profit-sharing plans to help finance their retirement programs have rightfully been concerned about the effects that H.R. 4200 would have on their plans.

H.R. 4200 would seriously hurt the pension plans which use profit sharing proceeds. Sears, J. C. Penney, General Mills and many old companies have established excellent records in this area and should be encouraged rather than legislatively discouraged to continue these fine practices.

Protection of the rights of those workers presently covered is assured in H.R. 2. This bill requires vesting the accrued benefits of employees with significant periods of service with an employer. This bill also requires plans to meet minimum standards of funding. These two provisions by requiring stringent vesting and funding standards negate the need for plan termination insurance which unfortunately is also contained in the bill.

Although legislation cannot eliminate all pension plan terminations, possible losses by any such termination would be drastically reduced by including provisions in the bill:

First, to prevent dilution of benefit security in business acquisition and merger situations;

Second, to provide for partial plan terminations with the approval of the Secretary of Labor;

Third, to provide fund distribution priorities on termination so there will be a more equitable distribution of all assets;

Fourth, to prevent "raiding" of assets by participants who leave the plan.

I will continue to work to maintain the integrity of the private pension system. No bill passed by the Congress should have the effect of reducing those contributions or limiting the size of pensions that workers may obtain. Private pension plans are worthwhile. More and better plans should be encouraged to be developed.

SENATE—*Tuesday, October 23, 1973*

The Senate met at 12 o'clock noon and was called to order by the Acting President pro tempore (Mr. METCALF).

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, unto whom in all ages men have lifted up their hearts in prayer, as we draw near to Thee, draw near to us. We know not what to ask, but we trust Thee, and Thou knowest what we need—clean hands and pure hearts—goodness and grace and wisdom. Come upon this Nation at this moment of dismay, disappointment, and distress. Give to it a new sense of purposeful direction. Grant enabling grace to the President, the Congress, and all in authority, that they may unite their best efforts for the health and strength of the Nation and for peace and justice in the world.

We pray in His name who came to serve and give Himself for others. Amen.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of the Senate of October 18, 1973, the Secretary of the Senate, on October 18 and 19, 1973, received messages from the President of the United States.

EMERGENCY SECURITY ASSISTANCE FOR ISRAEL AND CAMBODIA—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate a message from the President of the United States, received by the Secretary of the Senate on October 19, 1973, under authority of the order of the Senate of October 18, 1973, which, with the accompanying document, was referred to the Committee on Foreign Relations. The message is as follows:

To the Congress of the United States:

I am today requesting that the Congress authorize emergency security assistance of $2.2 billion for Israel and $200 million for Cambodia. This request is necessary to permit the United States to follow a responsible course of action in two areas where stability is vital if we are to build a global structure of peace.

For more than a quarter of a century, as strategic interests of the major powers have converged there, the Middle East has been a flashpoint for potential world conflict. Since war broke out again on October 6, bringing tragedy to the people of Israel and the Arab nations alike, the United States has been actively engaged in efforts to contribute to a settlement. Our actions there have reflected my belief that we must take those steps which are necessary for maintaining a balance of military capabilities and achieving stability in the area. The request I am submitting today would give us the essential flexibility to continue meeting those responsibilities.

To maintain a balance of forces and thus achieve stability, the United States Government is currently providing military material to Israel to replace combat losses. This is necessary to prevent the emergence of a substantial imbalance resulting from a large-scale resupply of Syria and Egypt by the Soviet Union.

The costs of replacing consumables and lost equipment for the Israeli Armed Forces have been extremely high. Combat activity has been intense, and losses on both sides have been large. During the first 12 days of the conflict, the United States has authorized shipments to Israel of material costing $825 million, including transportation.

Major items now being furnished by the United States to the Israeli forces include conventional munitions of many types, air-to-air and air-to-ground missiles, artillery, crew-served and individual weapons, and a standard range of fighter aircraft ordnance. Additionally, the United States is providing replacements for tanks, aircraft, radios, and other military equipment which have been lost in action.

Thus far, Israel has attempted to obtain the necessary equipment through the use of cash and credit purchases. However, the magnitude of the current conflict coupled with the scale of Soviet supply activities has created needs which exceed Israel's capacity to continue with cash and credit purchases. The alternative to cash and credit sales of United States military materials is for us to provide Israel with grant military assistance as well.

The United States is making every effort to bring this conflict to a very swift and honorable conclusion, measured in days not weeks. But prudent planning also requires us to prepare for a longer struggle. I am therefore requesting that the Congress approve emergency assistance to Israel in the amount of $2.2 billion. If the conflict moderates, or as we fervently hope, is brought to an end very quickly, funds not absolutely required would of course not be expended.

I am also requesting $200 million emergency assistance for Cambodia. As in the case of Israel, additional funds are urgently needed for ammunition and consumable military supplies. The increased requirement results from the larger scale of hostilities and the higher levels of ordnance required by the Cambodian Army and Air Force to defend themselves without American air support.

The end of United States bombing on August 15 was followed by increased communist activity in Cambodia. In the ensuing fight, the Cambodian forces acquitted themselves well. They successfully defended the capital of Phnom Penh and the provincial center of Kampong Cham, as well as the principal supply routes. Although this more intense level of fighting has tapered off somewhat during the current rainy season, it is virtually certain to resume when the dry season begins about the end of the year.

During the period of heaviest fighting in August and September, ammunition costs for the Cambodian forces were running almost $1 million per day. We anticipate similar average costs for the remainder of this fiscal year. These ammunition requirements, plus minimum equipment replacement, will result in a total funding requirement of $380 million for the current fiscal year, rather than the $180 million previously requested. To fail to provide the $200 million for additional ammunition would deny the Cambodian Armed Forces the ability to defend themselves and their country.

We remain hopeful that the conflict in Cambodia be resolved by a negotiated settlement. A communist military victory and the installation of a government in Phnom Penh which is controlled by Hanoi would gravely threaten the fragile

structure of peace established in the Paris agreements.

I am confident that the Congress and the American people will support this request for emergency assistance for these two beleaguered friends. To do less would not only create a dangerous imbalance in these particular arenas but would also endanger the entire structure of peace in the world.

RICHARD NIXON.

THE WHITE HOUSE, *October 19, 1973.*

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) laid before the Senate a message from the President of the United States submitting a nomination, which was referred to the Committee on the Judiciary.

(For nominations received today, see the end of Senate proceedings.)

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, October 18, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, informed the Senate that, pursuant to provisions of section 1, Public Law 689, 84th Congress, the Speaker had appointed Mr. POWELL of Ohio and Mr. MARTIN of North Carolina, as members of the U.S. Group of the North Atlantic Assembly on the part of the House.

The message announced that the House had passed a bill (H.R. 10397) to extend the authorization of appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes, in which it requested the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker had affixed his signature to the following enrolled bills:

S. 2016. An act to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corp., and for other purposes; and

H.R. 6691. An act making appropriations for the legislative branch for the fiscal year ending June 30, 1974, and for other purposes.

The ACTING PRESIDENT pro tempore (Mr. METCALF) subsequently signed the enrolled bills.

HOUSE BILL REFERRED

The bill (H.R. 10397) to extend the authorization of appropriations for the Cabinet Committee on Opportunities for Spanish-Speaking People, and for other purposes, was read twice by its title and referred to the Committee on Government Operations.

ORDER FOR EXTENSION OF PERIOD FOR ROUTINE MORNING BUSINESS TODAY

Mr. ROBERT C. BYRD. Mr. President, there being little if any other business to come before the Senate today, with the possible exception of a conference report, I ask unanimous consent that the period for the transaction of routine morning business today be limited to 3 hours, with statements therein limited to 20 minutes.

Mr. GRIFFIN. Mr. President, reserving the right to object, what is the present order in effect with regard to morning business for today?

The ACTING PRESIDENT pro tempore. In the absence of an order from the floor by unanimous consent agreement, we would go into rule VII.

Mr. GRIFFIN. I see. Then there is no other business——

The ACTING PRESIDENT pro tempore. Under the previous order, there was to be a period for the transaction of routine morning business for not to exceed 30 minutes, with statements therein limited to 3 minutes.

Mr. GRIFFIN. I thank the Chair. That was my understanding.

The ACTING PRESIDENT pro tempore. Yes.

Mr. GRIFFIN. I wonder whether the distinguished majority whip might, for the time being at least, consider the possibility of extending the period to 1 hour with statements therein limited to 10 minutes.

Mr. ROBERT C. BYRD. Yes; I will be very agreeable to that suggestion. The only reason I made the suggestion was because I would anticipate that Senators on both sides of the aisle may wish to deliver themselves of speeches today in connection with the events of the past weekend and I dare to believe that 3 minutes might not be enough time.

Mr. GRIFFIN. I share the distinguished majority whip's belief. We should lengthen it and provide more time. We can judge later to see whether it is adequate.

The ACTING PRESIDENT pro tempore. Will the Senator from West Virginia restate his modified unanimous-consent request?

Mr. ROBERT C. BYRD. Mr. President. I ask unanimous consent that there be a period for the transaction of routine morning business today, not to exceed 1 hour, with statements therein limited to 10 minutes.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Does the Senator from Michigan seek recognition?

Mr. GRIFFIN. Not at this time, Mr. President.

THE PRESIDENT'S ACTIONS OVER THE PAST WEEKEND

Mr. ROBERT C. BYRD. Mr. President, the events of the past weekend have been unprecedented in the history of our country. So grave are the implications of these events that they cannot be viewed except with the greatest of apprehensions. So shocking were they, in my estimation, as to overwhelm the most credulous observer with utter disbelief.

I have been appalled, as I am sure that millions of Americans have been appalled, by the swiftness of the actions taken by the Chief Executive of our country, actions that I find impossible to believe to be justified or reasonable.

So sobering is the significance of these happenings that even the most trusting citizen should have reason to be concerned about the state of the Nation.

Before I go further, I should recall my personal affection for the President. I do not discount the services which he rendered our country during his years in Congress and his years in the Presidency. For example, I supported his nominees fc the Supreme Court because I believed it imperative that the philosophical imbalance of that Court be corrected.

I stood with him on the Vietnam war until the culmination of the Paris peace talks because I believed in his Vietnamization policy, and I felt he was right in refusing to be stampeded by those who appeared to advocate capitulation.

I honored him for his advocacy—in earlier years—of reverence for law and his insistence that order be restored throughout the land.

Over the past year, amid rumblings suggesting impeachment, I have urged restraint. I have repeatedly said that such talk was premature and that there was no clear evidence on which to sustain an impeachment or on which reasonably to expect a resignation from office.

I have consistently urged restraint, even in the face of the growing Watergate scandals.

Even at this hour, I urge restraint.

I am also constrained, however, to state my utter abhorrence of the President's actions over this past weekend. I cannot bring myself to defend such actions. I feel compelled vigorously and publicly to object to them.

The actions to which I address my comments are these:

First. In my judgment, failure of the President to appeal the order of the district court, as sustained by the court of appeals, and his failure to comply with the court's order is, in my opinion—and I emphasize, in my opinion—a clear defiance of the rule of law, the foundation on which this Republic exists.

Second. His firing of the special prosecutor and his abolishment of the special prosecutor's office was a violation of a compact arrived at by the administration and the Senate as a precondition for the confirmation of Elliot Richardson to the Office of Attorney General.

Third. His ordering of the FBI men into the offices of the special prosecutor, the sealing off of records and files within those offices, and the refusal of the FBI men to allow personnel in those offices—as was reported in the newspapers—to remove even their personal belongings from those offices, smacks of tactics for-

eign to democratic institutions and to democratic government.

Fourth. Returning the Watergate investigation to the authority of the Justice Department placed the executive branch in the position once again of investigating itself.

Now, let me address my attention briefly to each of these actions singly.

First, noncompliance with the orders of the courts. Of course, it is for the court—and not for me—Mr. President, to judge finally as to whether the President has failed to comply with the court order.

If the court decides that there has been compliance, then I will not contend otherwise, even though I may still hold to my own opinion, but let us examine the facts. The President has suggested that Watergate be removed from television and that it be settled in the courts, and I have concurred with that suggestion publicly.

Yet, the President's actions can only serve to hamper and obstruct the judicial process. He stated that he would abide by a "definitive" court ruling on the tapes. Yet, in failing to appeal the lower court's decisions, he deprived the Nation's highest tribunal of any opportunity to make a definitive ruling. He said that he was confident that the Supreme Court would have ruled in his favor. Why, then, did he not give that Court a chance to rule in his favor? If it had been given the opportunity to rule in his favor and had so ruled, the whole controversy surrounding the tapes would have been resolved. There was a definitive ruling by the district court, but the President did not abide by it. He appealed that ruling, and he had a right to appeal that ruling. There was a definitive ruling by the court of appeals, by a 5-to-2 vote, but the President did not abide by it, in my judgment. Both courts ruled that the tapes should be surrendered; the President did not surrender the tapes. He offered, instead, what he called a compromise. Let us examine the compromise.

The compromise is to consist of a so-called summary of portions of the tapes dealing with conversations concerning Watergate. The summary is to be prepared by the President himself. The summary is then to be submitted to Senator STENNIS, who will listen to the tapes and verify the accuracy of the summary. The summary will then be submitted to the Ervin committee and to Judge Sirica.

On its face, the compromise may appear to be a reasonable and valid one. In reality, it falls far short of meeting the requirements under the court orders. As for the Ervin committee, the compromise may very well be sufficient; I do not presume to speak for the committee. The committee took its case to the court and lost; the compromise, therefore, is a gain for the committee. It has gained something, whereas the court gave it nothing.

We have to remember that the legislative committee's purpose, under the Senate resolution, is to secure information on which to base legislation to prevent recurrences of future Watergate scandals. The committee has no duty to find guilt or innocence. It cannot indict; it cannot prosecute; it cannot conduct a trial; it cannot convict.

The court of appeals, in suggesting that the President's lawyers seek a way of compromise, was not directing its remarks to the needs of the legislative committee. It was not directing any effort to accommodate the wishes or the needs of the committee. It suggested a compromise with Cox and Sirica—not with the committee. The thrust of the court's order was directed toward a reasonable approach to the submission of evidence involving the possible commission of crimes for evaluation by the district court and the grand jury. In this regard, the so-called compromise, in my judgment, was no compromise at all. In the first place, as long as the tapes are in existence, they constitute the best evidence as to what the tapes say. A written "summary" of their contents is mere hearsay and is not likely to be viewed as permissible evidence in a court of law. In the second place, the President will not avail himself for cross-examination as to the veracity or the accuracy or the thoroughness of the summary. Unless the tapes themselves, together with handwritten notes, papers, documents, and so forth, are surrendered, the prosecution, of various defendants in the Watergate case—includes Messrs. Mitchell, Stans, Erlichman, and others—dropped, inasmuch as defendants would not be able to adequately cross-examine witnesses produced by the prosecution—witnesses who have testified to the contents of the tapes and whose conversations are reportedly recorded thereon.

Mr. ALLEN. Mr. President, I ask recognition in order that I might yield my 10 minutes to the distinguished acting majority leader.

The ACTING PRESIDENT pro tempore. The Senator from Alabama is recognized.

Mr. ALLEN. I yield my 10 minutes to the distinguished acting majority leader.

Mr. ROBERT C. BYRD. I thank the distinguished Senator from Alabama.

Finally, sight must not be lost of the fact that papers, notes, documents, and other memoranda in the possession of the White House, may be even more important than the tapes in determining guilt or innocence. Hence, a mere summary of relevant portions of the tapes, even if such summary were absolutely accurate and thorough, would not include such other important documents as were being sought by Special Prosecutor Cox. The President himself, some time ago, stated that the tapes could be subject to misconstruction; therefore, the handwritten notes and other papers and memoranda may be vital to the proper construction of the tapes' contents. Again, I say, a summary such as has been proposed in the compromise would, in my opinion, fall far short of the whole story.

The President indicated that a very distinguished Member of this body, Senator STENNIS, would be chosen to verify the accuracy of the summary. Every Senator has the utmost respect for the integrity, the objectivity, and the impeccable reputation of Senator STENNIS. I view the placing of such a responsibility on Senator STENNIS, at this time, a severe imposition, and I regret that he has been asked to shoulder this additional burden. Characteristically, of course, he has responded to the call as one of duty, and I admire him for it. I think it is unfair, however, to expect Senator STENNIS, or anyone else who has not been associated day by day and hour by hour with the Watergate case, to sit in judgment as to the relevancy of tape recorded conversations dealing with the Watergate developments. Judge Sirica has been intimately associated with the Watergate case from its very inception, and he would be the individual best equipped to decide what portions of the tapes are relevant. Both the district court and the court of appeals suggested that the responsibility of making such determinations be his.

