of Congress.

Most likely, of course, Congress, after collecting the half-million from Mr. Rockefeller, would regard Dr. Ronan as not a very pressing national obligation. Seventy per cent of the half-million would almost surely be diverted to the Pentagon to reduce a cost overrun on military file cabinets, and 25 per cent would be allocated to social services to quiet the lobbies that are always asking why the Pentagon always gets all the money.

The remaining 5 per cent would not suffice to pay the costs of the new Federal Ronan Relief Administration. Thus, not only would Dr. Ronan be left without a cent, but Congress would also have to raise taxes to cover the deficit.

In the end, Mr. Rockefeller's money would have been used up to pay the Government to give it away for him, and both he and Dr. Ronan would have to pay increased taxes to help the Government not get any of the original sum from Mr. Rockefeller to Dr. Ronan.

Absurd? Yes, and it is the way the Government works. It is no wonder the Congressmen were shocked to find Mr. Rockefeller simply giving money away. A precedent like that, if allowed to stand, could wipe out the Government.

Chairman RODINO. The gentleman from Alabama, Mr. Flowers, is recognized.

Mr. FLOWERS. Thank you, Mr. Chairman.

The question that we must decide, ladies and gentlemen, is not whether we agree with Mr. Rockefeller's handling of the Attica prison uprising, not whether we agree with his stand on abortions, not whether we think that he is too liberal or too conservative, and there is a little bit of both present here. Of course, it is not a popularity contest. We should not vote for or against Mr. Rockefeller solely on grounds that he is a Republican or an Easterner.

To act out of any kind of political motive would make a mockery, I think, of the 25th amendment. I don't think we are going to do that here because when the amendment was being considered in the mid-part of the last decade, I think the reports of both Houses specifically

recognized the President's right to nominate a Vice President, a person who he thought shared his philosophy and his politics and who could work in harmony with him. We have got to assume that President Ford has already done that with specific regard to Mr. Rockefeller.

We are not called upon here to determine if Nelson Rockefeller is the most qualified person to be Vice President or President. The question, it seems to me, is whether he is qualified, period. As a private citizen, I want to make it clear if I need to, and I do not think I do that I would not vote for Mr. Rockefeller at the polls for either President or Vice President. We differ on many basic matters of politics, of philosophy and policy. But this is not an election. We are instead passing judgment on a Presidential nomination.

As I see it, Mr. Chairman, in order to reject this Presidential nomination, we should be convinced that the person nominated lacks the experience, the capability or the integrity to do the job. And I feel that in the case of this particular nominee, such evidence is lacking. Indeed, the mountains of evidence that we have considered here, together with my own observation of the man himself, indicates to me that he is well qualified by almost any standard to serve in the office for which he has been selected. Certainly his qualifications compare favorably with other Vice Presidents and Presidents in my memory.

Consequently, as a member of this committee, I will vote to report favorably the nomination of Nelson Rockefeller to be Vice President of the United States. And on the floor of the House I plan to vote to confirm him.

The committee hearings did, however, raise serious questions bearing either directly or indirectly on his qualifications and these have already been discussed by other Members. I, too, am distressed by Mr. Rockefeller's practice in making gifts and loans to public officials during his 15 years as Governor. In the absence of contradictory evidence, I guess I must take his word that these gifts and loans were made out of friendship and generosity and not for any ulterior motive.

I also am distressed by his involvement in an unflattering biography of his opponent in the 1970 Governor's race. He admitted during the confirmation hearings that he had made a serious mistake. It certainly was a mark against him. But, I do not think that that mistake by itself should disqualify him.

It appears, at least to me, that this was an isolated incident in an otherwise long history of otherwise clean campaign tactics.

Another important question, and this has been mentioned by others, and certainly by my friend, Mr. Waldie, which bears on his qualifications, involves the immense wealth of the Rockefeller family and the implications of the wedding of that wealth with the political power of our highest offices. The family's chief financial advisor told our committee that no members of the family were interested in controlling corporations, and the nominee testified he had paid no particular attention to family finances in the past 20 years. I think that evidence was solid. He has publicly disclosed his holdings, as well as those of other members of the family. He has given his word that he will be guided by the public interests and not by his family's interests.

He has offered to put his securities in a blind trust and there is no evidence at all of any problem in the 15 years he has served as Governor of New York.

Some time last summer in the impeachment inquiry, we heard the evidence, and most of us realized that we could not support Richard Nixon, no matter how much we respected the Presidency. Now in this instance, I have heard the evidence on the Rockefeller matter. I realize now that I cannot vote against the nomination no matter how much I might differ with him on many basic issues.

Before I close, Mr. Chairman, let me issue some words of caution, as I see it, to Mr. Rockefeller, who apparently will survive the long and difficult process of congressional confirmation. I think he faces an even greater task, as I attempted to say one night during our hearings, of winning the trust and respect of 200 million Americans. To win that trust and respect he must avoid even the slightest appearance of conflict of interest. He must not fear to suggest bold new approaches to solving our difficult problems. He must put forth basic principles of Government and stand by them. I feel compelled at this point to say that before this committee, at times, the nominee has been vague on some matters which to me at least involve principle. At times he seemed to be trying to tell each member of the committee that questioned him only what he perceived he or she wanted to hear. The President or Vice President of the United States, Mr. Chairman, cannot be all things to all people and certainly in these most trying of times principle and purpose should not be sacrificed for temporary advantage.

Thank you, Mr. Chairman.

Chairman RODINO. The gentleman from Maryland, Mr. Hogan, is recognized for 5 minutes.

Mr. HOGAN. Thank you, Mr. Chairman.

Along with many of my colleagues, I have been troubled by some of the matters which have developed during the investigations on the hearings and some of the positions that the nominee has taken in the past. In preparing for this decision, I weighed the pros and cons and this data that came before us, I assessed my own responsibilities under the 25th amendment, and I considered the needs of the country to have a Vice President installed as soon as possible. So the net result of these deliberations is that I intend to vote aye on the resolution recommending confirmation of Nelson Rockefeller.

I yield back the balance of my time.

Chairman RODINO. The gentleman from South Carolina, Mr. Mann, is recognized for 5 minutes.

Mr. MANN. Thank you, Mr. Chairman.

One of the most remarkable aspects of our investigations and hearings has been that after 40 years of public and political life our scrutiny has not revealed any design or pattern, or even a vent for that matter where he used his economic power to abuse political or public power. Our scrutiny has been supported by the observation of the press and others over that same 40 years, where his wealth has caused him to be the subject of close observation.

Apparently, therefore, he has been able to avoid the pitfalls of conflict of interest. Although our system is not perfect, and political op-

portunity is not the same at both ends of the economic spectrum, I would not announce by my vote that I deliberately would exclude anyone at either end or any part of that economic spectrum. Although somewhat disturbed by some of the specific errors of judgment Nelson Rockefeller has made over his career, I find no substantial basis to disqualify him and I expect to vote for his confirmation.

I yield back the balance of my time.

Chairman RODINO. The gentleman from Virginia is recognized, Mr. Butler.

Mr. BUTLER. Thank you, Mr. Chairman.

It is interesting to note how often in our deliberations on constitutional questions that we go outside the instrument for enlightenment as to the intentions of the Founding Fathers.

We gain some insight here into the reliability of expression of the original Founding Fathers from the divergent views of the 25th amendment's founding fathers who still sit on this committee.

With this insight I feel free to pursue my own interpretation of the 25th amendment without endeavoring to resolve different views of its founding fathers.

I do not share the view that we have the total discretion of every citizen to vote for or against candidate for any reason we deem appropriate or no reason at all.

Our options are less than that because a vote against him frustrates the purpose of the 25th amendment to assure that the country shall not be long without a Vice President. The choice is the first instance in the President's, and our responsibility is to reject that nomination only if our investigation reveals compelling reasons reflecting on his personal integrity or his capacity to discharge the responsibilities that may become his.

Our investigation has been more intensive and extensive than any other such nomination in history. The nominee's cooperation, in my judgment, has been as complete as we might reasonably require. And the opportunity for examination by members of the committee was for all practical purposes total and unrestricted.

Yet the nominee's personal integrity remains intact; and his tremendous ability and talent has been demonstrated before the committee itself.

I confess that I have fallen somewhat under the spell of his charm and his infectious enthusiasm for his work—whatever it may be at the moment. He is a remarkable person who has given generously of his time, talent and substance for the Nation he obviously loves and appreciates; and we are fortunate that there are such men as he in public life.