As to the firing of Special Prosecutor Cox and the abolishment of his task force, I can only view the action as high handed. I know that there are those who maintain that the President had no alternative but to fire one who refused to obey his orders. Ordinarily, I would agree with that 100 percent. But what were the orders? The orders were for Cox to desist from resorting to judicial process to secure the tapes, papers, handwritten notes, and other documents containing information bearing upon the possible commission of serious felonies. Cox was doing his duty. He was fired for doing his duty. He had already won two court battles in his effort to subpena the tapes which contained conversations the President held between June 1972 and April 1973. Cox's role from the beginning had been that of an independent prosecutor with instructions to seek evidence on the Watergate scandals, even if his search led behind the wall of executive privilege and into the White House files. The President, a long time ago, assured the Nation that there would be no White House coverup. Yet, the special prosecutor not only met repeatedly with obstructions from the White House in his efforts to secure information in the possession of the White House bearing upon the Watergate crimes, but, for his pains, he also was summarily fired and his office was abolished.

Cox could not have desisted without unfaithfulness to the pledge which he gave to the Senate prior to his appointment as special prosecutor. The President was asking him to abandon any further legal challenges to claims of executive privilege. Cox could not do this and remain true to his commitment to the Senate. The nomination of Attorney General Richardson was confirmed on the strength of Cox's assurance that he would follow the Watergate case wherever it led.

The President's abolishment of the special prosecutor's force was in my opinion, an act uncalled for, unjustified, and utterly provocatory. He has professed a desire to avoid confrontation with Congress; yet, the abolishment of the prosecutors' task force deliberately and calculatingly invites confrontation. The President, in appointing Elliot Richardson to be Attorney General, expressed

his approval of the appointment of a special prosecutor. Elliot Richardson selected that prosecutor. The President publicly expressed approval of an independent investigation. The guidelines by which the special prosecutor was to conduct his investigation were submitted to the Judicary Committee by Mr. Richardson, and they purportedly had administration backing. Those guidelines were refined during Mr. Richardson's confirmation hearings, and the refinements had the approval of the administration. Why now this drastic action of summarily dismissing the special prosecutor and abolishing the special prosecutor's office, and, with it, the independent investigation?

We hear it said that Mr. Cox was becoming a fourth branch of Government. Yet, two courts had ruled in his favor, and the written record of a Senate legislative committee will sustain a commitment which he was attempting to carry out.

As to the naked use of the FBI on last Saturday to swiftly descend after 9 p.m., upon the special prosecutor's office, preventing Cox's staff personnel from claiming their own personal possessions, can one deny that there is cause to fear what may happen next? Have we been introduced to the American version of the Soviet KGB? Speaking as one citizen and as one Senator, such use of the FBI was reprehensible. It was as though the FBI were closing in on a ring of criminals. One wonders if the Army might not one day be an instrument of misused power.

The very establishment of the office of the special prosecutor resulted from the failure last year and early this year of the Justice Department and the FBI, under Acting Director Patrick Gray, to conduct a thorough investigation of the Watergate scandals. District Court Judge Sirica publicly stated his disappointment with that investigation, and he expressed the hope that congressional committees would get the facts. There is ample history to justify Judge Sirica's frustrations. It was in such a context, that a special prosecutor was selected. Obviously, the executive branch should not be allowed to investigate itself. Yet, that is precisely where we are now. The independent investigation has been squelched. The Justice Department, acting under the direction of an Assistant Attorney General, will again be in charge. That Department is under the direction of the Chief Executive. It is subordinate to him and it is subordinate to his wishes and directions. It should be obvious to anyone that an investigation under such circumstances can never be independent. It is obvious that any real investigation of the Watergate scandals requires prosecutors who are independent and who have the courage to insist upon access to all relevant tapes, papers, notes, and documents at the White House. It is imperative that an independent investigation still be pursued vigorously.

Mr. President, this constitutes my evaluation of the discouraging events of the past week end. I do not maintain that there are yet absolute grounds for impeachment of the President, but I do maintain that there is adequate cause for profound concern. Impeachment is a matter to be determined by the other body, and I will reserve any final personal judgment until trial by the Senate, after the House impeached—if that occurs. Certainly, I do not maintain that, although the firing of Cox is an indirect affront to the Senate and the summary abolishment of the prosecutor's office force smacks of totalitarian authority—these acts, in my judgment, do not in themselves appear to formulate a just basis for impeachment.

However, if the courts should decide that the President has failed to meet the requirements of court orders and that he is, therefore, in contempt of the courts, such, in my opinion, would probably come within the purview of the constitutional reference to "high crimes and misdemeanors," and the foundation would have been laid for the House to consider impeachment proceedings. I hope that, somehow the President will review his position in this regard and will yet fully comply with the order of the courts and submit the tapes and relevant evidence required by the court order.

Finally, Mr. President, considerable sentiment has surfaced to the effect that Mr. FORD's nomination for the Office of Vice President should be held hostage. I think it would be unfortunate if the Congress, under Democratic leadership, sought in this way to repeal the results of last year's election. In my judgment, Mr. FORD's confirmation should rise or fall on the merits of his own personal case and on the basis of his qualifications to fill the Office of Vice President. I may vote against him or I may vote for him, but I will not be a party to intentional delay of action on his confirmation out of pique or as an indirect means of changing the election results of 1972.

Mr. President, I ask unanimous consent to have printed in the RECORD certain extracts from the hearings of the Committee on the Judiciary—of which I am a member—on the nomination of Elliot Richardson to be Attorney General. The purpose of the extracts is to substantiate the compact agreed upon by the Senate Committee on the Judiciary, and to show that Mr. Cox was living up to his commitment as special prosecutor.

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

Senator BYRD. Mr. Secretary the Assistant Attorney General, Mr. Henry E. Petersen, on September 16, 1972, in a press release, stated in part as follows:

"This investigation has been conducted under my supervision. In no instances has there been any limitation of any kind by anyone on its conduct. Indeed, the investigations by both the FBI and the Grand Jury have been among the most exhaustive and far-reaching that I have seen in my 25 years in the Department."

In the opinion of some of us, at least, the Watergate investigation was not exhaustive, was not far-reaching, and it was not without limitation.

* * * * *

Senator BYRD. Well, Professor Cox, if we may view Watergate as a generic term for infamy, do you see any limitations or outer boundaries whatsoever in connection with the investigations that you will pursue? And if there are any outer boundaries, if there are any off-limits areas, would you state them at this time?

Mr. Cox. There is nothing that I see that this document puts off limits that I could possibly wish to go into. I am more overwhelmed by its scope than by its limitations, Senator. I don't mean that I hope I won't be overwhelmed, but it is a rather awesome thing, to be honest about it. But I don't see anything here that could prevent my doing anything which I felt in my responsibility to myself and to this committe, the other organs of governments, the people, that would limit me in performing them. If I did find anything, I would find some way of insisting that that barrier be removed.

Senator BYRD. The second paragraph, which speaks of your full authority, uses the phrase with respect to that authority,

". . . all offenses arising out of the 1972 Presidential Election for which the Special Prosecutor deems it necessary and appropriate to assume responsibility. . . ."

Can you envision any offense arising out of the 1972 Presidential Election which you would not deem it necessary and appropriate to pursue?

Mr. Cox. Well, I can imagine there being things so small and so remote from senior personnel in the Government, both in distance and time and association that it might be a mistake to encumber myself and my staff with them. That would be my only criteria. In other words, if it seemed to me that this is something that was so trivial and so remote, as I put it—you know, somebody out in the State of X has committed some offense which is a technical one; we investigate and can't find that he has any link to any public figure beyond a county chairman, or seems to have no link with any public figure. I would think that if we had to deal with all of those beyond satisfying ourselves on those very essential points we would be in danger of overwhelming ourselves with trivia.

But I think that one would have to have it very firmly in mind that the special prosecutor wasn't expected by anyone to be sloughing things off. And that would be my leaning unless it was a clear case for interfering with more important things.

* * * * *

Senator BYRD. Mr. Cox, in your opinion, will the Attorney General have any authority whatsoever—based upon the charter, upon your discussions with him, upon your understanding with him—to overrule you in any matter without dismissing you?

Mr. Cox. No, sir, he wouldn't have any such authority that I can think of except there is possibly a little edge in the budgetary matters that we talked about, where one would have to try to go over his head and behind his back, but that is the only one that I recall.

And I should make it perfectly clear that there is no private understanding between us. I know there is no commitment on my part to him. There were some things which weren't originally written down, there may be some commitments that he has made to me that I was relying on, not basically different from his position here, but he didn't ask me for any and I didn't give any, and I guess, Mr. Secretary, they are all written down now, the things we talked about.

Secretary RICHARDSON. I believe they are, yes.

Senator BYRD. Mr. Secretary, do you differ in any matter with the understanding which has been expressed by Professor Cox?

Secretary RICHARDSON. No, I don't. I would feel that if I had thought that something was being done that verged on the edge of an extreme impropriety, that I might bring it to his attention. If he agreed, he presumably would correct it or not do it. If he didn't agree, then, of course, the situation would

become one in which the only recourse I could have would be that of dismissal.

* * * * *

Senator BYRD. What would you do, Mr. Secretary, if the President asked you for a report from the Special Prosecutor on the progress of the investigation?

Secretary RICHARDSON. I would refer this to the Special Prosecutor and he would have to decide what the response should be insofar as he is not required to report to me except to the extent that he deems appropriate, so it would follow that any report to the President would have to be looked at in terms of whatever he believed the public interest at stake required.

As I said earlier in the hearings, so far as these investigations are concerned, my own relationship to the White House and the President will have to be an arm's length one in the first instance. And of course, this is especially true for the Special Prosecutor insofar as under these guidelines, he is the one exercising direction and immediate responsibility for the investigation.

* * * * *

Senator BYRD. You don't subscribe to his (Mr. Kleindienst's) broad theory with respect to application of the privilege?

Secretary RICHARDSON. As far as I understand it, no. I would add further that in my view, there is an appropriate role for the courts in the adjudication of a claim of privilege. As between the Congress and the executive branch, the President specifically, there may be a problem in getting adjudication of this issue because, of course, they may conclude that it is a so-called political issue and thus decline jurisdiction. But in a criminal prosecution, where the jurisdiction of a court attaches from the outset, it seems to me appropriate that the court should adjudicate an issue arising out of a claim of privilege by the executive branch or by or on behalf of the President on the one side and a prosecutor of criminal violations on the other.

It is therefore my understanding that for purposes of the Watergate investigation and all the other related matters, if such an issue should arise, the President will be represented by counsel on one side of that issue and that the Special Prosecutor would assert his claim to obtain the information or the evidence on the other, and that if that could not be resolved otherwise, then in my judgment, the issue would have to be resolved by a court.

* * * * *

Senator BYRD. Would the Special Prosecutor have the authority to direct the FBI to broaden the scope of its investigation and to pursue any matter which comes within the context of this charter?

Secretary RICHARDSON. Yes, he would. Of course, he would have some FBI personnel presumably assigned to him as part of the Watergate Special Task Force.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to insert in the RECORD at this time the guidelines agreed upon by the Judiciary Committee and Mr. Richardson and Mr. Cox during the hearings to which I have alluded.

There being no objection, the guidelines were ordered to be printed in the RECORD as follows:

DUTIES AND RESPONSIBILITIES OF THE SPECIAL PROSECUTOR

THE SPECIAL PROSECUTOR

There will be appointed by the Attorney General, within the Department of Justice, a Special Prosecutor to whom the Attorney General shall delegate the authorities and provide the staff and other resources described below.

The Special Prosecutor shall have full authority for investigating and prosecuting offenses against the United States arising out of the unauthorized entry into Democratic National Committee Headquarters at the Watergate, all offenses arising out of the 1972 Presidential Election for which the Special Prosecutor deems it necessary and appropriate to assume responsibility, allegations involving the President, members of the White House staff, or Presidential appointees, and any other matters which he consents to have assigned to him by the Attorney General.

In particular, the Special Prosecutor shall have full authority with respect to the above matters for:

Conducting proceedings before grand juries and any other investigations he deems necessary;

Reviewing all documentary evidence available from any source, as to which he shall have full access;

Determining whether or not to contest the assertion of "Executive Privilege" or any other testimonial privilege;

Determining whether or not application should be made to any Federal court for a grant of immunity to any witness, consistently with applicable statutory requirements, or for warrants, subpoenas, or other court orders;

Deciding whether or not to prosecute any individual, firm, corporation or group of individuals;

Initiating and conducting prosecutions, framing indictments, filing informations, and handling all aspects of any cases within his jurisdiction (whether initiated before or after his assumption of duties), including any appeals;

Coordinating and directing the activities of all Department of Justice personnel, including United States Attorneys;

Dealing with and appearing before Congressional committees having jurisdiction over any aspect of the above matters and determining what documents, information, and assistance shall be provided to such committees.

In exercising this authority, the Special Prosecutor will have the greatest degree of independence that is consistent with the Attorney General's statutory accountability for all matters falling within the jurisdiction of the Department of Justice. The Attorney General will not countermand or interfere with the Special Prosecutor's decisions or actions. The Special Prosecutor will determine whether and to what extent he will inform or consult with the Attorney General about the conduct of his duties and responsibilities. The Special Prosecutor will not be removed from his duties except for extraordinary improprieties on his part.

STAFF AND RESOURCE SUPPORT

1. Selection of staff

The Special Prosecutor shall have full authority to organize, select, and fire its own staff of attorneys, investigators, and supporting personnel, on a full or part-time basis, in such numbers and with such qualifications as he may reasonably require. He may request the Assistant Attorneys General and other officers of the Department of Justice to assign such personnel and to provide such other assistance as he may reasonably require. All personnel in the Department of Justice including United States Attorneys, shall cooperate to the fullest extent possible with the Special Prosecutor.

2. Budget

The Special Prosecutor will be provided with such funds and facilities to carry out his responsibilities as he may reasonably require. He shall have the right to submit budget requests for funds, positions, and other assistance, and such requests shall receive the highest priority.

3. Designation and responsibility

The personnel acting as the staff and assistants of the Special Prosecutor shall be known as the Watergate Special Prosecution Force and shall be responsible only to the Special Prosecutor.

CONTINUED RESPONSIBILITIES OF ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION

Except for the specific investigative and prosecutorial duties assigned to the Special Prosecutor, the Assistant Attorney General in charge of the Criminal Division will continue to exercise all of the duties currently assigned to him.

APPLICABLE DEPARTMENTAL POLICIES

Except as otherwise herein specified or as mutually agreed between the Special Prosecutor and the Attorney General, the Watergate Special Prosecution Force will be subject to the administrative regulations and policies of the Department of Justice.

PUBLIC REPORTS

The Special Prosecutor may from time to time make public such statements or reports as he deems appropriate and shall upon completion of his assignment submit a final report to the appropriate persons or entities of the Congress.

Mr. HASKELL. Mr. President, I regret very much what I must say today. I speak from my knowledge of what has occurred in the last few months concerning the bringing of impeachment proceedings against the President and of other matters.

The distinguished Senator from North Carolina (Mr. ERVIN) and his committee and the special prosecutor, Mr. Archibald Cox, have pursued this case diligently. But now I have to discuss this matter, because it seems to me that we have reached the last straw.

Just last Friday, at midnight, the President announced he would not appeal to the Supreme Court of the United States the decision of the Court of Appeals ordering him to present certain tapes and certain other documents—these possibly much more important than the tapes. The President chose not to appeal, but he also chose not to abide by the judgment of the court.

Our Nation was founded in law and survives on the belief that no man or woman is above the law. I can only conclude from Mr. Nixon's actions that he considers himself above the law. If he is allowed to pursue the course he has chosen, we can come to no other conclusion than that this is the end of the Republic of the United States. But that cannot be allowed to happen. There is only one procedure left to show that we are a government of laws, not a government of men. That is the course of impeachment. I, therefore, hope that the House of Representatives brings the charges.

I recognize, of course, the disruption to the country which would result from impeachment, but I am equally aware that it would mean the end of the country if we allow one man to stand above the law. Should the House of Representatives bring the charges, we in this body would sit as jurors. We would hear the defense and, as jurors would make up our minds. I speak as a prospective juror. I have not prejudged the President. I say only that he is accountable for his actions and that sufficient prima facie evidence exists to call him to account.

I submit that this is not the time for compromise. This is not the time for resolutions. It is not the time for finding ways out. I am sorry to say that the gauntlet has been thrown down.

To illustrate the seriousness of the situation, while I was at home in Colorado over the weekend the telephone at my house rang constantly. Approximately one-tenth of the people did not want to give their names. They were calling in desperation, asking for action by Congress along the lines I have suggested. But they did not want to give their names, because they were afraid of "investigation." It is unthinkable that in the United States of America people should be afraid to criticize, afraid that what happened in Nazi Germany might happen here. The situation which bred such fear must be rectified.

Mr. President, I ask unanimous consent to have printed in the RECORD following my remarks a more elaborate articulation of my position. May I say again that it is very painful to have to utter these words, but I felt compelled to do so.

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

STATEMENT BY SENATOR HASKELL

Unless it is prepared by its inaction to guarantee the dissolution of our American government of laws, the House of Representatives must bring immediate impeachment proceedings against President Nixon.

There can no longer be any serious question about the course Richard Nixon has set for this country: government by the whim of a single man. If our faith in the traditional constraints of decency, morality and conscience in government was ever valid, it cannot have survived the unprecedented events of the past few days. Since this country was founded, we have lived with the concept that no citizen stands above the law. Now the President has put himself above the law. I find that intolerable.

Archibald Cox, Elliot Richardson and William Ruckelshaus have not been forced from public service for routine insubordination. They were abhorrent to the President because their integrity forbade them to participate in his scheme to defy the courts and the Congress.

As the President obliterated the last traces of integrity within his administration he simultaneously demonstrated his intense contempt for the Constitution, the Congress, the judiciary and, most tragically of all, the American people. This revelation will benefit us only if it finally galvanizes the House of Representatives into action toward impeachment.

Even though we have heard some tentative discussions of impeachment—the process and the ramifications—since the Watergate miasma began to spread, serious consideration has always given way to fervent hope for another solution. That has been my hope as it must have been for any reasonable man, so repellent is the prospect of subjecting this country to so dangerous and disruptive a procedure as the impeachment of its president.

But we have seen the President defy both the Congress and the courts in their efforts to find a less catastrophic resolution. Now we are bankrupt of alternatives. Now we must turn to the Constitution for our direction. It prescribes the ultimate restraint of a willful President who responds to no other—impeachment.

The prospect of impeachment is still a grave one. But the mortal danger to the country lies in refusing to recognize that there is no other choice. The President has shattered any contrary illusions. And that is the significance of his dismissal of the special prosecutor. The President was answerable, and thus impeachable—triable—months ago for his role in the Watergate affair. But we recoiled from impeachment then so long as there seemed another way to get at the truth—which was, after all, the goal both of Mr. Cox and the Senate Watergate Committee.

The Watergate burglary was only a minor manifestation of a massive attack on the Constitution of the United States waged over the past several years by the administration. Only if all of us see the incident in that perspective can we realize how truly close we are to the loss of the individual liberties we have enjoyed for over 200 years.

Once the storm broke, we became aware of the whole range of incursions the Nixon Administration has made into that body of freedom. We do not know the truth yet about the President's involvement in the systematic electronic eavesdropping, burglaries and intimidations. We don't know the extent of the role in the apparently coercive campaign which raised millions of dollars for his re-election. But we do know these things happened.

We also know attempts were made to subvert justice in the offer of the FBI directorship to Judge Matthew Byrne who was sitting in the Ellsberg case at the time. We know, too, that presumably incriminating documents were destroyed by L. Patrick Gray acting FBI director, at the direction of administration officials. We know these same officials sought to limit the Watergate investigation, asking the CIA to pressure the FBI. Burglary, breaking and entering, suppression of information, interference with judicial processes, eavesdropping—all seem to be standard procedures.

The President's dismissal of Mr. Cox adds nothing material to the evidence that the man in whose administration these abuses were practiced could hardly have been unaware of them. It simply says with finality that there will be no easy answer. But the country cries out for an explanation of the President's participation. The President, at this very moment in contempt of court, has left a single avenue open to us.

As a United States Senator and a prospective juror in the matter, I do not presume to prejudge the President. But he invites prejudgement with his campaign to thwart every reasonable effort to get at the truth.

And we must have the truth. For the one thing we cannot long survive is the shroud of corruption lingering over the Nixon Administration in a kind of evil half-life, contaminating every aspect of government.

An impeachment proceeding will prove that we are a people of laws, that no individual is above the law and that we, in fact, adhere to our Constitution. I urge the House of Representatives to begin the process. Then each member of the Senate, according to his conscience, can weigh the mounting evidence against the President.

Mr. BENNETT. Mr. President, before I begin my prepared statement, I would just like to say this in all candor and friendliness to my friends who feel that the President ought to be impeached: If they are going to sit as jurors, they may morally disqualify themselves in advance by the statements they make on the floor of the Senate, because statements made in strong disagreement with what is going on can carry them over the line to the point where they can be in the position of making it obvious that they have already prejudged the case.

Mr. HASKELL. Mr. President, will the Senator yield for a comment?

Mr. BENNETT. I will be happy to, provided I do not lose any time.

Mr. HASKELL. I certainly do not want the Senator to lose any of his time.

The ACTING PRESIDENT pro tempore. Without objection, the time will not be counted against the Senator.

Mr. HASKELL. The record will show that this Senator said that we would sit as jurors, we would hear the defense, and we would then make up our minds; but the overwhelming prima facie evidence, in my judgment, indicates what has to be done.

Mr. BENNETT. That is just the kind of attitude I am warning my fellow Senators about.

Mr. President, there has been a wide spectrum of reactions to the President's proposal that Senator STENNIS become the channel through which the material on the White House tapes would reach the Senate committee, the courts, and the public. These have ranged all the way from acceptance and approval to the most strident kind of partisan denunciations which ended in shrill demands for the President's immediate resignation or his impeachment. The wildest of these now ring a little hollow against the significance of the Russian cooperation in securing yesterday's cease-fire and underline the risks involved in this extreme course of action. They also bring two questions into sharp focus for me. Today I ask all my colleagues to face them with me.

Recognizing fully the seriousness and complexity of the problem created by the uncertainty about the White House tapes, I have first asked myself:

Do the American people want a solution which will do the least damage to the Government itself—and to our international standing and strength, or do they agree with those who see this as a chance to bring President Nixon down—even at the risk of dangerously weakening the Office of the Presidency itself?

The second question follows naturally. If we seek the best possible solution, with which should we be most concerned—the substance or the form?

Because I am one who thinks we ought to choose a solution rather than a circus and substance rather than form, I like the President's proposal to use Senator JOHN C. STENNIS as a screening intermediary. In the first place—and most importantly, I trust Senator STENNIS—as a man of the highest character and a loyal American, as a Senator tuned to the finest traditions of this body, and as a fine lawyer with sound judicial experience. As the developing course of events swirls around the Watergate episode, all three branches of Government—executive, legislative, and judicial—have been moving on collision courses. When President Nixon, representing the executive branch, entrusted his fate to JOHN STENNIS, who has been part of the other two branches—legislative and judicial—I think we have been given a way in which these forces can come together without an explosive confrontation, and be contained and resolved in the magnificent capability and character of this man—whom we all trust. Moreover, this can

be the quickest solution of all—Senator STENNIS' report can be ready in a few days, or at most a few weeks—and save the Congress and/or the country from being locked into months of debilitating debate.

Over the weekend the Stennis plan has been denounced as "jerry-built" and "illegal." I do not see it that way at all. Obviously, so long as the tapes are in the President's hands, he can do with them as he pleases. As a matter of fact, this plan is only a variation of the idea put forth by Judge Sirica who, in calling for the tapes, proposed to do essentially what Senator STENNIS will do. In passing, it is interesting to note that Mr. Cox rejected the Sirica proposal also.

Many seem to believe that the President's decision to pass up his right to carry his appeal to the Supreme Court was the action of a desperate man seeking to prevent the exposure of information that he knew would destroy him if made public.

The fact that in turning the tapes over to Senator STENNIS, he also gave him authority to reveal the pertinent data, should set that idea to rest. I think he really made that choice because he feared that if the Executive were to bow completely to the judiciary it would inevitably create a precedent which could weaken his power and that of any of his successors to protect sensitive information from fishing expeditions conducted by resourceful and imaginative lawyers who could bring cases in any one of our 400 Federal courts.

Of course, human nature being what it is, it is easy to see why some politicians and their supporters in the media have rejected this proposal out of hand. As a solution, it is too simple and direct. It is unacceptable to some because it minimizes the opportunity for political exploitation. Instead, it could shorten up the legal process, and thus reduce the prospect for a continuing stream of future headlines.

Most vocal among those who feel they would be shortcircuited by the Stennis solution are those who are even too impatient to wait for the courts. These are mostly Members of Congress who want to move the hoopla and the headlines into the area where they can benefit politically from them. The privilege of participating in a once-in-a-century impeachment proceeding is a heady and exciting prospect. Some want to vent their political spleen, and some, looking beyond a hoped-for successful impeachment, see it as a unique opportunity—an historical first—to transfer the Presidency from one party to another without the risk of an election.

To me, the injection of partisanship into this problem is a dangerous game. Any weakening of the office of the President would represent a chance that it could permanently affect the power of every future President to carry his responsibilities regardless of his party.

To repeat, to me it is ridiculous to charge that the President did it in fear of being forced by the court to reveal something that was on the tapes which would establish his personal guilt. If any such material is there, Senator STENNIS will find it and he has been given complete freedom to reveal whatever may be on the tapes which he feels should be subject to further action by the Senate committee or the courts. His responsibility is to be a filter—not a plug.

To me the values of accepting and following the President's Stennis plan are obvious. By refraining from any rash action until we have the benefit of this study, we preserve the ability of both the President and the Congress to continue to act with power in the present international crisis as well as against our domestic problems. Yesterday's ceasefire in the Middle East was a great and welcome evidence of the value of the détente that the President worked out with Russia, but the hardest work and the greatest need for U.S. strength lies still ahead when the negotiations for the final boundaries begins. You can be sure Russia will be in there doing all she can for her client states. Of what use will our help be to our friends if both the President and Congress are immobilized by what may well prove to be a futile impeachment procedure? Actually both the President and Congress already "have on their plates more than they can say grace over" during the rest of this year.

If the impeachment process were to be justified, it should not be undertaken in a circus atmosphere. It is a most solemn and tragic matter—and ought not to be triggered by trivia or set in motion with a lot of hoopla. I have been heartened to hear the comments of many authorities on this subject, including former Supreme Court Justice Arthur Goldberg. They agree that in the resignations and firing that have taken place over the weekend, the President has not exceeded his consitutional authority or create the basis for impeachment. Still there have been many strident voices calling for it for these reasons, and some Congressmen are fighting for the brief headline that will come to those whose names are on the resolutions that are being introduced in the House today. Still, to me, it is significant that many of the President's most vigorous press critics have stopped short of demanding impeachment now.

So, I close as I began. Facing this very serious problem, do we want a solution or a circus—and if a solution, which is more important to us, form or substance? To me, by entrusting these tapes to Senator STENNIS, the President has offered us a solution with substance, and it is one for which we will not have long to wait and also one that will still allow for appropriate court action if, after Senator STENNIS responds, that seems warranted.

Because I have faith in both President Nixon and Senator STENNIS, this is the solution I prefer—and I hope we will all have the patience to wait for it before we start anything more drastic which might be damaging to the Senate, the Presidency, and the country, and in the end, be revealed as futile and unjustified

INTRODUCTION OF S. 2600, TO PROVIDE FOR THE APPOINTMENT OF AN INDEPENDENT SPECIAL PROSECUTOR

The PRESIDING OFFICER (Mr. ABOUREZK). The Senator from Florida is recognized.

Mr. CHILES. Mr. President, I intend to introduce a bill calling for the appointment of a special prosecutor.

I think that the Senate was on the right course some months ago when it felt that it was completely necessary to have a completely independent special prosecutor look into the matters of prosecuting crimes which occurred in the Watergate events.

At that time, Mr. President, Attorney General Richardson was up for confirmation. And upon his assurances that he would appoint Archibald Cox—who has a high reputation, certainly with me, that he would be given complete independence, and upon such assurances being guaranteed by the President of the United States, the Senate allowed Mr. Richardson to be confirmed and the appointment to be made by Mr. Richardson of Special Prosecutor Cox. We now see that has all come to naught. We find ourselves back in a situation in which the President is now in complete charge of the prosecution of wrongdoing in his Office and investigating possible charges against himself. And we see that now the order of the court is being defied and no one is left to even litigate the bringing of a citation for a ruling to show cause that the order is being defied because of the firing of Special Prosecutor Cox.

I think that right now, more than anything else the people want to know that there is order in this country, that there is a rule of law in this country, and that Congress is trying to bring some order into this matter. I think that what we need to display more than anything else is that we have a course of action and that we will appoint a special prosecutor and attempt to get the truth of the matter and will let the facts speak for themselves and will let the people judge those facts.

Mr. President, I know that several other Members want to introduce bills for this purpose. A letter has been written to Judge Sirica. I have signed that letter along with other Members of the Senate.

I ask unanimous consent that a copy of that letter be printed at this point in the RECORD.

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

HON. JOHN J. SIRICA,
Chief Judge, District Court,
Washington, D.C.

DEAR JUDGE SIRICA: We are the sponsors of bills which would establish the Office of Special Prosecutor as a statutory entity to continue the work begun by the Watergate Special Task Force. Our bills differ in some respects, but they share a common objective: the establishment of an instrumentality to continue the work begun by Mr. Cox' office in such a way as to maximize the chances that justice will be done and the truth told.

Our purpose in writing is to lay to rest any appearance of opinion on our part that

the course of action we propose is the only available means for assuring that the investigation proceeds in the most effective way. The introduction of these bills is in no way intended to derogate, or conflict with, the inherent, statutory and constitutional powers vested in the U.S. District Court for the District of Columbia and other Federal courts, or to express any opinion, for or against the exercise of any such powers. Because of our firm commitment to the doctrine of separation of powers, we believe that the exercise of all powers vested in your office is not a matter with which members of other branches of the Federal government should interfere.

We, therefore, take no position on the advisability of exercise of your supervisory power over grand juries to appoint a Special Counsel to present evidence to, and otherwise assist, the special Grand Jury currently investigating various incidents related to the 1972 Presidential Campaign. Although such a Special Counsel may not be provided with the authority to sign an indictment on behalf of the United States, or to conduct post-indictment criminal proceedings, appointment of such a Special Counsel appears to be a legally permissible means of preventing an interruption of the present investigation during the present period of uncertainty.

We hope that this letter, which is being made available to the press and the public, will make clear our firm conviction that officials of other branches should in no way interfere or be perceived to interfere with the efforts of the Judicial Branch to discharge its duties with respect to the Watergate investigation.

Respectfully yours,

STEVENSON.

———— ————.

———— ————.

———— ————.

Mr. CHILES. Mr. President, the letter was written to assure Judge Sirica that by taking this action, we in no way do away with the power and the right he has as chief judge and as the person now in charge of the criminal matters under investigation.

We are simply trying to take the course that we feel Congress should take. We do not seek to divide his powers at the time we enact into law the office of special prosecutor. We should wrap up the Watergate case. At the same time, I think that the Watergate Committee has performed well for the country and has brought to light many of the events which occurred in that matter. We are now in a position where we do not want to be going in two directions by having the Senate committee and the office of special prosecutor. Enough facts have been developed now so that the Congress can turn this matter over to the courts and to the special prosecutor.

I would hope that at the time we do involve ourselves in the appointing of a special prosecutor and bringing that law into effect, we would then abandon the Watergate Committee and have them go ahead with the recommendations for legislation that would prevent such things occurring in the future.

Further investigation of crimes would be left to the special prosecutor.

Mr. President, I send the bill to the desk and ask that it be appropriately referred.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. CHILES. I yield.

Mr. STEVENS. Mr. President, did I understand the Senator from Florida to say that he is introducing a bill to allow Congress to appoint a special prosecutor?

Mr. CHILES. Mr. President, I am introducing a bill to allow Congress to create the office of special prosecutor. The appointment would be made by the chief judge.

Mr. STEVENS. Is the Senator from Florida of the opinion that the grand jury is unable to continue its investigation?

Mr. CHILES. The Senator from Florida is of the opinion that the people of the United States want to get the facts and the complete facts in this matter. And the best way to do that is to have an impartial prosecutor that would be available to prosecute this case, and no person, regardless of whether it is Mr. Petersen—who I think possesses a high reputation, certainly with me—involved in the Justice Department now has the confidence of the people or would meet with the approval of the people.

Mr. STEVENS. Mr. President, does the Senator from Florida believe that the court does not have the authority to appoint persons to assist the grand jury, if the judge feels that the prosecutor who is duly designated by the executive branch cannot for any reason carry out his functions?

Mr. CHILES. The Senator from Florida in his remarks also said that he was having printed in the RECORD a copy of the letter which was signed by several Senators who will introduce bills in this particular matter, a letter to Judge Sirica. The letter set forth our statement that in no way would the action we were taking take away any of the rights of the court, but would assist it in carrying out its duties in the appointment of a special prosecutor. This is simply a direction to provide for the office of special prosecutor.

Mr. STEVENS. I notice that the Senator from Florida agrees with the President that the Watergate Committee has served its purpose and that the matter should be left to the courts. Is the Senator from Florida willing to leave the matter to the courts?

Mr. CHILES. Is the President of the United States willing to leave the matter to the courts?

Mr. STEVENS. I think the Senator from West Virginia has very clearly pointed out that that matter remains to be seen. This is a matter between the executive branch and the courts. And the matter still rests with the courts.