While I fully recognize the potential for abuse of power in his own personal interest, I cannot visualize that Nelson Rockefeller would ever do so, and his long record of public service bears me out in this.

I am far from total philosophical agreement with the nominee, but that decision—in my judgment—was the President's, not mine.

I share reservations here expressed about the disabling limitations of great wealth; and the questionable judgment demonstrated on several occasions frequently mentioned.

But, in my judgment, they fall far short of being disqualifying.

Mr. Chairman, I shall vote to confirm the President's nominee for Vice President of the United States.

Chairman RODINO. The gentleman from Maryland, Mr. Sarbanes, is recognized for 5 minutes.

Mr. SARBANES. Thank you, Mr. Chairman. It is imperative to recognize here today that there is in question a very fundamental principle, in my judgment, as to how American society should operate and what the relationship should be between political power and economic power. It is my view that an underlying premise of our society is that public power shall be available to check and restrain and limit and control private economic wealth and power.

Resting upon that premise we have an economic system that allows private individuals to accumulate significant economic wealth and power; but I believe we allow that on the assumption that the public power is there to check it. The decision confronting us here today, going to the very premises of the operation of our society, is whether a great concentration of private economic power ought to be melded with public power thereby eliminating that separation and that check and restraint.

In my view, we have only begun to perceive the reach of the private economic power of which we speak. The charts submitted to us by Mr. Dilworth indicate holdings of $1.4 billion in assets. Those charts excluded the Rockefeller Brothers' Fund, the Rockefeller Family Fund, and the Rockefeller Foundation, which, if included, would add another billion in assets, giving us a figure approximating $2.5 billion. Those charts excluded the economic influence of the Chase Manhattan Bank in which the Rockefeller family is the leading holder of stock, and of which a Rockefeller brother is the chief executive officer—a most important position when we recall Mr. Dilworth said it was management that controlled the operation of the great corporations and great banks. We never examined the reach of the Chase Manhattan Bank, although there is a Senate subcommittee study which indicates that its trust department is the leading stockholder in Atlantic Richfield, that it holds 5 percent of the stock of Mobil Oil, 10 percent of the stock of Safeway, and so on.

Looking for a moment only at the oil interests, and adding together all of the Rockefeller holdings including the charitable foundation holdings, they are in excess of $300 million in Exxon alone. It was brought out in the discussion here that there is significant influence with respect to Exxon, Standard Oil of California, Standard Oil of Indiana, Mobil Oil, Atlantic Richfield, Amerada Hess, and Marathon Oil. Now, we are talking about the single greatest aggregation of private economic power in this country.

The Governor was asked about this very important basic question with respect to the interrelationship between public power and private economic wealth and power and if he were sensitive to it, and he made a very interesting point. He talked about his relationship with President Roosevelt when he was asked to be Coordinator of the Inter-American Affairs Office. He asked the President how he could be appointed when he had connections with the oil companies. And President Roosevelt replied to him,

That is my responsibility. I understand you. I understand these countries. I know and I trust you. Let me take that responsibility and all you have to do is remove yourself from these decisions relating to oil companies.

Which Governor Rockefeller indicated he did.

If Nelson Rockefeller were to be the President of the United States who would be in a position to make that judgment and that assertion, as Franklin Roosevelt was able to do at an earlier time? In effect, what this appointment means is that we are taking the captain of the team and also making him the umpire of the game. I think we should think long and hard about the implications of such an action because I believe history will perceive this appointment, as representing an instance in American history when a fundamental principle governing the operation of our society was discarded.

Now, the people of the United States may make the direct judgment that they wish to transform the basic relationship between public power and the great concentrations of private economic power. Through a direct election, the people may choose to render the judgment that they do not consider the separation of those two powers as a necessary and fundamental premise for the operation of our political and economic system. But I perceive that separation as a fundamental premise. I think it is extraordinarily important to the operation of both our economic system and the operation of our political system. I think an abridgement of that fundamental premise carries with it consequences and implications that we can today only dimly perceive.

I fully concede that the people could make this judgment in a direct election. I therefore reject the argument which charges that we would be excluding an enormously wealthy man from office, since the direct election is always available to him. However, I do not believe that this committee or this Congress ought to abridge that fundamental premise which I think is so important to the operation of our society.

Chairman RODINO. The gentleman from Maine, Mr. Cohen, is recognized for 5 minutes.

Mr. COHEN. Thank you, Mr. Chairman.

Mr. Chairman, in my opinion there are two principal tests to be applied under the 25th amendment: One, ability; and two, integrity.

With respect to the nominee's ability, there has been no evidence, in my opinion, that would question Nelson Rockefeller's ability and, to the contrary, there has been accumulated a substantial amount of evidence that he is an outstanding administrator and Governor.

With respect to integrity, there have been a number of witnesses and groups who have called that integrity into question. Fears have been expressed that Mr. Rockefeller has somehow in the past used his public position to enhance his private wealth and that he might do so in the future. Well, we have not found any evidence where he has, in fact, used his public position to enhance his private power, or economic power. As a matter of fact, I would suggest if Mr. Rockefeller were inclined to abuse his power or public office for private advantage that he has had ample time and opportunity to do so, particularly in view of the fact that his wealth and the extent of his wealth has largely been a matter of secrecy or confidentiality.

And I would also submit that now that the spotlight of publicity has been focused upon Mr. Rockefeller's assets, the extent of his wealth, I suggest it will be focused upon his every waking moment in the future, and his decisions criticized, commentated upon and there is

even less likelihood that he would be in any way inclined to act to promote his private interests above his public trust.

It has been suggested that our concern should not be whether he would use his public position to enhance private wealth, but rather the converse problem; that he has used his private wealth and that of his family to advance his political career, and that this should disqualify him from holding this high office. And that because poor people have not had access to our political system or high public office, and I would not agree with that, that we, therefore, necessarily must exclude wealthy people from holding a similar position. That is a concept that I cannot endorse. I also cannot accept the suggestion that we adopt a constitutional relativity doctrine; that is, standards under the 25th amendment must shift or be expanded depending upon who the nominee happens to be, or the notion that Mr. Rockefeller's nomination is tainted because President Ford's appointment was also tainted. We seem to be faced with a dilemma opposed by our political system and, that is, that our power has to be entrusted to some but no one can be entrusted with power.

The fact is that there is no guarantee against the abuse of power but the potential for that abuse can be minimized by a vigilant public and press and a rededication to our national commitment to the principles of openness, honesty, and decency.

Needless to say, no member of this House committee or the Senate, and perhaps no American, would agree with every stand that Nelson Rockefeller has taken during his long public career. In fact, his record includes some positions and actions that I would disagree with strongly. But, it is not in my opinion the constitutional charge of the Judiciary Committee to evaluate every action taken by the nominee to determine if we would agree with it. It is rather to assess the general ability and integrity of the man who took these actions, and to judge whether he meets the standards of ability and honesty that we must set for our highest officials. And based upon the information now available, I believe that Mr. Rockefeller meets those standards and for those reasons I intend to vote for him.

I yield back.

Chairman RODINO. The gentleman from Ohio, Mr. Seiberling, is recognized for 5 minutes.

Mr. SEIBERLING. Thank you, Mr. Chairman.

If we consider only the personal qualifications of the nominee, Nelson Rockefeller, it would be hard to quarrel with the nomination before us. Nelson Rockefeller appears to be a person of unusual ability, outstanding experience and high integrity. And while I differ with the nominee's political philosophy in a number of areas, I cannot say that these differences are such as to compel me to vote against his nomination.

But, this nomination confronts us with an unprecedented problem. When we considered Gerald Ford's nomination a year ago, we tracked down every lead, we investigated even the details of his modest financial interests and transactions. We convinced ourselves that there was no conflict of interest.

In considering the Nelson Rockefeller nomination, we have turned over some boulders yet we have barely scratched the surface. I am sorry to say that as a committee confronted with the complexity of

the Rockefeller web of financial interests and the difficulty of unraveling this web, we have simply thrown up our hands. While Mr. Rockefeller's promise to place his securities in a blind trust is a welcome gesture, it solves only a small part of the problem. It eliminates the certainty that except for the blind trust Mr. Rockefeller as President or Vice President would be required to make decisions which he knows would affect his personal financial interests.

I do not mean to suggest that Mr. Rockefeller would ever consciously act to further his personal interests at the expense of the public interest, but the spirit of the conflict-of-interest law is such that a public official should not even be in a position of making a choice between the public interest and his personal interest.