Mr. CHILES. If it is a matter between the executive branch and the courts, then I really have a hard time understanding why the Stennis agreement comes into play. It is certainly an agreement involving three parties. And the Senator is correct that the Senator from Florida now feels that if we create the office of special prosecutor—which we should do—and if we set up a special prosecutor, then we should leave the matter to him. I think that the Watergate Committee has completed its task and we should not be going off in several directions. We should leave the matter to the special prosecutor and to the courts.

Mr. STEVENS. Mr. President, I am confused as to what the Senator from Florida suggests, because the Senator from Alaska understands that Judge Sirica has yet to rule on the compromise suggested by the President of the United States.

If that is the case, what in the world is all the hurrah about on the floor of the Senate today?

Mr. CHILES. I would be delighted to try to enlighten the Senator from Alaska. If he is confused, I will be glad to counsel with him and try to enlighten him.

The PRESIDING OFFICER. The 10 minutes of the Senator from Florida have expired.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that all committees may be permitted to meet during the session of the Senate today.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR SECRETARY OF THE SENATE TO RECEIVE MESSAGES DURING ADJOURNMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Secretary of the Senate may be authorized to receive messages from the President of the United States and from the other body during Senate adjournment over to Friday next at 12 noon.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S ACTIONS DURING THE PAST WEEKEND

Mr. CURTIS. Mr. President, now is the time to keep cool and to think clearly in reference to Watergate. The facts do not coincide with everything that the headline seekers would indicate.

I believe that Mr. Cox made a serious error in not going along with the arrangement for Senator JOHN STENNIS of Mississippi to listen to the tapes. This arrangement called for Senator STENNIS to have access to the total tapes—not summaries nor excerpts. Senator STENNIS, the chairman of the Senate Committee on Standards and Conduct, stands as the foremost man of integrity in public life today.

Mr. Cox received an executive appointment. Legally his status was that of an assistant to a cabinet officer. The right of the President to remove him raises no legal or constitutional problem. Impeachment talk may be, in the minds of some good smear talk, but there are no legal grounds for impeachment.

The Congress could have passed a law

setting up a totally independent prosecutor for the Watergate matters. This was done back in the 1920's in connection with the Teapot Dome scandal. At that time, the House of Representatives and the Senate passed a statute which provided for the appointment of a prosecutor and the carrying on of the prosecution. I understand this was discussed in the Senate Committee on the Judiciary, but a decision was made not to do so. Instead a procedure was followed involving agreements and understandings.

It seems to me that Mr. Cox ought to have respected the agreement entered into by Senator SAM ERVIN, Senator HOWARD BAKER, and President Nixon and made an attempt to see what would develop following Senator JOHN STENNIS' report.

Mr. President, I think I am quite charitable when I point out that Archibald Cox is no superman, neither is he noted for being a nonpartisan and objective participant in these matters. Let us look at a few of the facts.

When Mr. Cox was given his assignment, according to Assistant Attorney General Petersen, the Watergate case had been 90 percent broken. The seven principals had already been sentenced.

Mr. Cox was given his assignment on May 18. Since that time, three individuals have pled guilty, each to one count of an indictment, as have three corporations in reference to their campaigning contributions and there has been one indictment of another individual. This is not a very impressive record for the Cox bureau of 81 lawyers for whom the Senate voted a recent appropriation of $2.8 million.

The record is very clear that Cox desired not to have the tapes delivered to Judge Sirica but Mr. Cox wanted the tapes himself.

Neither Mr. Cox nor his staff had any part in the handling of the case against Maurice Stans and John Mitchell.

Few people can appreciate the burdens on the President of the United States. Every Congressman and every Senator must delegate matters to his staff that he would like to do himself. Our responsibilities and the size of our constituency are such a small fraction of those of the President. In addition to the tremendous burdens falling on the President in reference to domestic matters, he is the world's foremost peacemaker. His last campaign had to be managed by others. I am convinced that President Nixon not only was not involved but never condoned any wrongdoing and that the real facts were withheld from him far too long.

A few weeks ago I appeared with a panel on the public radio network. The subject of discussion was the Watergate scandals. I asserted that there had been no evidence whatever involving the President of the United States with these wrongdoings. I would like to quote to you what was said by Mr. Edmisten, the assistent counsel to the Ervin committee. Incidentally, Mr. Edmisten has been employed by Senator ERVIN for 10 years. He is in a position to know. Here is what Mr. Edmisten said:

> I agree with Senator Curtis entirely that there's not been any evidence whatsoever to link the President with any of these doings. It's not credible evidence. . . .
>
> Senator CURTIS. I appreciate you saying that. . . .
>
> Mr. EDMINSTEN. . . . and, as a lawyer, I agree, too, that no court in the land would admit an iota of it.

Mr. President, I yield the floor.

Mr. CURTIS subsequently said: Mr. President, earlier today I spoke on matters relating to the Watergate proceedings. Within the last hour I have learned that the President has decided to turn the tapes over to Judge Sirica.

It is my understanding that the President has done this in order to clear up any public misunderstanding. There were people who were not aware that the arrangement called for Senator STENNIS to have total access to the tapes, not summaries nor excerpts.

Earlier I said that I thought Mr. Cox had made an error in not complying with the agreement entered into by Chairman Ervin and President Nixon in reference to the role to be played by Senator STENNIS. It was a wise and fair procedure. Mr. Cox was out of line in the action he took in refusing to go along with the agreement for Senator STENNIS to listen to the tapes. Had Mr. Cox been willing to honor the arrangement entered into by the President and Chairman ERVIN for Senator STENNIS to listen to the tapes, many of the subsequent actions could have been avoided.

Mr. HANSEN. Mr. President, despite the trauma of the times, this is no moment to give way to hysteria. The President proposed to provide a summary of the White House tapes for the special Senate Investigating Committee. Whether this will be accepted by the committee remains to be seen. The President has not defied any court order, according to a statement just recently made by the former Attorney General Elliot Richardson. Certainly, the cries some have made for impeachment proceedings are reactionary and premature.

Impeachment of a President is one of the most serious acts a Congress can take, and it is a step that must not be made on uncertain or emotional grounds. Our Nation has more at stake here than the question of jurisdiction of the White House tapes. The world is in turmoil, with war in the Far East, and war in the Middle East. Stability is needed desperately. It seems justifiable to conclude that no President could discharge the demanding responsibility of that office in these times of increasing crisis without a responsible approach by the Congress and other political leaders in the Nation.

I believe most Americans agree that the challenges of the present and the opportunities for a better more peaceful tomorrow, which these times provide, demand that there be as speedy a resolution to Watergate as is possible. America's future and indeed the future of many millions of people throughout the world is inextricably tied in with the effective President of the United States.

Calm and reason in this Nation are most desirable at all times. They are of the greatest necessity now. Some points on the matter of the White House tapes and the Watergate require court action before they can be resolved. We are a Nation of law, and we must have the patience to let the system work. No nation has a better system.

There is no reason to hold up, or to delay unnecessarily, the confirmation of JERRY FORD. His confirmation is not a part of the Watergate investigation action at all. The country needs to have a Vice President installed for the good of the country. I compliment the distinguished majority whip for voicing essentially the same feelings about JERRY FORD's nomination to the Vice-Presidency.

The President's selection of JOHN STENNIS to hear the White House tapes and determine what is pertinent to the Watergate investigation is a choice with which few Senators would seek to find fault.

Senator STENNIS' integrity and character are unquestionable—second to none. As chairman of the Committee on Armed Services, JOHN STENNIS is in a key position to judge which, if any, of the tapes may be so sensitive as to harm the national security if the confidentiality of them were broken. As chairman of the Committee on Standards and Conduct he enjoys the unqualified admiration of every Member of this body.

His choice by the President deserves the support of every American.

Mr. President, I regret very much that Mr. Cox, the special investigator employed by the executive department of the U.S. Government, did not choose to let the compromise which was worked out by the chairman and the vice chairman of the Special Select Committee of the Senate with the President be implemented. I think that, had that been done, the matter could have moved forward toward resolution far more quickly than now seems likely to be the case, and full prosecution of the Watergate case could have proceeded so as to have permitted the President to discharge with greater effectiveness his very onerous responsibilities worldwide.

I regret that that course was not taken by Mr. Cox. I think that now we are faced with a situation which will undoubtedly draw out further the argument and the debate over the actions of the President.

As was noted by the distinguished Senator from Nebraska (Mr. CURTIS), even the special assistant to Senator ERVIN admitted there was not one iota of evidence to indicate any grounds at all to believe there had been any Presidential involvement in the wrongdoing which we characterize as Watergate.

Mr. DOMENICI. Mr. President, I thank the distinguished Senator from Kentucky. I just wanted to use a couple of minutes of his time to make some comments to the distinguished Senator from West Virginia (Mr. ROBERT C. BYRD), the majority whip, and to say that I was present this morning as he delivered his statement regarding the problem that confronts the American people and the Senate.

At the outset, let me say that I commend the distinguished Senator from

West Virginia for his remarks. Although I might not agree with them in every detail, I agree with them in principle and in concept. I especially commend the Senator from West Virginia for, in my opinion, rising above the partisan arena and addressing himself in a real and statesmanlike manner to the serious problems we face.

Mr. ROBERT C. BYRD. Mr. President, I thank the Senator from New Mexico very much for his comments.

Mr. DOMENICI. Mr. President, I would also say, aside and apart from the Presidential problem, that the Senator from West Virginia, in referring to the President's nominee for Vice President and urging that we get on with that business and not hold it as some kind of club, has shown the kind of statesmanship I expect from him and I commend him again for that.

However, with reference to his statement about the events of the past weekend, I have one question and one observation I should like to share with the distinguished Senator from West Virginia.

As I listened to the events of the past weekend I, too, was concerned about the involvement of the FBI. I concluded, at least temporarily, at one point during the weekend, as did the Senator from West Virginia, that it was perhaps a deplorable condition and one that caused me to think about the kinds of regimes I do not want to be a part of and which our Constitution does not permit. But as I continued to think about it, I thought of what, to me, seemed like a plausible and reasonable alternative so far as what was in the mind of the President at that particular time. I suggest to the Senator from West Virginia, because he was very concerned, that if the Senator had found himself in the same position as the President that particular evening, and had decided that he was going to abolish the office of the special prosecutor, Mr. Cox, and if, in fact, he had arrived at the point in time when he, as President, said, "There is no more Special Prosecutor," that then the President is confronted with another real problem: 3 days from that day, what would people be saying about the evidence in that room? What would some other faction in the Government be saying about its whereabouts, or its destruction, or its disappearance?

I believe that one could conclude, if he was as concerned about this possibility, at that point in time, even politically, that he would not want to face another accusation that he was party to destroying it or getting rid of it, or saying it was pilfered. Even those who had collected it could conclude that they might be subject to such an accusation, such an inference. So I determined that, unless I was prepared to say that the FBI and the people who went down there and the present Director were all acting in concert with some scheme of the President as compared with some true objective of preserving it intact, I should give the FBI the benefit of the doubt. It may be that this was the one way to preserve it and make sure at least that we had a third party who could say it was intact.

As I say, that is an alternative. In all other aspects, I commend the Senator for his comments.

Mr. ROBERT C. BYRD. Mr President, I thank the Senator from New Mexico. I am quick to say there is something certainly to be said for his viewpoint. I recognize the necessity of some action to protect the files and the evidence that had been accumulated there. The way in which it was reported to have been done, frankly, scared me, if I may use a well-understood word, and I am sure that millions of Americans reacted to this in the same way.

It was reported, as I indicated in my statement, that the personnel were not allowed to remove their belongings, their personal items, pictures of their wives and children, and so forth. I thought that was going to the extreme. It seems that there could have been some way whereby the actions taken to protect the evidence could have been taken without this display of raw power.

I regret that the FBI was used in this regard. I understand that after a while, on Saturday evening, the FBI agents were removed. I assume that U.S. marshals have taken their place. I think the appearance of this use of the FBI is what gave me great concern. The manner in which the FBI was used, especially in the context of the events of the past year and a half, merely lends additional credence to the fear that the FBI is being used, and will be used, now and in the future, under any administration, as a super secret police force which will act at the political behest and the beck and call of the Chief Executive, whether he be a Democrat or a Republican, to achieve whatever ends he may seek to promote—be they legitimate or otherwise.

I thank the Senator for his observation.

Mr. DOMENICI. I would comment further, Mr. President——

The PRESIDING OFFICER. The time for morning business has expired.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be an extension of the time for an additional hour, if need be, and that there continue to be a limitation on statements therein of 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from New Mexico now has the floor.

Mr. DOMENICI. Let me comment further on the observations of the distinguished Senator from West Virginia.

I wholeheartedly agree with that aspect of his response and discussion with me as it concerns the appearance and the show of force and that kind of attitude, which I think should not be present. In that respect, I concur wholeheartedly.

I think the final test will be what the status is of the evidence in that room. That is why I bring it up. I hope that 2 weeks hence or a month hence, it will prove to have been beneficial ultimately to whatever course we take, that somebody saw to it that it was safeguarded. I do not refer to those who were there because I do not have any reason to mistrust those who worked for Mr. Cox. I am referring to the appearance later on for the American people. But I share the Senator's concern as to what the American people could conclude from the way it was done.

Mr. WILLIAM L. SCOTT. Mr. President, will the Senator yield?

Mr. DOMENICI. I yield.

Mr. WILLIAM L. SCOTT. Mr. President, we ought to consider the organization of our Federal Government and recognize that the Federal Bureau of Investigation is a bureau within the Department of Justice, just as the Office of U.S. Marshal is a branch of the Department of Justice. So when we talk about the Federal Bureau of Investigation seeing that the files are secure, this is the Department of Justice. Frankly, I see nothing wrong with either the U.S. Marshal's Office or the Federal Bureau of Investigation doing this. Both are branches of the Department of Justice.

Mr. DOMENICI. I hope the distinguished Senator does not conclude that I saw anything wrong with it. I was addressing myself to the same proposition.

Mr. WILLIAM L. SCOTT. I appreciate what the Senator was doing.

Mr. COOK. Mr. President, I have read the remarks and listened to most of the remarks of the Senator from West Virginia, and I conclude that I am in agreement with many of them.

The point I want to make with respect to the discussion this morning is that I am very much concerned that many of us are passing judgment on a question that we may have to resolve later, and I am concerned about some of the remarks that many of my colleagues already have made on national television. I heard one over the weekend who said:

> Therefore, I conclude the President should be impeached.

For a Member of the U.S. Senate to pass judgment on what the House will do and then to sit as a juror to make that determination smacks of a conclusion that I doubt seriously the Senator really wants to make.

Another Senator made the remark that if a certain thing happened, this would be an impeachable offense. We have had one impeachment in the Congress of the United States. I have read the entire record, and I could not glean from having read that record that this Member of the Senate could say with absolute clarity that this would constitute an impeachable offense, unless he was trying to pass judgment on his colleagues in the House and saying, "If you will do this, you send it over to us, and we will have a stacked jury."

Mr. President, under the Constitution of the United States, if impeachment proceedings are brought, they are brought in the House. The charges are made and those charges are sent here, and we then act as a jury. The President of the United States cannot ask for a change in venue. It must be heard here.

The only point this Senator wants to make—and to make to all his colleagues—is that I do not think we should have a lynch mob or that the Senate of the United States should constitute a lynch mob and that we should not go around the country, ior the benefit of

our brethren up in the gallery, behind the Presiding Officer, who want to take a poll as to how many want to vote tomorrow to impeach or not to impeach. This is not a Qualye poll we are going through or a Kraft poll. This is a determination relative to the stability of the Government of the United States.

What bothers me is that we may be able to go through this record, if in fact that does occur, and it comes over here, and be able to stand on this floor at the time this occurs and say that 22 or 31 or 18 Members of the U.S. Senate have already expressed themselves so vehemently that they cannot even sit and listen to the case. Most of the gentlemen who are saying these things are lawyers. I know that in representing a client before a jury anywhere in the United States, they would not let anybody who had made such reports about their client sit on the jury.

When we talk about the agreement that the President proposed to submit to all concerned, to which Mr. Cox disagreed, I would read to Mr. Cox and to the Members of the Senate what the court of appeals said. It did not say that the tapes in toto shall be turned over. It said:

> He may give the grand jury portions relevant to Watergate, by using excerpts in part and summaries in part, in such a way as not to divulge aspects that reflect the pungency of candor or are otherwise entitled to confidential treatment. It is not so long ago that appellate courts routinely decided cases without an exact transcript, but on order of the trial judge settling what was given as evidence.

So I would only say that there is no violation of a court order at this point. I think Elliot Richardson made that clear in his press conference this morning, in his mind, that the President of the United States had not violated a court order.

I suggest, again, that the country is looking to this body relative to whether it can conduct its business here or whether it is going to conduct it in every news medium in the United States, whether it is going to refuse its commitment and totally and completely, piecemeal, prejudge this matter.

This Senator will utilize his judgment and will utilize it to the best of his ability. But I am not going to prejudge it, and I am not going to prejudge it for anybody in the press. I am not going to prejudge it for anybody on television. I must say that this Senator will have a degree of disrespect for those who do so and who must sit on a jury.

Apparently, none of the gentlemen of the press corps ever has to sit on a jury. If they did, they would know the admonition to which they have to subscribe.

So let us use a degree of logic and understanding and calmness, as the Senator from West Virginia has said, because we have a great duty and responsibility that is ours at any time, and we have to fulfill it. I hope we will not fulfill it in a way that routinely gives accolades and routinely extends congratulations and routinely gives a number of reporters and cameras access to one's office so that one can give a good 30-second or 1-minute spot for the late news—because that is not what we are here for.

I hope that if we do judge this matter, we certainly do not judge it as a stacked jury. I do not think that anybody in the United States who is accused of a crime or accused of a civil violation or action wants to be prejudged by a jury that walks by him before he walks into the courtroom and say, "This won't take very long, because we're going to get you." As a matter of fact, the judicial system, thank God, is not set up that way in the United States.

Mr. TAFT. Mr. President, I wish to commend the distinguished Senator from Kentucky for the words he has spoken and to associate myself with them. Certainly this is a time when we must not prejudge any case. I think that every Senator has a duty to withhold his judgment and to examine very carefully any of the questions he may be called upon to decide.

Perhaps I differ to some extent with the Senator from Kentucky in this regard; perhaps not. I think that Senators have another duty that must be considered equally strongly; that is, to try to explain to the American people what the processes and the difficulties are with regard to decisions that may or may not confront this body or the other body, or by those in the executive branch of the Government. I think we cannot move hastily but must gain a clear perspective.

I was particularly impressed this morning to read an editorial in the Cincinnati Enquirer dealing with some of the historical precedents involved. I should like to call the Senate's attention to a certain portion of the editorial in the Enquirer of October 23, which reads as follows:

> By extraordinary coincidence, the crux of President Nixon's difficulties at the moment are strikingly similar to those that beset Andrew Johnson, the nation's 17th President, against whom the House of Representatives instituted impeachment proceedings 105 years ago.
>
> The 40th Congress, as hostile to President Johnson and what he perceived as his mandate as the 93rd has been to President Nixon and his, undertook to declare that the President could not remove from office a Cabinet member to whose confirmation the Senate had consented. President Johnson proceeded to violate the Tenure of Office Act; his impeachment resulted. But after a trial before the Senate that consumed more than two months, President Johnson was acquitted. A further vindication came when the Supreme Court, in Myers vs. the United States, struck down the Tenure of Office Act as an unconstitutional invasion of the President's powers.

Mr. President, I call that to the Senate's attention because I think it points out that even as to an act of Congress, or even as to an act of Congress that is contemplated and may be passed, there are particular circumstances when judgment should be reserved.

Some of us, when this matter was up before—I remember when the distinguished Senator from Massachusetts (Mr. BROOKE), a fine lawyer, who was the attorney general of his State—considered whether law enforcement can be brought up by any branch of the Government other than the executive branch. We should certainly not speculate on arriving at a judgment in regard to such a decision.

The Cincinnati Enquirer this morning published an editorial commenting on the current developments on the national scene. It seems to me that the comments are worth considering by those of us who may be called upon to act.

Mr. President, I ask unanimous consent that the entire editorial from the Cincinnati Enquirer of October 23, 1973, be printed in the RECORD.

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

IMPEACHMENT IN THE AIR

Congress returns from its Veterans Day weekend today with its passions more inflamed than at any time since the beginning of the Watergate inquiry.

Only a week ago, ironically, President Nixon's nomination of Rep. Gerald R. Ford (R-Mich.) to be the new vice president seemed to have inaugurated a long-overdue truce in the President's relations with Congress.

Only hours ago, also ironically, the White House came forward with what seemed an eminently sensible compromise on the thorny issue of the so-called Watergate tapes.

But now Congress is angrier than most Americans have ever seen it. Its mood, its rhetoric are impatient and ugly. Impeachment—with all its shattering implications—is in the air.

By extraordinary coincidence, the crux of President Nixon's difficulties at the moment are strikingly similar to those that beset Andrew Johnson, the nation's 17th President, against whom the House of Representatives instituted impeachment proceedings 105 years ago.

The 40th Congress, as hostile to President Johnson and what he perceived as his mandate as the 93rd has been to President Nixon and his, undertook to declare that the President could not remove from office a Cabinet member to whose confirmation the Senate had consented. President Johnson proceeded to violate the Tenure of Office Act; his impeachment resulted. But after a trial before the Senate that consumed more than two months, President Johnson was acquitted. A further vindication came when the Supreme Court, in Myers vs. the United States, struck down the Tenure of Office Act as an unconstitutional invasion of the President's powers.

The President's dismissal Saturday night of Watergate special prosecutor Archibald Cox came, like President Johnson's effort to remove Secretary of War Edwin M. Stanton, as the climax of a long chain of disputes. In 1868, the President came to regard Secretary Stanton as a virtual agent of his congressional opponents. Last weekend, President Nixon apparently came to see Mr. Cox as hell-bent on forcing a constitutional confrontation of the sort that prudent men customarily seek to avert—a confrontation, moreover, that the White House had gone far to forestall. The reason is that issues resolved before the Supreme Court more often than not have ramifications that reach far beyond the case at hand.

In this instance, any definitive ruling that may be arrived at in the case of President Nixon's tapes presumably would be applicable to all future chief executives.

Certainly, the powers of the presidency would be gravely diminished if presidential documents should become, for all times, subject to the subpoenas of the legislative or judicial branch.

Just as certainly, only the cause of presidential arrogance, again for all times, would be served by a firm declaration that nothing that crosses a presidential desk or occurs in a presidential office may be subpoenaed by

either of the two other branches of the federal government.

That is why The Enquirer had hoped, from the very beginning of the tapes dispute, that a satisfactory compromise could be found and a precedent-setting showdown prevented.

We shall learn this week whether the compromise the White House proposed Friday night is a viable one. If it is, the Watergate case's outstanding issues should be resolved relatively quickly. If it is not, even stormier days are likely to lie ahead.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD a telegram from the Honorable MIKE MANSFIELD, majority leader of the U.S. Senate, addressed to the Honorable JAMES EASTLAND, chairman of the Judiciary Committee, and dated October 21, 1973, in which the distinguished majority leader urged the chairman of the Committee on the Judiciary to convene a meeting of that committee as soon as possible to consider all the factors involved in the recent developments relating to the ousting of Archibald Cox and of William Ruckelshaus as Deputy Attorney General and the resignation of Attorney General Elliot Richardson.

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

OCTOBER 21, 1973.

Hon. JAMES EASTLAND,
U.S. Senate,
Washington, D.C.

In view of recent developments relative to the ousting of Archibald Cox and William Ruckelshaus and the resignation of Elliot Richardson as Attorney General, I most respectfully request that you convene a meeting of the Senate Judiciary Committee as soon as possible to consider all the factors involved.

Certain promises and pledges were made by the Attorney General to the Senate Judiciary Committee. Certain commitments were made so that Mr. Archibald Cox could assume an independent position as Special Prosecutor. The Senate proceeded in good faith on the basis of those promises, pledges and commitments.

The resignation and discharges of the above mentioned individuals are matters of the highest importance and I believe they should be considered by the full Judiciary Committee as soon as possible. This is a matter which, in my opinion, confronts not only the Judiciary Committee but the full Senate, the Congress and the American people as well.

Sincerely yours,

MIKE MANSFIELD,
Majority Leader, U.S. Senate.

INTRODUCTION OF S. 2603, TO PROVIDE FOR THE CONTINUATION OF AN INDEPENDENT INVESTIGATION OF CERTAIN ACTIVITIES BY HIGH OFFICIALS

SUBMISSION OF SENATE RESOLUTION 191, RELATING TO THE CENSURE OF ROBERT BORK

Mr. STEVENSON. Mr. President, Benjamin Franklin at the Constitutional Convention in 1787 said our Government could end in despotism, as others had before it, only when we ourselves become so corrupted as to need despotic government and incapable of any other form of government.

That day will come when our fear of despotism, or our indignation at corruption, is so long sustained, that we tire, and suffer it, and do nothing.

However much the White House may profess surprise at the public outcry, the day when the American people suffer corruption or despotism in silence is far off. The great strength of the American people, the deeply held conviction that all Americans are equal under the law, our faith in an independent judiciary—all are manifesting themselves.

It is the Congress now, not the American people, which is tested.

As Archibald Cox said:

It is now up to the Congress to determine whether our system of laws is to be replaced by a system of men.

The institutions of Government will either be defended or corrupted. We have no middle course. The choice is to act, or not to act—to purge ourselves of the corruption or, tired, to suffer it.

The President proposed a deal. But his tapes "compromise," insofar as it applies to the lawsuit brought against Richard M. Nixon by Archibald Cox on behalf of the United States, would not compromise an issue. It would compromise the Government itself. No man subject to an order of court can be permitted to substitute his own action for that required by the court.

As Lincoln said:

The courts are the tribunals prescribed by the Constitution and created by the authority of the people to determine, expound and enforce the law. Hence whoever resists the final decision of the highest tribunal, aims a deadly blow to our whole republican system of government—a blow, which if successful, would place all our rights and liberties at the mercy of passion, anarchy and violence.

In this case the highest tribunal is the court of appeals. The President proposes to place himself above the court and the law.

Senator STENNIS is a man of unquestioned integrity who would diligently review the tapes and could reasonably do so with respect to the tapes sought by the Senate select committee. In that case no court order binds the President; there a compromise between equal branches of Government is in order.

But to interpose Senator STENNIS, or any other man, between the President and the judicial process is to accept the proposition that the President is not accountable to the law. We dare not accept that proposition.

Of greater importance, access to the tapes by means of a summary or transcript or whatever is intended to be offered is at most access to only a part of the evidence.

The evidence of criminality in the 1972 Presidential campaign goes far beyond the Watergate break-in and coverup; it involves the solicitation and expenditure of illicit campaign contributions, alleged payoffs for campaign contributions, and political espionage.

Moreover, the possible criminal actions of this administration for which the President and his appointees may be responsible go far beyond the 1972 campaign; they include the break-in at the office of Mr. Ellsberg's psychiatrist, the possible misuse of public funds for improvements to the President's personal properties at San Clemente and Key Biscayne, the possible nonpayment of Federal and local taxes by the President, the gift by Mr. Hughes to Mr. Rebozo, and wiretapping cloaked in the mantle of national security.

In all these cases, the evidence lies uniquely within the control of the President. As the court of appeals said in the Cox case—

The court's order must run directly to the President, because he has taken this unusual step of assuming personal custody of the Government property sought by the subpoena.

The "compromise" permits limited access to only a part of the evidence in the Watergate case. It permits no access to the other evidence or to leads in that case, including the President's logs. On the contrary, the President directed the special prosecutor to desist his efforts to obtain through the courts logs, memoranda, and other documents within the control of the President, notwithstanding they may contain evidence of criminal conduct altogether unrelated to the conduct of official business.

Now, with the removal of Mr. Cox, the investigation of the Nixon administration is under the control of Mr. Nixon. And no one under his control is in a position to challenge his assertion that he and he alone will judge his own case. The "compromise," insofar as the criminal investigation is concerned, demands capitulation.

Public confidence in the integrity of the government, the search for truth and the enforcement of the law all require a thorough and impartial investigation by a prosecutor equipped with the necessary powers and resources, including access to all the evidence. President Nixon's "compromise" tolerates nothing remotely resembling a full, thorough, and independent investigation—and the American people know it.

During Senate confirmation proceedings on the nomination of Elliot Richardson to be Attorney General, both the President and Mr. Richardson acknowledged the importance of a thorough investigation of the 1972 campaign by a truly independent prosecutor. Mr. Richardson, on behalf of the administration, gave the Senate explicit and detailed assurances that the prosecutor would have full authority and all the requisite resources and powers of independence. The record is comprised of exchanges of correspondence between myself and Mr. Richardson, his testimony before the Senate Judiciary Committee and the final guidelines for the prosecutor submitted by Mr. Richardson to that committee. Mr. President, I ask unanimous consent that this correspondence and the guidelines be inserted in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

(See exhibit 1.)

Mr. STEVENSON. Mr. President, those assurances include "full authority for investigating and prosecuting offenses against the United States arising out of

the unauthorized entry into the Democratic National Committee Headquarters at the Watergate, all offenses arising out of the 1972 Presidential election for which the Special Prosecutor deems it necessary and appropriate to assume responsibility, allegations involving the President, members of the White House staff, or Presidential appointees, and any other matter which he consents to have assigned to him by the Attorney General."

More specifically, the special prosecutor was assured "full authority" with respect to "conducting proceedings before grand juries and any other investigations he deems necessary"; "reviewing all documentary evidence available from any source as to which he shall have full access"; "determining whether or not to contest the assertion of executive privilege or any other testimonial privilege"; "initiating and conducting prosecutions, framing indictments"; and "filing informations, and handling all aspects of any cases within his jurisdiction."

Mr. Richardson assured the Senate:

The special prosecutor will not be removed from his duties except for extraordinary improprieties on his part.

In his address April 30, announcing Mr. Richardson's nomination, the President said he was giving Mr. Richardson "absolute authority to make all decisions bearing upon the prosecution of the Watergate case and related matters," including "the authority to name the Special Prosecutor for matters arising out of the case."

The President said he knew Elliot Richardson would be "fearless in pursuing the case wherever it leads."

In his testimony before the Senate Judiciary Committee hearings on his nomination, Mr. Richardson acknowledged his "absolute authority" from the President and said he was passing on full authority to the special prosecutor.

The crisis now facing us arises because Mr. Richardson and Mr. Cox took their mandate seriously.

The Senate relied upon those assurances of Mr. Richardson and the President, and so did the American people.

The Senate trusted the President, and on this basis of trust, it confirmed the nomination of Elliot Richardson to be Attorney General.

During the Senate debate immediately prior to Mr. Richardson's confirmation I said:

It is upon the understanding contained in these documents (the correspondence between Mr. Richardson and myself), the record before the Judiciary Committee and the revised guidelines offered by Mr. Richardson, that the investigation will now proceed. I am hopeful the Senate will now approve Secretary Richardson's nomination and the appointment of Archibald Cox, and that the investigation will proceed. If so, it will be upon the assumption that, the Senate's advice and consent given, the rules and the central personalities will not be changed by the Executive branch.

The rules and the central personalities have been changed. The President has broken faith with the Senate and with his own Attorney General who acted at all times wisely and in good faith. The President has relieved the special prosecutor of his duties because the prosecutor performed his duties. The President has disobeyed the orders of two courts, and has sought to set himself above the law.

At this point it would be unwise for Congress to confess its impotence or to commence impeachment proceedings. I do not find either course of action acceptable at this point.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRIFFIN. Mr. President, if I may be recognized, I yield to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. STEVENSON. I thank the Senator from Michigan.

I propose, instead, several steps which could lead to a more orderly resolution of the dispute in which the President, the Congress, and the courts are enmeshed. These steps could be the last steps before it becomes incumbent on the Congress to take more drastic measures.

I introduce and send to the desk for appropriate reference a bill establishing the office of Special Prosecutor.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

Mr. STEVENSON. Mr. President, this office would be headed by a prosecutor with all of the requisite jurisdiction, resources, and powers originally granted Archibald Cox.

Mr. President, I ask unanimous consent that a copy of the bill be printed at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. STEVENSON. Mr. President, the appointment of a prosecutor would be made by the chief judge of the district court in Washington, D.C. Under article II, section 2, clause 2 of the Constitution, the Congress has the constitutional power to vest that function in a Federal court.

I also ask unanimous consent that a legal memorandum supporting that conclusion be printed in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3.)

Mr. STEVENSON. Mr. President, the chief judge now has the inherent authority to appoint a special counsel to present evidence to and otherwise assist the grand jury. This legislation will transfer additional authority to the judge. A special counsel probably could not be given the authority to sign indictments in the absence of the statute. The prosecutor appointed pursuant to this legislation would have such authority. The appropriation to Archibald Cox would be transferred by this legislation to the new office.

I would not presume to suggest whom the judge might appoint to this office, but Archibald Cox has conducted himself ably and bravely. He is in a unique position to continue the investigation he began. I would hope the judge would favorably consider his credentials and that Mr. Cox might be induced to resume his duties.

This legislation would probably have to be enacted without the President's approval. I believe that is possible. If enacted, the President would receive another, perhaps a last chance, to keep his promises to the Senate, to uphold his oath of office, and to bring this ugly matter to an early conclusion in the courts.