But, even if we assume that the blind trust eliminates that aspect of the problem, we have not yet even approached a solution of the equally serious problem, a problem that will be faced by every civil servant, in fact every Member of Congress, when confronted with the necessity of making a decision, and there will be many of them, that will affect one of the many interests of the vast Rockefeller economic empire. Is it right to place other public officials in a position where they must weigh the effect on their personal careers and on legislation which they favor of taking action adverse to the economic interests of Nelson Rockefeller and his family? Does not the elevation of Nelson Rockefeller to the Vice Presidency or the Presidency place every such public official in a potential conflict of interest? The Supreme Court of the United States has held that the conflict-of-interest statute:

> Is directed not only at dishonor but also at conduct that tempts dishonor. The board prescription embodies a recognition of the fact that an impairment of impartial judgment can occur in even the most well-meaning men when their personal economic interests are affected by the business they transact on behalf of the Government.

From this standpoint, the failure of this committee to call as a witness, David Rockefeller, chairman of the board of the Chase Manhattan Bank, one of the largest banks in the world, is an extremely serious omission. Where is the brother of Nelson Rockefeller, heading one of the world's largest banks that holds controlling interests in four of the Nation's largest airlines, all three television networks, and many other major corporations, and together with the Rockefeller family interests, sitting on huge investments in several of the major oil companies? Surely we owe it to ourselves, to the other Members of Congress and to the public, to place in the record the facts as to the relationships between Chase Manhattan and the Rockefeller family, and to attempt to learn what policy Chase Manhattan will follow in dealing with the Federal Government if Nelson Rockefeller should become Vice President or President.

With their great commonsense, ordinary Americans understand that there is something inherently wrong with giving extraordinary governmental powers to an individual who with his family already has enormous influence over the Nation's economy. Do we want a President to make daily decisions about our national energy policy if he and his family and relatives have almost $300 million invested in Exxon, Standard Oil of California, and Mobil? Do we want to have him make daily decisions about our national economy, the recession

and inflation if his brother is chairman of the board of one of the Nation's largest and most influential banks? The central issue in the Rockefeller nomination is whether Congress will exercise the checks and balances necessary to prevent the undue concentration of power in one man's family.

Our Founding Fathers understood how tyranny and oppression follow from concentration of power. They established a separation of powers whereby the officers of any branch of the Government are forbidden from serving concurrently as officers of either of the other branches. Similarly, the Constitution requires the separation of church and State and although it does not mandate the separation of governmental and economic powers, in the same manner, the principle is just as valid. The combination of powers threatens our freedom because the combination eliminates healthy checks and balances, thus encouraging abuses of power. Throughout our history, many of our Presidents have been wealthy but none have had extraordinary personal influence over the Nation's economy. If the American people through the electoral process chose to break this tradition by selecting a President or Vice President with such great economic power, that is their privilege. But, we must ask ourselves whether under the 25th amendment, Congress has the same right to break with tradition by endorsing this new concentration of powers. I do not believe Congress should establish that precedent. Congress should not condone and confirm the placement of such vast economic and governmental power in the hands of a single individual.

So soon after examining and condemning the greatest abuses of power in the Nation's history by a Chief Executive, this committee should be exceptionally alert to recognize and condemn new conditions which invite similar abuses. I will vote against the nomination.

Chairman RODINO. The gentleman from Mississippi, Mr. Lott, for 5 minutes.

Mr. Lott?

Mr. LOTT. Thank you.

When Nelson Rockefeller was first nominated and these hearings started, I was definitely tilted toward a vote against confirmation. But as I reviewed the material before the committee, and as I listened to the FBI reports and the caravan of witnesses that came before the committee, I thought that one by one the objections were answered although not always totally resolved.

His record, in my opinion, is at best a mixed bag. There is no denying that he has ability and a great deal of stamina coupled with experience that goes over 40 years in government.

I disagree with many facets of his philosophy of big government taxing and spending. Some of his new positions, however, in recent years, have not gone unnoticed on my part. Conflicts of interest are of great concern to me and that is the reason why I directed most of my questions during the hearings to that area. The blind trust is probably not adequate in the case of Mr. Rockefeller but it is all that he can do. And I am pleased that he agreed to set up this blind trust. I think it is very important.

Mr. Brooks, neither do I agree with Mr. Rockefeller's politics in many instances, nor would I be inclined to vote for him in a polling

booth. However, as I view the 25th amendment, this committee has done its work and based on the results of the investigation, I cannot justify in my own mind a negative vote.

The Government needs the stability that would come from the filling of the office of Vice Presidency. I think it would be very unsettling to have 4 more months of investigations and not have a Vice President in this country. The President made his choice, he said he can work with Mr. Rockefeller, and, hopefully, he can be helpful to the President in certain areas. This is not an easy vote for me, and I approach it with reluctance, but I shall vote aye to report his nomination to the full House of Representatives. And I yield the balance of my time.

Chairman RODINO. The gentleman from California, Mr. Danielson, is recognized for 5 minutes.

Mr. DANIELSON. Thank you, Mr. Chairman.

As I view these proceedings, our primary responsibility must be an understanding of what are the duties of Congress under the 25th amendment, and what are the standards that we must apply in confirming or not confirming the nomination of the President, and then apply them to the case at hand. Clearly under the 25th amendment, the responsibilities and the duties of the President and of Congress are coequal. The President has the power and the duty to nominate. The Congress has the power and duty to confirm or not to confirm. We must distinguish this from the "Advise and Consent Provisions" of article II of the Constitution. We are not talking about advise and consent, we are talking about confirmation.

Clearly a President is entitled to nominate someone with whom he is politically, personally, and philosophically compatible. Beyond that he has duties. He has the duty to nominate someone who is fully competent, who is highly qualified, and is as free as possible of disqualifying impediments such as serious and unavoidable conflicts of interests, or a lack of awareness of the issues of the day.

The Congress also has duties. We must first of all recognize the right of the President to seek a compatible Vice President. To that extent we must ignore political parties and political alinements. Obviously, a Republican President will nominate a Republican Vice President, and the converse would be true if a Democrat were President. But we must go further than that.

We sit here in confirmation, in my opinion, as trustees. Some people use the term "surrogate," but I do not believe that goes far enough. We are trustees. We have the highest possible ethical and fiduciary responsibility. We do not have the freedom of the electorate. The electorate of the United States can elect whomever they choose as the President of the United States, or as Vice President. They may ignore party lines, as we may, but the electorate are exercising their own responsibilities. They are conducting their own business and we are not. We are conducting the public's business.

I represent, and each of us represents, nearly 500,000 American citizens directly, and all of them vicariously. Under the 25th amendment, we are enjoined to confirm or not to confirm the President's nominee. Under article II the Senate has the right to advise and consent. Consent simply means to agree to, to acquiesce in. It is a bit more than to suffer but somewhat less than the affirmative connotation of confirmation.

The last analysis of most senatorial confirmations is that they have found nothing particularly wrong, they have found no disqualifying flaws. I respectfully submit that the Congress, under the 25th amendment, with the duty of confirmation, must go farther. To confirm means, to me, to add strength to, to validate, to substantiate, to ratify. In other words, to confer a blessing upon and to adopt and to affirm, in all respects, the nomination. That is going farther than advice and consent. Advice and consent in the Constitution is restricted to the ordinal officers of our land, Ambassadors, public Ministers, and the other officers of the United States, including judges. Most, if not all of these, can be removed from office by the President or by other means short of constitutional process.

Confirmation, on the other hand, applies only to the cardinal office of Vice President. Once a Vice President enters that office, he shall remain there until and unless his term expires, he dies, he resigns or he should be removed by the parliamentary process of impeachment. We have just gone through that, and God forbid that we should have to do so again.

Now, as to Mr. Rockefeller, there are many good and many bad points. In the first place, he is very intelligent, he is extremely well informed, he seems to have the best of motivations, and he could provide the kind of leadership which is so badly needed in our administration today. Also, he has the attributes of persuasiveness and a great deal of political charm.

And then, of course, there is the other side of the coin. He has this congenital conflict of interests, a birthright, so to speak. There is the Goldberg book, to which I do not attach a great deal of moment, and Attica. Worst of all, in my opinion, are the soft loans and gifts. There has been no one dramatic and clear example of misfeasance. I have sought for one and have not found it. But all of these things are factors which make up the aggregate upon which we must base our judgment.