Other Members of the Congress are introducing similar legislation. I have sent a letter to Judge Sirica, which is signed by the sponsors of such legislation in the Senate, assuring him that our actions are in no way intended to derogate from his inherent power, to conflict with that power, or to urge upon him any course of action. His exercise of the power to appoint a special counsel to present evidence to the grand jury would be altogether consistent with action by the Congress to create an office of a special prosecutor to be filled by the judge. The offices would merge. The bills of this nature should in no way discourage—or encourage—the appointment of a specal counsel by Judge Sirica. Mr. President, I ask unanimous consent that a copy of the letter be inserted in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

(See exhibit 4.)

Mr. STEVENSON. Mr. President, I turn now to the availability and continued existence of evidence currently in the possession of the president and his subordinates.

We have seen a consistent pattern of extra-legal efforts to suppress such evidence. The President permitted Haldeman, Ehrlichman, and Dean, who left office in disgrace, access to papers left behind. In the case of men who left office under the most honorable of circumstances—Richardson, Ruckelshaus, and Cox—the Federal Bureau of Investigation was instructed to deny them the access previously accorded the malefactors.

So long as evidence remains in the custody of the President or persons acting on his behalf, there exists the possibility that the evidence will be destroyed or tampered with. As a practical matter, the only way to get at the evidence is to establish an office of special prosecutor which can utilize the existing processes of law to require its production. While it is true that the courts, like the pope, have no battalions at their disposal and could not enforce their order in the face of defiance by the President, presidential noncompliance under those circumstances would serve to indicate the need for more drastic measures. Attempts to destroy or tamper with evidence, with the intent of preventing that evidence from becoming available to law enforcement officials or grand juries, is a crime. The problem is one of detection, and that problem can be surmounted only by the reestablishment of a prosecutor as provided for in this bill.

The importance of full access to all such evidence at the earliest possible

time underscores the importance of prompt enactment of this legislation.

Elliot Richardson, as Attorney General, respected the solemn assurances he had made to the U.S. Senate on behalf of himself and the President. He refused to fire the special prosecutor. He acted honorably. He gave up his office before he would break his word. So also did Mr. Ruckelshaus, his immediate successor. Mr. Bork, on the other hand, broke faith with the Senate. He violated the assurances solemnly given on behalf of this administration when, in his first official act, he fired Mr. Cox.

The legally and morally binding nature of the commitment to the Senate was recognized by Mr. Richardson and Mr. Ruckelshaus on October 20. Mr. Bork's action violated that legal and moral commitment made to Mr. Cox and to the U.S. Senate by the administration. It besmirches his reputation and casts grave doubts on his willingness to uphold the law and his oath of office. It is his action which has precipitated the current turmoil.

The Government cannot stand for long if it cannot trust itself. And it cannot stand for long, and remain free, if the people do not trust it. This breach of trust can only lead to greater distrust of the Executive in the Congress and in the citizenry. The public concludes that Mr. Cox was doing his job too well, and the Congress must conclude that the word of the President and his agents is not to be believed. I suggest, Mr. President, that the removal of Mr. Cox by the Acting Attorney General constituted a most dangerous contempt upon the Senate which we dare not approve by our silence.

In order to give the Senate the opportunity to express its disapproval of Mr. Bork's conduct, I also submit a resolution of Senate censure of Mr. Bork based on the actions he has taken. Mr. President, I ask unanimous consent that the resolution be reprinted in the RECORD at the conclusion of these remarks.

The PRESIDING OFFICER. The resolution will be received and appropriately referred.

Mr. STEVENSON. Mr. President, I ask unanimous consent that the resolution be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 5.)

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARRY F. BYRD, JR. Mr. President, if the Chair will recognize me, I will gladly yield 2 minutes of my time to the Senator from Illinois.

Mr. STEVENSON. I thank the Senator from Virginia.

The PRESIDING OFFICER. The Sentor from Virginia is recognized for an additional 2 minutes.

Mr. STEVENSON. Mr. President, I hope that in its executive session tomorrow the Senate Judiciary Committee, to which my resolution will be referred, will consider the resolution in hearings on Mr. Bork's role in the dismissal of Mr. Cox.

Mr. President, I believe history will record that these were among the best of our times; the people and their elected representatives in the Congress did not tire of the struggle for virtue in Government and freedom. Given the choice between freedom and repose, we saw that we could not have both. We acted—not with courage. For men of faith it takes no courage. We acted with the resolution and decency which have on the whole characterized the actions of the Nation from its birth until recently.

Our duty is clear. The press and the courts and the public have done theirs. I am confident the Congress will do its duty. If the measures which I and others propose in this body today do not resolve the issue, our duty will remain. And we dare not ignore it.

EXHIBIT 1

U.S. SENATE,
Washington, D.C., May 3, 1973.

Hon. ELLIOT L. RICHARDSON,
Attorney General-Designate,
Department of Justice,
Washington, D.C.

DEAR MR. RICHARDSON: As Attorney General you would immediately be faced with an unprecedented task of restoring public confidence in the integrity of the Federal government. We know you share our concern that justice prevail in all questions of official misconduct and that the public receive speedy assurance that an impartial investigation of the so-called Watergate Affair will be conducted thoroughly and relentlessly.

The Senate has called for appointment of an "independent" prosecutor. The true independence and impartiality of the prosecutor is essential. You have the power to make such an appointment. But a prosecutor is not made independent by virtue of an adjective. Neither his selection from outside the Justice Department, nor his approval by the Senate assures independence and a truly thorough and impartial investigation. That depends upon the character of the prosecutor and his authority, and powers and resources.

We trust you to select for this position a man of unquestioned integrity, the highest professional ability and the tenacity with which to get the job done. We also expect you to make the scope of his inquiry broad enough to encompass all illegal conduct arising out of the conduct of the President's recent campaign and the growing evidence that justice has been obstructed in conjunction with that illegal activity. But that is not enough. The minimal powers and resources of a thoroughly independent prosecutor must include:

(1) The power to convene and conduct proceedings before a special grand jury, to subpoena witnesses, and to seek in court grants of immunity from prosecution for witnesses;

(2) The power and financial resources with which to select and hire an adequate staff of attorneys, investigators and other personnel, answerable only to himself;

(3) Assurance that the funds to pay for the services of staff and prosecutor will be continued for the time necessary to complete the investigation and prosecute any offenders;

(4) Assurance that the prosecutor will not be subject to removal from his duties except for the most extraordinary improprieties on his part;

(5) Full access to the relevant documents and personnel of the Department of Justice and all other offices and agencies of the Executive Branch; and

(6) Assurance that the prosecutor would be able to cooperate with any appropriate congressional committees.

The law appears to give you the authority to confer these powers, resources and assurances upon a special prosecutor. If the need arises for legislation to insure these requisites of independence and thoroughness, we will cooperate to that end in every way we can.

In closing we reiterate our trust in you, our confidence in your ability and our hope that forthright action now by the Executive will be enough to resolve these trying matters to the satisfaction and benefit of the nation.

Sincerely,

COSIGNERS OF STEVENSON LETTER TO RICHARDSON

Adlai E. Stevenson, III, Harold E. Hughes, Stuart Symington, Gaylord Nelson, Edmund Muskie, Philip A. Hart, Thomas F. Eagleton, James Abourezk, Lloyd Bentsen, Dick Clark, Joe Biden, William Proxmire, Alan Cranston, and Lawton Chiles.

Hubert Humphrey, John Tunney, Walter F. Mondale, Lee Metcalf, Walter D. Huddleston, William D. Hathaway, Arbaham Ribicoff, Harrison Williams, Frank Church, Quentin Burdick, Mike Mansfield, Jennings Randolph, Thomas J. McIntyre, J. Bennett Johnston, Jr., and Claiborne Pell.

WASHINGTON, D.C.,
May 17, 1973.

Hon. ADLAI E. STEVENSON III,
U.S. Senate.

DEAR SENATOR STEVENSON: Thank you for letter of May 3 and for your expression of confidence in me. I agree wholeheartedly with your observations about the need to restore public confidence. I agree that this end will be served by the appointment of an independence Special Prosecutor with unquestioned integrity, the highest professional ability and great tenacity.

In examining both the record of the Senate Judiciary Committee hearing on my nomination and the points articulated in your letter, I am struck by how close we actually are in our approach to the definition of the Special Prosecutor's role. The detailed description of the Special Prosecutor's authority which I have today sent to the members of the Senate Committee on the Judiciary meets, I believe, all the points enumerated in your letter:

His scope of authority will extend beyond the Watergate case to include all offenses arising out of the 1972 Presidential Campaign and all allegations involving the President, members of his staff and other Presidential appointees:

His powers will include the handling of all prosecutions, grand jury proceedings, immunity requests, assertions of "Executive Privilege" and all decisions as to whom to prosecute and whom not to prosecute;

He will have the authority to organize and select his own staff, responsible only to him, and to secure adequate resources and cooperation from the Department of Justice;

He will have access to all relevant documents;

He will handle relations with all appropriate Congressional Committees; and

He will be subject to removal only by reason of extraordinary improprieties of his part.

Some misunderstanding seems to persist on the subject of the relationship of the Special Prosecutor to the Attorney General. I have repeatedly stated that the Special Prosecutor must be given the authority to do his job independently, thoroughly and effectively. He will possess a truly unique of independent authority within the Department of Justice. But it is also critical, in my view, both in the interests of the effective performance of the Department of Justice as a whole and the speedy and efficient support for the Special Prosecutor's mission, that the Attorney General retain that degree

of responsibility mandated by his statutory accountability.

The laws establishing the Department of Justice give the Attorney General ultimate responsibility for all matters falling within the jurisdiction of the Department of Justice. Under the law, there is no way to handle prosecutions under the applicable Federal criminal laws outside that Department. A change in the law making the Special Prosecutor an independent agency, which I think would be wrong and harmful on the merits, could in any event be very complicated and time consuming. The outcome of any effort to change the law would be uncertain, the investigation would be disrupted, and prosecution seriously delayed.

Further, only the Attorney General can effectively insure the cooperation of other personnel within the Department of Justice (and within other agencies of the Exective Branch) and thus assure the marshalling of additional resources, including professional investigatory and prosecutorial staff, when the Special Prosecutor needs them. The Attorney General is responsible for allocating the overall resources of his Department consistent with the proper pursuit of its various responsibilities. Without being able to draw on these resources and the various sources of authority which are vested in the Attorney General as chief legal officer of the National, any investigation by a Special Prsecutor might be severely hampered.

The approach which I have developed is designed to provide the maximum possible assurance to the public that truth and justice will be properly, thoroughly and effectively pursued. As I have said before, the public will have an insurance policy comprised of four clauses:

The integrity of the Attorney General as reviewed and confirmed by the United States Senate;

The integrity of the Special Prosecutor as reviewed and affirmed by the United States Senate;

The terms and conditions articulated in my detailed description of the Special Prosecutor's authority and in testimony before the Senate Judiciary Committee, which assure the authority and independence of the Special Prosecutor; and

The investigation of the "Ervin Committee" as established by Senate Resolution 60.

With best regards,

Sincerely,

ELLIOT RICHARDSON.

U.S. SENATE,
Washington, D.C., May 18, 1973.

Hon. ELLIOT L. RICHARDSON,
Secretary, of Defense, Department of Defense, Washington, D.C.

DEAR MR. SECRETARY: Your letter to me of May 17 is positive and represents a long step in the direction of an "independent prosecutor" in the Watergate episode.

It is my hope that with a clarification of certain points in that letter and your statement to members of the Judiciary Committee that remaining doubts about the impartiality of the investigator can finally be resolved and that justice delayed can now proceed with dispatch and the government can get on with all its business.

Specific points about the prosecutor's functions which you make in your May 17 letter and statement to the members of the Judiciary Committee are still consistent with your statement of May 7 that the investigation would be conducted "in the Department of Justice" and that as Attorney General you would retain "final responsibility" for all matters within the Department.

It would be helpful if at your earliest convenience you could explain the following points in your May 17 letter:

1. You state that the prosecutor's authority will extend to "all *offenses* arising out of the 1972 presidential campaign and all *allegations* involving the President, members of his staff and other presidential appointees." It is unclear whether you intend that the prosecutor will have the authority to investigate allegations of official misconduct of a *non-criminal* nature on the part of Executive branch personnel. The Congress has the constitutional responsibility for making the laws and overseeing the manner in which Executive branch personnel execute those laws. The Congress is the most appropriate body to investigate and make judgments about instances of official misconduct of a non-criminal nature. The Senate is exercising that responsibility. Is it your intention that the prosecutor's functions include the investigation of such non-criminal misconduct?

2. Your letter states that the prosecutor's powers "will include the *handling* of all prosecutions of 'Executive privilege' and all *decisions* as to whom to prosecute and whom not to prosecute." Thus, the only decision-making power to which you explicitly refer concerns questions of whom to prosecute and whom not to prosecute. Is it the Administration's intention to reserve the decision-making responsibility on all such questions as convening grand jury proceedings, seeking in court grants of immunity for prospective witnesses and passing upon whether present or former Executive branch personnel can properly invoke "Executive privilege"?

3. You state that the prosecutor "will have the authority to organize and select his own staff." Does that authority include the authority to select staff members not now employed by the Department of Justice? What financial resources will be at the disposal of the prosecutor with which to retain the services of any such staff members outside the Department of Justice? And will you assure that the personnel and other resources of the Justice Department are at the disposal of the Prosecutor, except in cases where his use of personnel would unduly interfere with other activities of the Justice Department?

4. You state that the special prosecutor "will have access to all *relevant* documents." Is it your intention to reserve the right to determine what is relevant?

5. You state that the special prosecutor "will *handle* relations with all appropriate congressional committees." Is it your intention to reserve the right to control the access of the prosecutor to committees of the Congress, including the furnishing of information to such committees? My own strong conviction is that both justice and the truth will best be served by a prosecutor free to cooperate with both the Executive and the Legislative branches and to help coordinate their potentially conflicting investigatory activities.

6. The most serious doubt left lingering by your letter and oft-repeated statements is that by some law the Attorney General must retain the "responsibility" or final authority. You oppose a law to remove any such conflict between your statutory duty as Attorney General—and your duty to the people as their chief law enforcement official. In the past, Attornies General, including the acting Attorney General in this very matter, have resolved that conflict by disqualifying themselves. Your failure to do so in favor of an independent prosecutor raises no doubts in my mind about your integrity, but many doubts about your freedom to act. You are, after all, an agent of the President and also a servant of the public. Those roles are not inevitably harmonious. Why do you refuse to disqualify yourself in favor of a prosecutor who can serve the people with a singleness of purpose?

Without a resolution of these questions it could be as difficult in the future as it has been in the recent past to find a man of the highest professional attainment and character to serve as prosecutor. In the meantime, delay eats like acid at the public trust and the cause of justice.

With the resolution of the questions raised by this letter and in the hearings of the Senate Judiciary Committee, I would hope your confirmation as Attorney General would proceed rapidly. At the same time, the prosecutor's investigation of the Watergate episode could proceed and in harmony with the investigation by the Senate Commission. If that does not happen, the doubts and suspicions will linger, partisan politics will intrude, the investigations will be disorder!- and the integrity of the Presidency impossible to restore for many years, I therefore, look forward hopefully to your early response.

Sincerely,

ADLAI STEVENSON.

THE SECRETARY OF DEFENSE,
Washington, D.C., May 17, 1973.

Hon. ADLAI E. STEVENSON III,
U.S. Senate.

DEAR SENATOR STEVENSON: Thank you for your letter of May 3 and for your expression of confidence in me. I agree wholeheartedly with your observations about the need to restore public confidence. I agree that this end will be served by the appointment of an independent Special Prosecutor with unquestioned integrity, the highest professional ability and great tenacity.

In examining both the record of the Senate Judiciary Committee hearing on my nomination and the points articulated in your letter, I am struck by how close we actually are in our approach to the definition of the Special Prosecutor's role. The detailed description of the Special Prosecutor's authority which I have today sent to the members of the Senate Committee on the Judiciary meets, I believe, all the points enumerated in your letter:

His scope of authority will extend beyond the Watergate case to include all offenses arising out of the 1972 Presidential Campaign and all allegations involving the President, members of his staff and other Presidential appointees;

His powers will include the handling of all prosecutions, grand jury proceedings, immunity requests, assertions of "Executive Privilege" and all decisions as to whom to prosecute and whom not to prosecute;

He will have the authority to organize and select his own staff, responsible only to him, and to secure adequate resources and cooperation from the Department of Justice;

He will have access to all relevant documents;

He will handle relations with all appropriate Congressional Committees; and

He will be subject to removal only by reason of extraordinary improprieties on his part.

Some misunderstanding seems to persist on the subject of the relationship of the Special Prosecutor to the Attorney General. I have repeatedly stated that the Special Prosecutor must be given the authority to do his job independently, thoroughly and effectively. He will possess a truly unique level of independent authority within the Department of Justice. But it is also critical, in my view, both in the interests of the effective performance of the Department of Justice as a whole and the speedy and efficient support for the Special Prosecutor's mission, that the Attorney General retain that degree of responsibility mandated by his statutory accountability.

The laws establishing the Department of Justice give the Attorney General ultimate responsibility for all matters falling within the jurisdiction of the Department of Justice. Under the law, there is no way to handle pro-

secutions under the applicable Federal criminal laws outside that Department. A change in the law making the Special Prosecutor an independent agency, which I think would be wrong and harmful on the merits, could in any event be very complicated and time consuming. The outcome of any effort to change the law would be uncertain, the investigation would be disrupted, and prosecution seriously delayed.

Further, only the Attorney General can effectively insure the cooperation of other personnel within the Department of Justice (and within other agencies of the Executive Branch) and thus assure the marshalling of additional resources, including professional investigatory and prosecutorial staff, when the Special Prosecutor needs them. The Attorney General is responsible for allocating the overall resources of his Department consistent with the proper pursuit of its various responsibilities. Without being able to draw on these resources and the various sources of authority which are vested in the Attorney General as chief legal officer of the Nation, any investigation by a Special Prosecutor might be severely hampered.

The approach which I have developed is designed to provide the maximum possible assurance to the public that truth and justice will be properly, thoroughly and effectively pursued. As I have said before, the public will have an insurance policy comprised of four clauses:

The integrity of the Attorney General as reviewed and confirmed by the United States Senate;

The integrity of the Special Prosecutor as reviewed and affirmed by the United States Senate;

The terms and conditions articulated in my detailed description of the Special Prosecutor's authority and in testimony before the Senate Judiciary Committee, which assure the authority and independence of the Special Prosecutor; and

The investigation of the "Ervin Committee" as established by Senate Resolution 60.

With best regards,

Sincerely,

ELLIOT RICHARDSON.

U.S. SENATE,
Washington, D.C., May 3, 1973.

Hon. ELLIOT L. RICHARDSON,
Attorney General-Designate, Department of Justice, Washington, D.C.

DEAR MR. RICHARDSON: As Attorney General you would immediately be faced with an unprecedented task of restoring public confidence in the integrity of the Federal government. We know you share our concern that justice prevail in all questions of official misconduct and that the public receive speedy assurance that an impartial investigation of the so-called Watergate Affair will be conducted thoroughly and relentlessly.

The Senate has called for appointment of an "independent" prosecutor. The true independence and impartiality of the prosecutor is essential. You have the power to make such an appointment. But a prosecutor is not made independent by virtue of an adjective. Neither his selection from outside the Justice Department, nor his approval by the Senate assures independence and a truly thorough and impartial investigation. That depends upon the character of the prosecutor and his authority, powers and resources.

We trust you to select for this position a man of unquestioned integrity, the highest professional ability and the tenacity with which to get the job done. We also expect you to make the scope of his inquiry broad enough to encompass all illegal conduct arising out of the conduct of the President's recent campaign and the growing evidence that justice has been obstructed in conjunction with that illegal activity. But that is not enough. The minimal powers and resources of a thoroughly independent prosecutor must include:

(1) The power to convene and conduct proceedings before a special grand jury, to subpoena witnesses, and to seek in court grants of immunity from prosecution for witnesses;

(2) The power and financial resources with which to select and hire an adequate staff of attorneys, investigators and other personnel, answerable only to himself;

(3) Assurance that the funds to pay for the services of staff and prosecutor will be continued for the time necessary to complete the investigation and prosecute any offenders;

(4) Assurance that the prosecutor will not be subject to removal from his duties except for the most extraordinary improprieties on his part;

(5) Full access to the relevant documents and personnel of the Department of Justice and all other offices and agencies of the Executive Branch; and

(6) Assurance that the prosecutor would be able to cooperate with any appropriate congressional committees.

The law appears to give you the authority to confer these powers, resources and assurances upon a special prosecutor. If the need arises for legislation to insure these prerequisites of independence and thoroughness, we will cooperate to that end in every way we can.

In closing we reiterate our trust in you, our confidence in your ability and our hope that forthright action now by the Executive will be enough to resolve these trying matters to the satisfaction and benefit of the nation.

Sincerely,

COSIGNERS OF STEVENSON LETTER TO RICHARDSON

Adlai E. Stevenson, III, Harold E. Hughes, Stuart Symington, Gaylord Nelson, Edmund Muskie, Philip A. Hart, Thomas F. Eagleton, James Abourezk, Lloyd Bentsen, Dick Clark, Joe Biden, William Proxmire, Alan Cranston, and Lawton Chiles.

Hubert Humphrey, John Tunney, Walter F. Mondale, Lee Metcalf, Walter D. Huddleston, William D. Hathaway, Abraham Ribicoff, Harrison Williams, Frank Church, Quentin Burdick, Mike Mansfield, Jennings Randolph, Thomas J. McIntyre, J. Bennett Johnston, Jr., and Claiborne Pell.

THE SECRETARY OF DEFENSE,
Washington, D.C., May 21, 1973.

Hon. ADLAI E. STEVENSON III,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STEVENSON: Thank you for your letter of May 18. I certainly share your hopes that any remaining doubts about the impartiality of the independent investigation and prosecution, to be handled by Archibald Cox, can now be finally resolved. Hopefully, as you so aptly point out, justice delayed can now proceed with dispatch and government can get on with all its business. I have just given members of the Senate Committee on the Judiciary a somewhat revised version of the guidelines under which the Special Prosecutor would operate. A copy is enclosed for your information.

In response to the specific questions raised by your letter, let me make the following points.

1. While the Special Prosecutor's functions would focus primarily on the investigations and prosecution of criminal offenses, he may in the process uncover improprieties or irregularities of a non-criminal kind. He would be free to take whatever action with regard to such improprieties or irregularities as he deemed appropriate, including disclosing them publicly and reporting them to other authorities for their action. There will inevitably, of course, be considerable overlap with the Ervin Committee's investigations, whether or not prosecution is sought in specific cases.

2. It is not my intention to reserve decision-making responsibility on any of the matters enumerated in the description of the Special Prosecutor's duties and responsibilities, as to which he is given full authority. Thus, all decisions as to grand juries, assertions of executive privilege, and seeking grants of immunity will be made by the Special Prosecutor, in a manner consistent with applicable statutory requirements.

3. The Special Prosecutor will have authority to select staff members not now employed by the Department of Justice. The Special Prosecutor will have all the financial resources that he will reasonably need for all his activities, including funds with which to hire non-departmental personnel. I will assure, as the guidelines make clear, that the personnel and other resources of the Department will be at the disposal of the Special Prosecutor, to the extent he may reasonably require them.

4. The Special Prosecutor, not the Attorney General, will determine what documents may be relevant to his mission.

5. The Special Prosecutor will be fully free to make all decisions relating to his dealings with Congressional Committees. I will not control the Special Prosecutor's access to any committee.

6. Having provided the Special Prosecutor with a charter which assures his total operational independence from the Attorney General, together with the resources necessary to carry out his mission effectively, I see no need to "disqualify" myself. I have no personal stake in this matter other than to see that justice be done swiftly, thoroughly and fairly. I hope that the selection of former Solicitor General Cox for the position of Special Prosecutor makes my determination in this regard amply clear.

I regard the questions you have raised as fair and responsible and I have tried to answer them in that spirit. I trust that the Senate and the Department of Justice can and will cooperate in this mission of enormous public importance. I will certainly do everything in my power to see that this occurs.

With kindest regards,

Sincerely,

ELLIOT L. RICHARDSON.

DUTIES AND RESPONSIBILITIES OF THE SPECIAL PROSECUTOR

The Special Prosecutor—There will be appointed by the Attorney General, within the Department of Justice, the Special Prosecutor to whom the Attorney General shall delegate the authorities and provide the staff and other resources described below.

The Special Prosecutor shall have full authority for investigating and prosecuting offenses against the United States arising out of the unauthorized entry into Democratic National Committee Headquarters at the Watergate, all offenses arising out of the 1972 Presidential Election for which the Special Prosecutor deems it necessary and appropriate to assume responsibility, allegations involving the President, members of the White House staff, or Presidential appointees, and any other matters *which he consents to have* assigned to him by the Attorney General.

In particular, the Special Prosecutor shall have full authority with respect to the above matters for:

Conducting proceeedings before grand juries and any other investigations he deems necessary;

Reviewing all documentary evidence available from any source, as to which he shall have full access;

Determining whether or not to contest the assertion of "Executive Privilege" or any other testimonial privilege;

Determining whether or not application should be made to any Federal court for a grant of immunity to any witness, consistently with applicable statutory requirements, *or for warrants, subpoenas, or other court orders;*

Deciding whether or not to prosecute any individual, firm, corporation or group of individuals;

Initiating *and conducting* prosecutions, framing indictments, filing informations, and handling all aspects of any cases within his jurisdiction (whether initiated before or after his assumption of duties), including any appeals;

Coordinating and directing the activities of all Department of Justice personnel, including United States Attorneys;

Dealing with and appearing before Congressional committees having jurisdiction over any aspect of the above matters *and determining what documents, information, and assistance will be provided to such committees.*

In exercising this authority, the Special Prosecutor will have the greatest degree of independence that is consistent with the Attorney General's statutory accountability for all matters falling within the jurisdiction of the Department of Justice. The Attorney General will not countermand or interfere with the Special Prosecutor's decisions or actions. *The Special Prosecutor will determine whether and to what extent he will inform or consult with the Attorney General about the conduct of his duties and responsibilities.* The Special Prosecutor will not be removed from his duties except for extraordinary improprieties on his part.

STAFF AND RESOURCE SUPPORT

1. *Selection of Staff*—The Special Prosecutor shall have full authority to organize, select, *and hire* his own staff of attorneys, investigators, and supporting personnel, on a full or part-time basis, in such numbers and with such qualifications as he may reasonably require. He may request the Assistant Attorneys General and other officers of the Department of Justice to *assign* such personnel and to provide such other assistance as he may reasonably require. All personnel in the Department of Justice, including United States Attorneys, shall cooperate to the fullest extent possible with the Special Prosecutor.

2. *Budget*—The Special Prosecutor will be provided with such funds *and facilities* to carry out his responsibilities as he may reasonably require. He shall have the right to submit budget requests for funds, positions, and other assistance, *and such requests shall receive the highest priority.*

3. *Designation and Responsibility*—The personnel acting *as the staff and assistants* of the Special Prosecutor shall be known as the Watergate Special Prosecution Force and shall be responsible only to the Special Prosecutor.

Continued Responsibilities of Assistant Attorney General, Criminal Division—Except for the specific investigative and prosecutorial duties assigned to the Special Prosecutor, the Assistant Attorney General in charge of the Criminal Division will continue to exercise all of the duties currently assigned to him.

Applicable Departmental Policies—Except as otherwise herein specified *or as mutually agreed between the Special Prosecutor and the Attorney General,* the *Watergate Special Prosecution Force* will be subject to the administrative regulations and policies of the Department of Justice.

Public Reports—The Special Prosecutor may from time to time make public such statements or reports as he deems appropriate and shall *upon completion* of his assignment *submit a final report to the appropriate persons or entities of the Congress.*

Duration of Assignment—The Special Prosecutor will carry out these responsibilities, with the full support of the Department of Justice, until *such time as, in his judgment, he has* completed *them* or until a date mutually agreed upon between the Attorney General and himself.

EXHIBIT 2

S. 2603

A bill to provide for the continuation of an independent, thorough investigation of certain activities by high federal officials and persons acting in concert with them

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this bill may be cited as the Independent Investigation Act of 1973.

SEC. 2. The Congress finds and declares—

(a) That the conduct of a thorough, fair and impartial investigation of possible violations of Federal law occurring in connection with the 1972 Presidential primaries and general election and any campaign, canvass, or other activity related to such election is essential to the restoration of public confidence in government, to the fullest possible public disclosure of the facts about illegal or improper activities performed in connection with the 1972 Presidential elections, and to the dispensation of equal and exact justice to all persons and organizations against whom charges have been or may be directed;

(b) That the goals enumerated in paragraph (a) of this section cannot be accomplished if the investigation is conducted by an individual subject to dismissal by the President of the United States, the Attorney General, or any other official in the Executive Branch of the United States Government;

(c) That the October 20, 1973 dismissal of Special Prosecutor Cox, coupled by statements made on behalf of the President concerning the future conduct of the investigation, make it clear that investigators serving within the Justice Department will be denied access to important tapes, papers, and other evidence in the possession of the President of the United States and other Federal officials, and that such investigators will not be permitted to utilize established procedures of law to issue or enforce any subpoenas that may be required to secure such tapes, papers, or evidence;

(d) That the national interest requires, and Article II, Section 2, Clause 2 of the Constitution permits, the investigation to proceed under an agency over which the President of the United States and other Executive Branch officials who are or may be targets of the investigation shall have no control.

SEC. 3. There is hereby established an Office of Special Prosecutor (hereinafter referred to as the "Office").

SEC. 4. The Office is empowered to investigate (i) possible violations of Federal law, and possible instances of official misconduct by Federal officials, which occurred in connection with the 1972 Presidential primaries and general election and any campaign, canvass, or other activities related to such election and (ii) allegations of other illegal conduct or official misconduct on the part of the President, members of the White House staff, or Presidential appointees.

SEC. 5. The Office shall be headed by a Special Prosecutor, who shall be appointed by the Chief Judge of the United States District Court for the District of Columbia pursuant to Article II, Section 2, Clause 2 of the Constitution of the United States. The Special Prosecutor shall serve for a term beginning upon his appointment and ending on June 30, 1977, and shall be removable only by impeachment.

SEC. 6. The Special Prosecutor shall have exclusive jurisdiction over the conduct of all investigations, prosecutions, and civil actions on behalf of the United States to enforce all provisions of Federal law violated by (i) any person in connection with the Presidential primaries and general election of 1972, and any campaign, canvass, or other activity related to such election; or (ii) by the President, members of the White House staff, or Presidential appointees. The Attorney General shall cooperate with the Special Prosecutor to the fullest extent possible to insure that the Special Prosecutor has exclusive control of all activities relating to any such investigation and prosecution resulting from such election.

SEC. 7. Notwithstanding any other provision of law, the Special Prosecutor is vested with all of the powers and duties of the Attorney General of the United States and of the United States Attorney in any judicial district of the United States in which legal proceedings are or may be brought pursuant to this Act, insofar as such powers and duties are necessary to the performance of the duties of the Special Prosecutor under Section 4. The powers granted under this section include, but are not limited to, the power to convene and conduct proceedings before grand juries (including special grand juries) of the United States, the power to subpoena witnesses, the power to frame indictments, and the power to seek in court grants of immunity from prosecution for witnesses.

SEC. 8. The Special Prosecutor shall have power to employ and fix the compensation of such attorneys, investigators and other personnel as he deems necessary without regard to the provisions of Title 5, United States Code, governing employment in the competitive civil service, and without regard to Chapter 51 and subchapter III of Chapter 53 of such title relating to classification and General Schedule pay rates, but at rates not in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of such title. Any person so employed shall be answerable only to the Special Prosecutor.

SEC. 9. The Attorney General shall, to the maximum extent consistent with the performance of his other duties, permit the Special Prosecutor to utilize the personnel, facilities, and other resources of the Department of Justice in carrying out his duties under this Act.

SEC. 10. Each department, agency, and independent instrumentality of the Government shall cooperate with the Special Prosecutor.

SEC. 11. All personnel of the Office shall, upon request, appear before, consult with, and cooperate in other respects with all Congressional committees having jurisdiction over any aspect of the Office's activities.

SEC. 12. The Office shall remain in existence until such time as the Special Prosecutor certifies to the Chief Judge of the United States District Court for the District of Columbia that all investigations and prosecutions conducted pursuant to this Act have been completed, or on June 30, 1977, whichever occurs first. The certification shall be accompanied by a full and complete report of all activities conducted by the Office.

SEC. 13. There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this Act. Such funds shall remain available, without fiscal year limitation, until expended. All funds appropriated to the Watergate Special Task Force pursuant to The State-Justice-Commerce Appropriations Act for fiscal year 1974 and not previously expended shall be by virtue of the enactment of this legislation be transferred on the date of enactment to the account of the Office; to be expended

by the Special Prosecutor in furtherance of the functions the Office is empowered to perform. The Office shall submit its budget requests directly to the Congress and shall furnish the Office of Management and Budget with informational copies thereof.

SEC. 14. In the event that the United States District Court for the District of Columbia, prior to the enactment of this legislation, appoints one or more persons to serve as special counsel to the special grand jury currently investigating incidents relating to the 1972 Presidential campaign, and in the event that funds to compensate such person or persons for services rendered or expenses incurred are unavailable, any funds transferred to or appropriated for the Office shall be utilized to compensate or reimburse such person or persons.

SEC. 15. In the event that the President of the United States, or anyone acting on his behalf, or any other person initiates legal proceedings challenging the constitutionality of any provision of this act, the Office shall have the right to defend the constitutionality of this Act in any such proceeding, and shall be entitled to utilize the funds transferred or appropriated to the Office to defray any expenses incurred in the course of such a defense. No decision invalidating any portion of this Act shall take effect until such decision becomes final. Exclusive jurisdiction over lawsuits challenging the constitutionality of this Act shall reside in the United States District Court for the District of Columbia.