As to the soft loans and gifts, mostly if not entirely to public officials, we have found that this has been a continuing practice since at least 1958. The record establishes at least $1,956,000 worth of these soft loans and gifts, of which only $45,000 has ever been repaid. That leaves a net of $1,911,000 in gifts. The worst example of all of these was that of Mr. Ronan who received $625,000 in the course of approximately 15 years. Mr. Ronan, in my opinion was not credible. In fact, he was incredible. He said that when he obtained these loans he intended to repay them; but that flies in the face of the testimony of Mr. Rockefeller who conceded that he made a gift before he took office as Governor, to Mr. Ronan. Then ensued a period in which there were many of these soft loans, no interest, and then after Mr. Ronan left office on May 1, 1974, in a period of less than 1 week, a period of less than 1 week, he forgave the rest of those loans.

He did it, why? "Because there was a law in the State of New York——" the answer was interrupted, but when you put it together, it was that there was a law that forbade it.

Now, I will say this for Mr. Rockefeller, he admitted to those facts, but Mr. Ronan told us that he intended to pay them all back. This all conveys to me the unavoidable impression that Mr. Rockefeller has a very great lack of awareness, a lack of sensitivity, of the power of

money to corrupt public officials. I do not say that he was corrupt. I think he operated with good intentions. He was born and reared, educated, and conducted his life in a context of great wealth, and I do not think he is aware of the fact that money can corrupt when used in this manner. He simply is unaware of it.

He is unaware of the fact that great wealth as gifts tends to deprive the beneficiary of the free, unimpaired, and undiminished judgment of the beneficiary in matters which affect his benefactor.

Mr. Rockefeller has told us that he would obey the law, if such a law existed, prohibiting such gifts, and he has also stated, it is in the record, that he will not follow this practice in the future. And we must consider all of these things. But I am concerned with the fact that Mr. Rockefeller was not aware of any conflict, that he was not aware of anything intrinsically wrong. This has to do, Mr. Chairman, with the lack of confidence that the public has in Government today.

Mr. Rockefeller told me in answer to questions, that he considered the lack of confidence as one of our most grave domestic problems.

What I say and do in these proceedings will have no effect on Mr. Rockefeller's past conduct, but I hope it will have some impact on his conduct in the future.

I yield back the balance of my time.

Chairman RODINO. The time has expired, and there is a vote on the agricultural conference report and the committee will recess until 2 o'clock.

[Whereupon, at 12:37 p.m., the hearing was recessed to reconvene at 2 p.m. the same day.]

AFTERNOON SESSION

Chairman RODINO. The committee will be in order.

The gentleman from Wisconsin, Mr. Froehlich, is recognized for 5 minutes.

Mr. FROEHLICH. Thank you, Mr. Chairman.

The record on the whole shows Governor Rockefeller to be a well qualified, highly concerned citizen, a very human person. He, like all of us at times, looking back on former decisions, would have made some of them differently. He and I are not in agreement on all issues, but as I sat through this hearing and listened to his opinions, I was surprised to learn that we agree on more than I thought we would.

Mr. Chairman, based upon my interpretation of the 25th amendment, my perception of the candidate, and my reading of the record that has been made through this investigation, I conclude that I will vote aye on confirmation.

Thank you.

Chairman RODINO. The gentleman from Massachusetts, Father Drinan, is recognized for 5 minutes.

Mr. DRINAN. Thank you, Mr. Chairman.

It is surely anomalous that the Congress apparently is about to confirm as Vice President a man whose appointment today would not win a majority of the voters in America. The Harris poll indicates that the American people disapprove of the appointment of Mr. Rockefeller by a margin of 43 to 39. The same poll also indicates by a 47 to

34 plurality that the people of America are persuaded that the nominee's financial holdings and investments will create an inherent conflict of interest.

The Harris poll also indicates by a margin of 2 to 1, 54 to 28, that the American people feel that the gifts made by Mr. Rockefeller to public officials were morally and ethically wrong.

I have five basic reasons I disagree with Mr. Rockefeller's moral priorities and why I do not see my way to vote for him to fill the office of Vice President or President.

First, during and after the Watergate scandal, Mr. Rockefeller seldom if ever condemned the ethics of the individuals involved or the inadequacy of the political system which permitted such conduct to go undetected by the public. In response to a question from this panel whether or not President Nixon should have offered money to Mr. Ehrlichmann and Mr. Haldeman on the occasion of their departure from the administration, Mr. Rockefeller at best was ambiguous and equivocal.

Second, I find that Mr. Rockefeller appears to advocate the same principles of foreign policy that led the United States into the Vietnam war. Mr. Rockefeller, under direct questioning by this panel, said that he would vote in favor of $1 billion in military assistance for South Vietnam.

On the important question of amnesty, Mr. Rockefeller has made no statement of substance or consequence.

Third, Mr. Rockefeller stated that he would approve of covert activities carried out by the CIA.

Fourth, the nominee has never said anything very specific concerning the reform of Federal or State laws regulating campaign financing. The Citizens' Research Foundation revealed that Rockefeller and the members of his family spent more than $21 million in his political campaign. That is more money spent on his behalf than by any other family in American history to hold and obtain public office. I, for one, think that it is at least inappropriate and incongruous that one individual, or one family, would utilize such vast wealth to secure and retain a political office.

Fifth, no one can deny that the reform of the Federal tax structure is essential to a just society. At no time has the nominee stated anything specific in the area of taxation, nor does he appear sensitive to the fact that there are shocking inequities in the tax laws. Tax reform is possibly the most urgent domestic priority confronting this country.

Sixth, Mr. Rockefeller has been extraordinarily vague about the enforcement of existing antitrust laws. Senator Gaylord Nelson, in voting against Mr. Rockefeller, stated that his principal reason was the nominee's insensitivity to the evils of economic concentration.

In addition, Mr. Chairman, I am afraid that Mr. Rockefeller does not enjoy the confidence of the American people. It has been said here often that he has not used his economic wealth to advance his political life. I think actually that is contrary to the facts as I see them, because after all, Mr. Rockefeller did, in fact, give subsidies to the man who is now the Secretary of State and in New York State, he gave subsidies to the chairman of the transportation authority, the superintendent of banks, the head of the environmental affairs office, the commissioner of housing, the chief of urban development, the com-

missioner of taxation and the presiding judge of the State court of claims and a dozen members of his own office.

It seems to me it is not impossible that civil or criminal investigations will be initiated with regard to these loans, and, in my judgment, it is not fair to the American people to approve a nominee for the second highest post in the land whose past political practices are so dubious ethically and legally that he must agree to forgo these practices if he is confirmed as a Federal official.

My third and perhaps greatest reason, Mr. Chairman, is the fact that the 25th amendment was stated to mean this in the words of Senator Bayh, a person who voted against this nominee; Senator Bayh said that in the 25th amendment, we combine both Presidential and congressional action. We are guaranteeing that the President would have a man with whom he could work, but we are also guaranteeing to the people the right to make that decision. And I find it very distressing that the people of America are not together with the decision that presumably will come out of this committee today.

I will vote against Nelson Rockefeller because I do not want a man with his priorities and moral insensitivities to be the President. I vote against him because the 25th amendment, in the words of Senator Mathias, then Congressman, is designed to be the nearest thing to a full-fledged national election and in a national election today, Nelson Rockefeller would not be elected by the people of America.

Mr. Chairman, the eyes of the Nation are on this committee. This group of 38 lawyers gave what is almost the one ray of light that this Nation has had during the dark night of Watergate. That hope, I am afraid, will be eliminated or wiped out if this committee, with inadequate investigation of the seemingly insurmountable conflict of interest in the nominee, confirms a man for the office of Vice President who possesses one of the largest private fortunes ever amassed in the history of America.

I yield back the balance of my time.

Chairman RODINO. The gentleman from California, Mr. Moorhead is recognized.

Mr. MOORHEAD. Mr. Chairman, at the start of these hearings I had very strong feelings that I would vote against Governor Rockefeller as Vice President of the United States. I disagreed with most of his political philosophies, many of the policies that he has followed of spending money in trying to solve political problems within the State of New York which are contrary to my concepts.

I believe, however, that if each one of us had a choice of Vice President, we might choose a different man. It is not possible to ever get exactly what we want when a nomination is made in this manner.

Throughout the history of this country, the President or the Presidential nominee has traditionally chosen either his running mate or the Vice President to be. Before we had our 25th amendment and the present succession law, the President chose the man who was to hold this office. Through much of our history the Secretary of State was the No. 1 man in case the President should die and there should be no Vice President.

I think it is very important that our President has the right to choose the team that he can trust and has confidence in, to help him run the Government over these next difficult 2 years. I think with the

responsibility that we have given him, we must give him the men that he nominates, unless we can find a strong enough disabling reason to prevent them from taking office.

I have been really looking for reasons to vote against the nomination of Mr. Rockefeller throughout our hearings, but I really have not found one that was solid enough to base a no vote upon. I was encouraged by many of the stands that the Governor took before our committee, areas in which he said that he would defend the United States, that he believed in our country, that he believed that it should come first, that the interests in our people should come first.

I was much encouraged by the fact that he stated that he believed in States' rights and that we should let our States and local governments do the things for us that they could best do. I was encouraged by the fact that he said he would handle the wealth that he has in such a manner that he would have no personal control over it.

Now, I am going to that particular point. He has diversified the control over whatever assets he may own in such a way that he really has no personal control over it. I am not saying that he could not get that back, but throughout our hearings, all of the evidence indicated that he himself paid very little attention to his investments, to the property that he had, that he had truly devoted himself to the public service over the past 16 years, and for a long part of time before that, when he was working off and on for various Presidents.

I still have reservations about Mr. Rockefeller for Vice President. I am sure that I will for a long period of time. But, I want to give the support to our President that he needs in these difficult times, and I have been convinced that Mr. Rockefeller is an honest man who will do everything possible, as he sees it, to defend this country, to separate private wealth from political power and to meet the needs of our great country. And for that reason, I am going to vote to confirm him as Vice President.

Chairman RODINO. The gentleman from New York, Mr. Rangel, is recognized for 5 minutes.

Mr. RANGEL. Thank you, Mr. Chairman.

I voted against the confirmation of Gerald Ford for the office of Vice President because I believed then, as I do now, that Mr. Ford lacked the experience and the vision to lead this great Nation during a time of crisis. The pardon of former President Nixon and the football, carnival-like recommendations made by the President to the American people to meet the economic crisis facing the Nation today upholds my earlier decision.

Now once again this committee has the responsibility to fill the vacancy of the Office of Vice President. Our extensive examination of the nominee, Nelson Rockefeller, has raised serious problems for all the members of this committee. Real or potential conflicts of interest because of economic influence of his personal and family wealth, some of the political decisions while he was Governor of New York, which were, in my opinion, motivated by his Presidential ambitions rather than on principle, and most important, a lack of sensitivity displayed during the Attica prison revolt which stained the integrity of government and proved the inadequacy of our penal institutions.

I would prefer if the confirmation process called for by the 25th amendment would allow that the nominee for Vice President could

be considered as a member of my own political party, whose national goals were more in accord with my own concept of national priorities. I am precluded, however, by the 25th amendment from insisting upon these standards. Gerald Ford is a Republican President, and he has a right under the 25th amendment to choose a Republican as his Vice Presidential nominee.

Given the spectrum of the Republican Party and the alternatives available to President Ford, I prefer the selection of Nelson Rockefeller whose strong administrative and leadership skills are so needed at this time. If Governor Rockefeller is not confirmed by this Congress, we may well be asked to confirm another candidate of far less wealth as well as far less experience.

After considering all of the evidence, and recognizing the void that presently exists in the executive branch of our Government, I am convinced that the Republic can best be served by the confirmation of Nelson Rockefeller. My personal reservations are outweighed by the reality of the economic crisis in which this Nation finds itself, and the lack of leadership displayed by President Ford in meeting the serious problem of runaway inflation and recession. We face a real threat that the depression which already exists in my community will spread throughout the Nation.

It is clear to me that President Ford needs all the help that he can get. In the more than 4 months in his office, his most intelligent request of this Congress has been the confirmation of Nelson Rockefeller.

The American people cry out for strong leadership, and it is clear from the record established by Nelson Rockefeller in 15 years as Governor of the State of New York that he has the capacity to provide the aggressive, imaginative leadership needed at a time such as this. Whether or not you agree with his policies and programs, as a citizen of New York State, and a member of the State assembly, I found myself more often in disagreement than agreement, but you found yourself as you observed Governor Rockefeller grudgingly respecting the strength of his leadership. We need that strength in our national life at the present time, for under our present limited leadership the Nation is drifting toward disaster.

In the midst of growing economic crisis that threatens to affect every one of us, I cannot have it on my conscience that I contributed in any way to delay in filling, at least in part, the vacuum that exists in the executive branch of our Government. I hope that the majority of this committee and the House of Representatives would agree with me, so that the new Congress can join in a meaningful working partnership with the Executive in finding answers to the economic forces that are presently destroying the quality of life of all of our citizens, especially our poor, our aged, and our disabled.

At the appropriate time, Mr. Chairman, I intend to cast my vote in the affirmative.

Chairman RODINO. The gentleman from New Jersey, Mr. Maraziti, is recognized for 5 minutes.

Mr. MARAZITI. Thank you, Mr. Chairman.

Mr. Chairman, first I would like to express my appreciation to you for the manner in which you have conducted these proceedings. You have been fair and impartial to the members of this committee and to the witnesses that have testified.

Very thorough study and investigation have been made as to the qualifications of Governor Rockefeller and this is as it should be. And I recognize that there are differences among the members of this committee, and I respect these members, and I respect their viewpoints, even though I may disagree with some.

Many points have been raised during this investigation and they are all important, but it seems to me that the central issue that stands out is the question of wealth, the question of political power and the question of a combination of wealth and political power.

Now, this issue, perhaps for the first time in American history, raises a very profound question in American politics and American government, and that question is this: Should wealth of itself disqualify? And if we accept this principle, I think we establish a very dangerous precedent, because then you must go into related questions. What is wealth? How much wealth disqualifies? What is immense wealth? Where do we draw the line, and who is going to draw that line?

Is it $1 million, $2 million, $10 million?

Then we have related questions. Should this rule also apply to the members of this committee, the Members of Congress? Shall we draw the line at $1 million? Should it apply to other public officials in the United States of America?

It seems to me that the real test is a question of integrity of the individual. Now, I think we have had the opportunity because of a very thorough examination of Governor Rockefeller to judge about his integrity from past performance. He has held public office for many, many years, participated in public life in many, many ways, and I think it is obvious that there are no apparent substantial conflicts of interest, or we certainly would have heard about them.

Now, just one point, Mr. Chairman, on a question of qualifications. In my opinion, I think Governor Rockefeller is especially qualified to be Vice President, especially under our current conditions. The country faces very serious economic problems. Mr. Rockefeller, it is obvious from his testimony, and what we know about him, has a special knowledge and economic expertise that is needed at this particular point in our Nation's history. So I feel that he can be of tremendous assistance to the President of the United States, and more important, to all of the people of this Nation.

Therefore, I feel that the choice is an excellent choice, and I intend to vote in favor of the resolution.

Chairman Rodino. The gentlelady from Texas, Ms. Jordan, is recognized.

Ms. Jordan. Thank you, Mr. Chairman, thank you.

Mr. Chairman, enough reasons have been advanced by the Senate Rules Committee and before this committee to provide sufficient rationale for voting for or against the confirmation of Nelson Rockefeller. This country was only quite recently relieved of a President swollen with power, relieved by resignation, and now we are asked to place in line for the Presidency a man who is swollen with wealth. Not ordinary wealth, wealth so comprehensive that its tentacles reach and nudge and puncture the very fabric of our Government.

The question is, is this a risk we on this committee can afford to take as stand-ins for the American people? I answer that question

yes. It is not a comfortable position, but it is a livable one. It would be easier if this choice could be made by weighing my mail. It would be easier for me if this choice could be made by looking at the answers which are provided to the pollsters when they go around and propound surface questions to the American people. But, either course would somehow defy the responsibility that we have under the 25th amendment, and it is the only mechanism we have to work with right now.

We heard a recital of the problems which plague the country, economic problems, energy, social. We have heard it said that somebody needs to rescue this country from disaster, to aid the President. President Ford, so that maybe we can come to a point of resolution and solution. Maybe Nelson Rockefeller can do this. I don't know.

We had 6 days of hearings on this nomination. The committee read and listened and questioned and probed, perused masses of material. As a result of this process, I have come to at least four conclusions.

Mr. Rockefeller believes that the first obligation of the Federal Government is to assist those individuals who are either financially or legally unable to assist themselves. He said that. I hope he was telling the truth.

Mr. Rockefeller will attract into Government persons of high caliber, diversity of individuals who can help the President. He said he would do that. I hope the President gives him an opportunity to do so.

The nominee is optimistic about the future of this country, and maybe that optimism will assist him somewhat in pulling us away from the brink of what can be disaster.

He has said, Mr. Rockefeller has said, that he will work within the executive and the legislative branches of the Government to strengthen the civil rights laws and their enforcement. That's important. If I believe him, then I ought to vote for him, because that is important to the people I represent.

During these hearings, we have heard the question posed more often than perhaps it need be posed about the problems of this unholy or incestuous marriage of power and wealth. This is a man that Presidents Roosebelt, Truman, and Eisenhower said notwithstanding your actual or potential conflicts, we are going to give you a chance to help us. And I would say in my own faith, that notwithstanding the potential, the actual, the problems pervasive as they are of this nominee, I will vote to confirm him. I do not feel that there is sufficient evidence which would make me comfortable in denying President Ford his choice.

I voted against the nomination of Mr. Ford to be President and I feel that time has vindicated that decision. I will vote for this nomination, and I hope that time will vindicate this decision.

Chairman Rodino. The gentleman from California, Mr. McCloskey, is recognized.

Mr. McCloskey. Thank you, Mr. Chairman.

As the newest member of the committee, I want to express the appreciation I feel for the privilege of sitting here these past 3 weeks and try to share my comments with the other members of the committee on this decision that faces us. It is a crucial constitutional decision.

There are only three matters that under the Constitution are left to the House. Initiation of revenue matters, initiation of impeachment, and the independent confirmation of a Vice President. And it seems to

me appropriate that all of us discuss the different viewpoints from which we approach this particular problem.

I am impressed at how close my own viewpoint is paralleled by that of the gentleman from New York, Mr. Rangel, because it seems to me that the decision we face is essentially what is the best for the United States at the present time. In these next few days hopefully we end 2½ years of national trauma of Watergate. It was June of 1972 that that issue came before us. It took 26 months before a President resigned, and during that 26 months we had an administration that we now know was almost more concerned with protecting its leader than evolving new national policies at a time of national crisis.

For the last 4 months, we have seen one of our own former Members, Gerald Ford, try to cope with the tremendous problems that face this Nation. We know that the purpose of the 25th amendment was to have a Vice President, not to have a vacancy in this office, that among the duties of the Vice Presidency are the study and preparation to assume the Presidency. And I think all of us would have preferred, perhaps, that Jerry Ford have more time to prepare for the tremendous responsibilities that he now faces.

And first and foremost, it seems incumbent among us to rapidly confirm a person to sit in this high office at the present time. When we look at the qualifications that would best serve the country, I think we would have to put administrative skill, particularly in Government, as foremost, and broad experience in foreign affairs would be helpful, particularly with respect to Latin America where we have to do so much to restore the faith of those countries in their relationship with us, and a thorough understanding of our economic system is clearly of benefit to the Nation.

And most of all, leadership capacity. Those four qualifications have certainly been borne out as being possessed by Nelson Rockefeller as a nominee.

What are the drawbacks that this committee has considered after 4 months of careful investigation? Gifts that were made to close associates, certainly a detracting point, and yet we have not had evidence that those gifts were illegal. They may have constituted an error of judgment, but they were not made to gain political favor or to affect political decisions. They were made to close associates and friends, people who served at his pleasure in appointive offices. They were not made in the context, for example, as we might consider the ITT advances or the dairy cooperatives contributions to curry political favor.

As to the question of errors in judgment, the Goldberg book, and Attica, it seems almost unique to me that there have been so few errors of judgment urged against a nominee who has devoted so much of his life to public service. And I might say as to that point, unlike many of great wealth who have spent their lives to enhance that wealth, the record here is clear that Nelson Rockefeller instead has chosen to devote his life to public service. And against that background, it seems to me there is no question but that the House of Representatives should vote to confirm him speedily as Vice President of the United States, and I will so vote.

Chairman Rodino. The gentleman from Arkansas, Mr. Thornton, is recognized for 5 minutes.

Mr. THORNTON. Thank you very much, Mr. Chairman.

Mr. Chairman, having considered, I believe that Governor Rockefeller is about as good a nominee as we can expect to get. I do not think that necessarily determines the question. I think this committee has the duty also to determine whether that is good enough, and for that reason we have sat and listened to a presentation which has given us great information about this man's performance in his life.

There are two questions, it seems to me, that are important, and intermerged to some degree. These are whether this particular wealthy individual has so conducted his public life as to illustrate that he has the capacity to overcome any lack of sensitivity to the problems of those less fortunate, and whether he has the capacity to overcome the conflicts of interest which are inherent in any individual having the broad wealth spread across the American economy which this man has.

Addressing the second problem first, as to conflicts of interest, the record before us does not indicate that Governor Rockefeller has abused governmental power to enhance his private wealth, nor can I see that he has abused his private wealth to enhance his governmental power.

The other question is perhaps more difficult, the lack of sensitivity as to the effect of his great wealth upon others. This was reflected in several mistakes. The mistake of making gifts to subordinates, causing them to have a dual allegiance, not only to the State which they served, but also to the individual that employed them. The mistakes associated with the Goldberg book and others. And looking at these errors, it has been my effort to determine whether or not these mistakes are isolated, or whether they constitute a pattern of abuse which reflects a basic flaw in character.

From my review of the entire case, I have concluded that no such pattern exists, that these are mistakes, and for that reason, Mr. Chairman, I will vote to confirm him.

Chairman RODINO. The gentlelady from New York, Ms. Holtzman, is recognized for 5 minutes.

Ms. HOLTZMAN. Thank you, Mr. Chairman.

I hope I am forgiven if I share the view I think that the Founding Fathers reflected when they wrote the Constitution, namely, a profound and abiding skepticism of power. I think the issue in this confirmation is the issue of the amalgam of economic power, whose ultimate reaches we have still not found after investigation, with political power. I share the skepticism that the Founding Fathers would have felt, since I am making a judgment as a surrogate for the people, as to whether a disinterested judgment could be made by somebody whose family and who himself has such vast interests in the oil companies with respect to decisions affecting oil prices, decisions on foreign policy in the Middle East, and decisions on antitrust policies. I think the issue is ultimately whether the public would have a sense of credibility in the disinterestedness of his judgment should he become President.

The second issue it seems to me deals with some other matters that have been barely touched on here, and those are questions of moral leadership, of honesty, of integrity, of candor, of judgment. Mr.

Rockefeller said that moral leadership was the highest responsibility of the President of the United States. And Mr. Rockefeller himself has had a chance in the past 2 years to show where he stands on the issue of moral leadership. I think it is rather extraordinary that 3 days after the "Saturday Night Massacre" Nelson Rockefeller, despite the outcry in this country that has not been heard for over 100 years with respect to the honesty with which a President conducts his office, stated that Richard Nixon is doing a great job on the domestic front. I think it is extraordinary that when Richard Nixon complied with a court order in October of 1973, Nelson Rockefeller termed it possibly a surrender of principle.

Also, in my judgment, when Nelson Rockefeller termed the pardon of Richard Nixon, before any statement of guilt was obtained, and before the record respecting his misconduct was made complete, as an act of conscience, that is reason for concern.

I am deeply troubled, too, by the evasiveness of this nominee before the committee. I am troubled that he did not firmly deny that he would ever set up a plumbers operation. I am disturbed that it took five times of questioning to get his response regarding U.S. policy toward Chile, and he still did not answer the question.

I am deeply disturbed that he has refused to turn over, at least to this member a list of all of the gifts that he made when he was Governor of the State of New York. This committee still does not have a complete list of those gifts. I am disturbed that members of his family would not turn over information about gifts they may have made to public officials during their relative's tenure in office.

I further am disturbed about what I perceive to be incredible stories that this committee was told, stories which reflect in my mind an extraordinary cavalier attitude toward the truth. We were told by Laurence Rockefeller that he was asked to make an investment in the Goldberg book, which was going to be a commercial enterprise. Under close examination he conceded that that story was really something that he was assuming and he had no recollection of that.

Mr. Ronan told us another extraordinary story, that he intended to pay back $500,000 in loans, even though a careful analysis of his net worth would show that repayment would not be possible.

Mr. Dilworth, a Rockefeller representative, said to us that no Rockefeller wants to control any company, and yet again on examination he had to retract his statement and, in fact, admit that the Rockefellers did, indeed, control certain companies.

And then there is the nominee himself. First he said he had no conflicts of interest, an extraordinary statement to make, and then he said that these gifts that he had made were made for compassionate reasons, although we have difficulty in ascertaining exactly what the cause was for that compassion to be exercised. We have to recognize that those gifts formed a very interesting pattern. They were not random distributions of large amounts to various government officials. They were distributions in large part to persons who held important positions in construction agencies in the State of New York.

I would suggest finally that the nominee has placed political expediency over human values, and that his respect for the rule of law was not clearly demonstrated to me at least. Certainly, in the conduct of the public authorities in New York State, where he basically tried

to avoid going before the public, to conduct what he considered to be the State's business in his own judgment, there are problems relating to the rule of law.

I think we have seen in our experience on this committee too much of a cavalier attitude towards power by those who have held it, and too little respect for the values of moral leadership and conscience. I for one will not compromise after our experience on this committee.

Chairman RODINO. The gentleman from Utah, Mr. Owens, is recognized for 5 minutes.

Mr. OWENS. Mr. Chairman, I have a prepared statement which I would ask be inserted into the record.

Chairman RODINO. Without objection, it is so ordered.

[The prepared statement of Hon. Wayne Owens follows:]

STATEMENT BY HON. WAYNE OWENS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH

The nomination of Nelson Rockefeller to be Vice President has presented for me personally the most complex and difficult question which has come before this Committee in my two years of membership.

I find Nelson Rockefeller, after close examination, to be a decent man with a distinguished record of public service, stretching over 40 years. His addition to the administration will increase the level of competence in administrative ability. He can make decisions and enforce them.

One year ago, we debated the nomination of Gerald Ford to be Vice President. I supported that nomination, believing that he fulfilled eminently the requirements to be Vice President and President, and, as I saw it, my obligation under the 25th Amendment was to vote to confirm.

But the nomination of Nelson Rockefeller poses different problems. Though he is a decent man and a competent public servant, the evidence indicates that he has been less than forthright in portions of his testimony before the Senate Rules Committee and the House Judiciary Committee. Particularly is this apparent in reference to his role in the production of the Goldberg book, the enormous gifts he has made to public officials, particularly Mr. Ronan, and his relationship to, and the pardon of, Judson Morhouse. His dismissal of difficult questions posed during our hearings, with the statement, "That is a very good question," often leaving even in whatever follow-up materials he provided, the very good question unanswered, indicated a benign lack of respect for the concerns of Committee members. In sum, his answers to questions indicated a lack of sensitivity to the real problems of the poor and the use of his own wealth.

Secondly, Mr. Rockefeller, though he is known widely throughout the country as a result of his 15 years as Governor of New York and his three attempts to become President, does not enjoy public confidence. In re-reading the mail I received on this matter last night, I found only two letters which could be interpreted as favorable to his nomination, and I have received hundreds against. Relevant to our consideration, is the fact that polls indicate that a plurality of the American people do not want to see Mr. Rockefeller confirmed. In this post-Watergate era of severely diminished public confidence in government institutions and public servants, that fact, in and of itself, is troubling.

Our obligation under the 25th Amendment to confirm or reject a vice presidential nominee has been defined by some as surrogant electors, and forces upon us this question—"Can we vote to confirm a man who, according to public opinion polls, the people themselves would apparently not elect?" This is clearly not a moral question which requires application of the Burkian theory that the will of the people should be ignored in favor of the representative's own judgment.

I disagree in real substance with many of Mr. Rockefeller's public policy decisions, namely those of abortion, spending priorities, and his militaristic attitude toward international relations. Yet I think this is not relevant. In fact, in reviewing Mr. Rockefeller's public record, I find myself in greater agreement with him on the issues than I did with his predecessor, Mr. Ford, whom I voted to confirm.

I am genuinely troubled by the many gifts Mr. Rockefeller gave to people in government, carefully avoiding the violations of the criminal laws of New York

State, at least literally. Apparently, Mr. Rockefeller knew he could not give gifts to public officials in New York, yet we have ascertained that he made loans while the donees were on State payrolls, that no interest was ever collected on them, and the loans were eventually forgiven once the recipient had departed from State employment. Though we have been unable to ascertain in any case specific return of favors to the Governor by those who were the recipients of this beneficence, certainly the spirit of the New York laws were broken, if not the letter. This fact, I think, presents a continuing and unresolved question, which neither this Committee or the Senate Rules Committee attempted to answer.

I was disappointed, in my questioning of the Vice President-designate, that he did not choose to answer directly the questions I asked relative to the anti-trust laws and whether there were indications of increasing monopolization today. I am severely troubled, not by bigness, but by what others have called "giantism," and what appeared to me to be Mr. Rockefeller's insensitivity to those issues. This, as a political issue, is irrelevant.

But in view of the vast wealth which Mr. Rockefeller holds, together with his family, and in view of the conflicts—apparent or real—which would result from decisions which Mr. Rockefeller and his administration would make, should he become President, I think it is a troublesome question.

Mr. Rockefeller, as President, might be expected to veto the present tax legislation which repeals the oil depletion allowance because he has stated he is opposed to repeal. A vast number of people in the country, I believe, would attribute to him, in those circumstances, though perhaps improperly, the motivation that he was acting to protect his family, which owns $300 million of shares in three of the largest oil companies in this country. Quite the opposite motivation might be true. He might, in fact, bend over backwards, and approve legislation, though his inclination might be otherwise. Thus it may be that Mr. Rockefeller's wealth makes it impossible for him to avoid conflicts of interest, or that he might be otherwise. Thus it may be that Mr. Rockefeller's wealth makes it impossible for him to avoid conflicts of interest, or that he might be inclined to act on other than the merits of an issue. And it may be that this type of enormous economic power is incompatible with being appointed to the vice presidency, though election by the population would not be, because the people would themselves be assuming the risk of conflict.

This Country clearly needs a Vice President. We have been engaged since August in the confirmation of this nominee. No one single problem is definitive. No politician is perfect, and even they can be forgiven for some trespasses. Yet the combination of factors, in my judgment, indicate to me that this man, Nelson Rockefeller, should not be confirmed to that high office, and we should request of President Ford that he submit to the new Congress a new nominee—a man or woman who is free of Nelson Rockefeller's conflicts of interest, his record of insensitivity to problems and to the use of his wealth, and a nominee who enjoys, to the extent that he is known publicly, the confidence of the people of this Country.

I am convinced that Mr. Rockefeller will be confirmed and that my vote will have little impact one way or another. This does not lessen my responsibility to do that which I find correct after a serious consideration of all the facts. Others will make their decisions in good faith and conscience, and this is a matter upon which reasonable individuals can disagree. For my part, I find the nomination to be unsatisfactory in view of the public interest and my own definition and understanding of our obligations under the 25th Amendment.

Mr. Owens. I found this question much closer, much more difficult, really, to arrive at, than any of the very momentous and historic decisions that we have had as members of this committee to make over the last year. I initially very strongly favored the confirmation of Nelson Rockefeller to be Vice President. I believe he is a man of great ability with a very impressive record of public service stretching, as I recall, over 40 years.

A year ago this month, I think, when we were debating the nomination of Gerald Ford to be Vice President, that was a very easy decision for me to make, to vote in favor of his confirmation at that time. But the Rockefeller nomination, it seems to me, is much more com-

plicated, and offers a great many more conflicts to committee members.

A careful analysis of his record, of the record elicited in the Rules Committee of the Senate, and by our own committee, indicates to me that the Vice President designate has not been completely forthcoming on his role in the Goldberg book and his relationship with Mr. Morhouse and his pardon of him. I have great concern about the gifts that he has made, particularly to Mr. Ronan and Mr. Morhouse. It is not settled at all in my mind, and certainly it was not settled by either of the committees, whether on the facts there were not serious violations of New York State law by those gifts.

There are many questions which were asked the Vice President designate before the committee to which his only response was "That's a good question." The subsequent materials submitted did not, in many instances, answer the question either.

There is a serious problem in my mind about what the obligations of the 25th amendment are in terms of confirming a candidate for Vice President, a nominee who lacks public confidence, who, in fact, by a plurality, according to the polls, at least, the public does not want confirmed at a time following Watergate, at a time when we need in the most desperate way to have public officials in whom the public can have great confidence. I think that poses a very difficult question of whether we ought to put that man in office.

There are serious conflicts of interest which I see in this nominee and his background. I saw an insensitivity to his wealth and to the use of his wealth, and to the possibilities of conflicts of interest. For example, suppose Mr. Rockefeller became Vice President and then President, then vetoed pending legislation which repeals the oil depletion allowance. He is not in favor of repealing the oil depletion allowance, and this is not a completely hypothetical question.

If he vetoed that bill, I think there would be a vast number of people in this country who would believe that it was because he and his family owned $300 million in shares of stock in the three majors, three of the major oil companies. Then consider in the alternative that he might bend over backwards and not veto the legislation, even though he thought it ought to be vetoed, to avoid conflict of interest accusations. It may be that this conflict is irreconcilable. There is a serious question in my mind, which we all pretend to abhor, of the possibility that great wealth precludes a man from appointment to a political office. This would be different if the public were voting and assuming this risk, but it may be that he ought not to be appointed because of that wealth and the serious conflicts.

I think no single problem is determinative in this situation. I realize no politician is perfect, and there is room for forgiveness. But in totality here, I think there is a clearer picture, and in my judgment, Mr. Rockefeller should not be confirmed. We should ask the President to send up a new nominee to the new Congress.

Chairman Rodino. Mr. Mezvinsky, the gentleman from Iowa, is recognized for 5 minutes.

Mr. Mezvinsky. Thank you, Mr. Chairman.

Mr. Chairman, we have heard the comments on both sides. I just want to say that there are two main factors in my opposition to the nomination of Nelson Rockefeller. I vote no because of glaring and

inescapable conflicts of interest, which I submit would plague Nelson Rockefeller and this Nation were he to become Vice President and possibly President.

Let us realize the realities of it all. These conflicts would arise whenever the Rockefeller family's billion dollar financial interests intersected with the broad discretionary powers of the President. Now, I do not suggest that Nelson Rockefeller would use his high office to advance his or his family's wealth, but I think the very extent of these conflicts which he would carry with him into office would give rise to smoldering suspicion that would actually add to the skepticism about the Government and about our society. What is unhealthy about it all, and what has disturbed me is that this suspicion would really be fanned each time a Rockefellller political decision touches upon a Rockefeller financial interest.

The nominee seems to say that we overrate the extent of these conflicts of interest, and members have said that although this a problem, we can live with it, and we can hope for the best. And the nominee further says that basically most of these decisions can be made by bureaucrats in the regulatory agencies.

Not only to me does this underrate the powers of the President, but it really ignores the influence a President or a Vice President has throughout the Government. We know the men and women who make up what we call the bureaucracy are very much aware of these interests. The environment this could create is an environment where discretion loses its objectivity, and close decisions are called in favor of the boss.

It is my contention that Congress will invite such an environment if we condone the conflicts by ignoring them. That is what we are doing and it suggests that what is good for the Rockefellers is good for America. I do not believe that the conflicts of interest can be compatible with the office of Vice President.

Let me just add, if I can, the second factor which has been touched on, and I think it really permeates the whole process, and reinforces the conflicts of interest. We are talking about insensitivity, Mr. Rockefeller's insensitivity to some of the major concerns of this Nation. We have had some eloquent comments about the poor, about human beings, about survival, about Attica, about peace. We have had comments about the impact of corporate structure in this country. What his testimony indicated to me was his unawareness of the growing concern about the increasing corporate dominance, corroding free enterprise in this country.

And what did he say? He said that he never really grasped the extent of conflict of interests and the people's concern about it, and not until there was the relentless questioning by this committee did he recognize that there could be some impropriety to it all, and that, in fact, the lavish use of the Rockefeller largesse could be such that it may not be proper.

Let me say that if you are a man or a woman in Iowa or Alabama or Texas or New Jersey, you are acutely aware of these problems. You instinctively question the ethics involved in the Goldberg book and its roundabout financing through nominees. You are unable to ignore the implications of the loans and the gifts to public employees and national political leaders. You understand it, and during these hear-

ings, as I was troubled by the conflicts of interest, I waited for an indication that Mr. Rockefeller was sensitive to these people. And what did I see? I saw that he reacted to public demands, and no one knows better than the members of this committee the importance of restoring faith in our Government. To do so, and this is the essence of my concern, I think we need leaders with the courage and sensitivity to lead us to better conduct on the part of our public officials, our Government and our society. Reacting and buoying to public demands is simply not enough for this member. If government is to play its essential role in facing the problems confronting this Nation, I submit that it has to have the confidence of the people.

So the problems that I have outlined have unfortunately led me to the conclusion that Nelson Rockefeller's confirmation as Vice President would impede rather than enhance our ability to attain the confidence of the people and for that reason I will vote no.

Chairman RODINO. The time of the gentleman has expired. All time has expired.

The question which occurs is on the motion offered by the gentleman from New York, that the House of Representatives confirm the nomination of Nelson A. Rockefeller of the State of New York to be the Vice President of the United States.

All those in favor of the adoption of the motion, please signify by saying "aye."

[Chorus of ayes.]

Mr. HUTCHINSON. I ask for the "yeas" and "nays," Mr. Chairman.

Chairman RODINO. A demand is made for a call of the roll. The Clerk will call the roll. All those in favor of the adoption of the motion please signify by saying "aye," and all those opposed, "no."

The CLERK. Mr. Donohue?

Mr. DONOHUE. Aye.

The CLERK. Mr. Brooks?

Mr. BROOKS. Aye.

The CLERK. Mr. Kastenmeier?

Mr. KASTENMEIER. No.

The CLERK. Mr. Edwards?

Mr. EDWARDS. No.

The CLERK. Mr. Hungate?

Mr. HUNGATE. Aye.

The CLERK. Mr. Conyers?

Mr. CONYERS. No.

The CLERK. Mr. Eilberg?

Mr. EILBERG. No.

The CLERK. Mr. Waldie?

Mr. WALDIE. No.

The CLERK. Mr. Flowers?

Mr. FLOWERS. Aye.

The CLERK. Mr. Mann?

Mr. MANN. Aye.

The CLERK. Mr. Sarbanes?

Mr. SARBANES. No.

The CLERK. Mr. Seiberling?

Mr. SEIBERLING. No.

The CLERK. Mr. Danielson?

Mr. DANIELSON. No.
The CLERK. Mr. Drinan?
Mr. DRINAN. No.
The CLERK. Mr. Rangel?
Mr. RANGEL. Aye.
The CLERK. Ms. Jordan?
Ms. JORDAN. Aye.
The CLERK. Mr. Thornton?
Mr. THORNTON. Aye.
The CLERK. Ms. Holtzman?
Ms. HOLTZMAN. No.
The CLERK. Mr. Owens?
Mr. OWENS. No.
The CLERK. Mr. Mezvinsky?
Mr. MEZVINSKY. No.
The CLERK. Mr. Hutchinson?
Mr. HUTCHINSON. Aye.
The CLERK. Mr. McClory?
Mr. MCCLORY. Aye.
The CLERK. Mr. Smith?
Mr. SMITH. Aye.
The CLERK. Mr. Sandman?
Mr. SANDMAN. Aye.
The CLERK. Mr. Railsback?
Mr. RAILSBACK. Aye.
The CLERK. Mr. Wiggins?
Mr. WIGGINS. Aye.
The CLERK. Mr. Dennis?
Mr. DENNIS. Aye.
The CLERK. Mr. Fish?
Mr. FISH. Aye.
The CLERK. Mr. Mayne?
Mr. MAYNE. Aye.
The CLERK. Mr. Hogan?
Mr. HOGAN. Aye.
The CLERK. Mr. Butler?
Mr. BUTLER. Aye.
The CLERK. Mr. Cohen?
Mr. COHEN. Aye.
The CLERK. Mr. Lott?
Mr. LOTT. Aye.
The CLERK. Mr. Froehlich?
Mr. FROEHLICH. Aye.
The CLERK. Mr. Moorhead?
Mr. MOORHEAD. Aye.
The CLERK. Mr. Maraziti?
Mr. MARAZITI. Aye.
The CLERK. Mr. McCloskey?
Mr. MCCLOSKEY. Aye.
The CLERK. Mr. Rodino?
Mr. RODINO. Aye.
The CLERK. Mr. Chairman?

Chairman RODINO. The Clerk will report.

The CLERK. 26 members have voted "aye," 12 members have voted "no."

Chairman RODINO. Then the resolution is agreed to, and it will be so reported to the House.

The Chair wishes to announce that all members will have 3 legislative days to file minority, additional, or separate views. This means by Tuesday at the close of business, on Tuesday next.

There being no further business before the committee, the committee is adjourned.

[Whereupon, at 3:18 p.m., the meeting was concluded.]

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