SEC. 16. The invalidation of any provision of this Act shall not affect the validity of any other provision of this Act.

EXHIBIT 3

CONSTITUTIONAL BASIS FOR LEGISLATION CREATING THE OFFICE OF SPECIAL COUNSEL OR SPECIAL INVESTIGATIVE AGENCY

Article II, Section 2, clause 2, of the Constitution provides in general for appointment by the President, with the advice and consent of the Senate, of "All . . . officers of the United States." However, it also provides that "Congress may by Law vest the Appointment of such inferior Officers, as they deem proper, . . . in the Courts of Law."

Acting under this grant of authority, Congress has frequently provided for appointment of federal officers by the federal courts. For example, 28 U.S.C. sec. 546, provides:

"The district court for a district in which the office of United States Attorney is vacant may appoint a United States Attorney to serve until the vacancy is filled."

Even though United States Attorneys are appointed to their full terms by the President, with the advice and consent of the Senate, 28 U.S.C. sec. 541, and carry out "executive" branch duties, *Ponzi* v. *Fessenden*, 258 U.S. 254, *United States* v. *Cox*, 342 F. 2d 167 (5th Cir. 1965), this provision for filling vacancies by judicial appointments does not violate the constitutional provisions of Separation of Powers. *United States* v. *Solomon*, 216 F. Supp. 835 (D.C.N.Y. 1963).

It is settled that Congress, acting under Article II, section 2, clause 2, may provide for appointment by the courts of officers other than judicial officers. Thus the power of the judges of the United States District Court for the District of Columbia to appoint members of the District of Columbia School Board under D.C. Code sec. 31-101 was upheld against constitutional attack in *Hobson* v. *Hansen*, 265 F. Supp. 902 (D.C.D.C. 1967). And the power of Congress under this clause to provide for judicial appointment of judicial officers has been upheld by the Supreme Court. *Ex parte Siebold*, 100 U.S. 371 (1880).

It is thus clear that—regardless of the label one might attach to the Office of Special Prosecutor—Congress has constitutional power to vest the appointment of that officer in the courts of law. The only limitation on that appointment power that has been adopted by any court construing the constitutional provision is that the duty of the appointed officer "may not have such incongruity with the federal function as would void the power sought to be conferred." *Hobson* v. *Hansen, supra*. And it is clear that counsel for grand juries and prosecutors do not exercise powers incongruous with the federal function.

EXHIBIT 4

OCTOBER 23, 1973.

The Honorable JOHN J. SIRICA,
Chief Judge, U.S. District Court, Washington, D.C.

DEAR JUDGE SIRICA: We are the sponsors of bills which would establish the Office of Special Prosecutor as a statutory entity to continue the work begun by the Watergate Special Task Force. Our bills differ in some respects, but they share a common objective: the establishment of an instrumentality to continue the work begun by Mr. Cox' office in such a way as to maximize the chance that justice will be done and the truth told.

Our purpose in writing is to lay to rest any appearance of opinion on our part that the course of action we propose is the only available means for assuring that the investigation proceeds in the most effective way. The introduction of these bills is in no way intended to derogate, or conflict with, the inherent, statutory and constitutional powers vested in the U.S. District Court for the District of Columbia and other Federal courts, or to express any opinion, for or against the exercise of any such powers. Because of our firm commitment to the doctrine of separation of powers, we believe that the exercise of all powers vested in your office is not a member with which members of other branches of the Federal government should interfere.

We, therefore, take no position on the advisability of the exercise of your supervisory power over grant juries to appoint a Special Counsel to present evidence to, and otherwise assist, the special grand jury currently investigating various incidents related to the 1972 Presidential Campaign. Appointment of such a Special Counsel appears to be a legally permissible means of preventing an interruption of the present investigation during the present period of uncertainty.

We hope that this letter, which is being made available to the press and the public will make clear our firm conviction that officials of other branches should in no way interfere or be perceived to interfere with the efforts of the Judicial Branch to discharge its duties with respect to the Watergate investigation.

Respectfully yours,

ADLAI E. STEVENSON.
WALTER F. MONDALE.
LAWTON CHILES.
EDWARD M. KENNEDY.
JOHN V. TUNNEY.
ALAN CRANSTON.

EXHIBIT 5

S. RES. 191

Whereas, on April 30, 1973, President Nixon nominated Elliot Richardson to be Attorney General and conferred upon Mr. Richardson the "absolute authority to make all decisions bearing upon the prosecution of the Watergate case and related matters," including the authority, where Mr. Richardson deemed it appropriate, "to name a special supervising prosecutor for matters arising out of the case,"; and

Whereas Mr. Richardson, during Senate Judiciary Committee hearings on his confirmation to be Attorney General, represented that, if confirmed, he as Attorney General would appoint such a special supervising prosecutor and indicated that as such prosecutor he would name Archibald Cox: and

Whereas Mr. Richardson and Mr. Cox represented to the Senate Judiciary Committee in a document entitled "Duties and Responsibilities of the Special Prosecutor" the terms of an agreement between them as to the authority Mr. Cox would have as Special Prosecutor; and

Whereas in this document Mr. Richardson represented that the Special Prosecutor would have "full authority for investigating and prosecuting offenses against the United States arising out of the unauthorized entry into Democratic National Committee Headquarters at the Watergate, all offenses arising out of the 1972 Presidential Election for which the Special Prosecutor deems it necessary and appropriate to assume responsibility, allegations involving the President, members of the White House staff, or Presidential appointees, and any other matters" which the Special Prosecutor consented to have assigned to him by the Attorney General; and

Whereas in this document Mr. Richardson further represented that the Special Prosecutor would have "full authority" with respect to these offenses, allegations and other matters for, among other things, "conducting proceedings before grand juries and any other investigations he deems necessary", "reviewing all documentary evidence available from any source", as to which Mr. Cox would have "full access", and "determining whether or not to contest the assertion of 'Executive Privilege', or any other testimonial privilege"; and

Whereas in this document Mr. Richardson further represented that in exercising his authority the Special Prosecutor would have "the greatest degree of independence that is consistent with the Attorney General's statutory accountability for all matters falling within the jurisdiction of the Department of Justice"; that "The Special Prosecutor will not be removed from his duties except for extraordinary improprieties on his part"; and that the Special Prosecutor would carry out his responsibilities, ". . . with the full support of the Department of Justice, until such time as, in his judgment, he has completed them or until a date mutually agreed upon between the Attorney General" and the Special Prosecutor; and

Whereas the Senate Judiciary Committee relied upon the aforementioned representations made by Mr. Richardson as Attorney General-designate under the plenary authority delegated to him by the President in reporting Mr. Richardson's nomination favorably to the full Senate; and

Whereas the Senate in turn relied upon these representations in confirming Mr. Richardson to be Attorney General; and

Whereas Mr. Cox, acting as the Special Prosecutor, did seek within the Courts certain documentary evidence from the President, and the Courts upheld the contentions of Mr. Cox to a substantial degree, and

Whereas the President refused to comply with the order of the United States Court of Appeals for the District of Columbia but instead directed Mr. Cox to agree to a certain arrangement in regard to seeking the documentary evidence Mr. Cox had been seeking and to desist future efforts to seek evidence from the President; and

Whereas Mr. Cox refused to comply with this Presidential directive, indicating that under the commitment he and Mr. Richardson had made to the Senate and to the American people through the Senate he (Mr. Cox) would continue to seek in Court any documentary evidence as he saw fit; and

Whereas President Nixon thereupon directed Mr. Richardson to remove Mr. Cox from his duties as Special Prosecutor; and

Whereas in recognition of his "firm and repeated commitments" under oath to the Senate Mr. Richardson refused to comply

with the Presidential directive to remove Mr. Cox but instead resigned the office of Attorney General; and

Whereas President Nixon then directed Deputy Attorney General William Ruckelshaus to dismiss Mr. Cox, and Mr. Ruckelshaus also refused to carry out this directive and resigned his post as Deputy Attorney General; and

Whereas President Nixon thereupon designated Mr. Robert Bork to serve as Acting Attorney General and directed him to remove Mr. Cox from his duties, and Mr. Bork did in fact purport to remove Mr. Cox from his duties; and

Whereas this purported act by Mr. Bork was in derogation of the commitment made under oath to the United States Senate by Mr. Richardson as Attorney General-designate, upon the authority of the President, and Mr. Cox had not in fact committed any "extraordinary improprieties" which could permit his removal from office; and

Whereas Mr. Bork did not give Mr. Cox "the full support of the Department of Justice" of the Special Prosecutor as had been represented under oath to the Senate would be given Mr. Cox as Special Prosecutor: Now, therefore, be it

Resolved—

(1) that the Senate hereby finds the aforesaid action of Robert Bork is a breach of the aforesaid assurances made by Elliot Richardson on behalf of the President of the United States to the United States Senate, and

(2) that the Senate hereby condemns Robert Bork for removing Archibald Cox as Special Prosecutor in derogation of the aforesaid solemn assurances made to the United States Senate.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. HARRY F. BYRD, JR. Mr. President, I rise to commend House Speaker CARL ALBERT for his assertion today that the Congress should act expeditiously on the nomination of Representative GERALD FORD to be Vice President.

Speaker ALBERT emphasized in his statement that Representative FORD should not be held hostage because of any disagreements that Congress might have with the President of the United States.

Coming from Speaker ALBERT, these comments are most significant. Speaker ALBERT conceivably could benefit from a delay in the consideration of the nomination of Representative FORD to be Vice President, as Speaker ALBERT now is the first in line for the Presidency.

However, CARL ALBERT is not that kind of a man.

In his statement today he reflects, I think, the views of the vast majority of the American people that the qualifications of Representative FORD for the high office to which he has been nominated should stand on their own and should not be confused with other issues.

I, too, hope that the Senate and the House will act thoroughly but expeditiously on the nomination of Representative FORD to be Vice President of the United States.

I commend Speaker ALBERT for his statement today. I have a very high regard for the Speaker of the House. He is a dedicated, fine American, and the statement he has made today will enhance his prestige and standing in the hearts of the American people.

Mr. President, I yield back the remainder of my time.

Mr. FANNIN. Mr. President, I commend the distinguished Senator from Virginia, and I concur in the statement he has made. The remarks which the Speaker of the House of Representatives made today certainly indicates that we will go forward with the nomination of the new Vice President.

Mr. President, over the long weekend we heard many irate comments concerning President Nixon's firing of Archibald Cox. We have heard and seen wild talk and irresponsible resolutions demanding impeachment of the President.

It is my judgment that we have enough crises in the world without manufacturing another here in the Halls of Congress.

These are precarious times which call for strong leadership in international affairs. President Nixon, with the able assistance of Secretary Kissinger, has provided this leadership. With all due respect to others in Congress and in the Federal Establishment, I do not know of anyone who could at this moment step into the job of President and provide the world leadership which is demanded.

We must consider that President Nixon is not just the leader of this Nation; he is the world leader who has risen to the occasion time and again when peace was threatened.

His bold initiative in sending Secretary Kissinger to Moscow to arrange for a cease-fire in the Mideast is only the latest in a great series of achievements aimed at maintaining world peace.

I seriously doubt that had any other man been President of this Nation that we could have maitnained our détente with the Soviet Union in the face of the strains caused by the Mideast war.

No one else that I can conceive of as taking the President's job could offer us the powerful leadership which we need to solve the energy crisis, to stop the decline of the dollar in the world, and to come up with a new international trade agreement which will assure both free and fair trade.

With emotions running high and the Cox firing to fuel the flames, some would have us hurl ourselves over a cliff in this troubled time.

Mr. President, I believe that rash action at this time by the Congress could be disastrous to the Nation and to the world.

Many events are taking place at this very moment which could change the situation regarding the so-called Watergate tapes.

Nothing will be lost by waiting a day, a week, or a month before we take the next step to resolve the issue over the Watergate.

Mr. President, I believe that the compromise offered by President Nixon is reasonable and should be acceptable to reasonable men. I would point out that President Nixon has given considerable ground. He has gone just as far as he possibly can and yet protect the principle of separation of powers. To demand more is to demand that the President yield a part of his constitutional prerogative. He fears—and rightly so—that this case could set a dangerous precedent which would make it impossible for future Presidents to benefit from confidential conversations with advisers, including the military, and with leaders of other nations.

The President has acted to avoid a constitutional crisis. Responsible leaders in this country have accepted the compromise as a solution to this terrible dilemma.

When tempers cool, and when the partisan bombast subsides, then I believe there will be an understanding that the compromise offered by the President was, indeed, the wisest course to follow.

Mr. President, I believe President Nixon had no other choice than to fire Mr. Cox. It has always been my feeling that the appointment of Mr. Cox was a terrible mistake because of his known partisanship. The cadre of anti-Nixon assistants he assembled to help investigate the case only confirmed my fears. Let me make it clear that I do not believe the Special Prosecutor and his staff should be pro-Nixon. What we needed was an impartial, objective operation, and that is not what we had under the direction of Mr. Cox.

When Mr. Cox pressed for a constitutional confrontation after Mr. Nixon had achieved the means to avoid one, it was obvious that he had to go.

Those who are demanding a showdown on this issue are putting narrow, selfish desires to damage President Nixon before the national and international good.

To force the tapes issue further is tantamount to using nuclear weapons to settle a dispute for which a sensible compromise already has been offered at the conference table.

THE PRESIDENT AND THE LAW

Mr. SYMINGTON. Mr. President, inasmuch as it expresses much of my own thinking in this controversy, I ask unanimous consent that an editorial in the Washington Star-News of Monday, October 22, entitled "The President and the Law," be inserted at this point in the RECORD.

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

[From the Washington Star-News, Oct. 22, 1973]

THE PRESIDENT AND THE LAW

As FBI agents swooped down on his office and took possession of the files, Archibald Cox said it is now up to Congress, and ultimately the American people, "whether ours shall continue to be a government of laws and not of men." We would add that the courts, too, still have a part to play. Otherwise, the ousted special prosecutor just about summed it up.

President Nixon has blundered catastrophically in his handling of the White House tapes issue, and has placed himself in an untenable position in relation to the courts. Unless he can find a way to back-track quickly—and he is not behaving like a man who has much idea of retreating—he is on a course which could lead to unimaginable difficulties.

For starters, it seems almost inevitable hearings looking toward impeachment proceedings shortly will get under way in Congress.

Where did the President go so wrong?

His critical error was not the firing of Cox, which triggered the departure also of the attorney general and his deputy. Nixon should

have let the special prosecutor do the job for which he was hired. But presidents, technically speaking, have a right to fire whole cabinets if they see fit. It may indeed be that by the time Cox ended his remarkably effective news conference Saturday afternoon, it was too late for Nixon. Perhaps as a chief executive whose direct order had been defied, he really had no choice by then but to order Cox removed.

Nor was it wrong for Mr. Nixon to try to work out a compromise solution to his dilemma, a solution whereby he could comply in spirit, as he saw it, with the courts' demand for information as to the content of the tapes, but a solution which at the same time would not involve surrender on the basic issue of executive privilege. There is such an issue. There is substance to the contention that an administration could not function if its private consultations might at any time be laid bare at the order of a judge.

The President's willingness to provide digests of the tapes in question, authenticated by Senator Stennis, did assure so far as we are concerned that nothing on those tapes which related to Watergate would escape the grand jury's and the public's attention. That is no small concession—what part, if any, Mr. Nixon played in the Watergate cover-up has been, after all, the central question plaguing us all.

It seems clear that the President made his crucial mistake when, having learned that Cox was opposed to the suggested compromise, he forbade him to pursue in court any further effort to secure the tapes themselves. It was here that Mr. Nixon irretrievably crossed his Rubicon, precipitating what the White House now recognizes as the "firestorm" of events of Saturday. At that point, the President did two things. First, he broke the solemn word of his administration, offered at Elliot Richardson's confirmation hearing, as to the freedom of action that would be allowed the special Watergate prosecutor. Specifically, among other things, the senators were promised that the prosecutor would have full authority for "determining whether or not to contest the assertion of 'executive privilege.'" The prosecutor would be free to contest this issue. The courts would decide.

But the second thing Mr. Nixon did, in his Friday directive to Cox, was to make it cruelly plain that, so far as he was concerned, the courts would not decide between him and the prosecutor. He, the President, had done the deciding. The courts would not be permitted to hear from the prosecutor on this issue.

There would, moreover, be no appeal to the Supreme Court, such as might produce that definitive decision by which Mr. Nixon had once promised to abide. There would be no production of the tapes and other evidentiary material the District Court had ordered produced. There would be the digests described in the White House "proposal"—no longer a proposal, but a course of action proclaimed by the President. The courts, presumably, could like it or lump it. And Cox was forbidden to argue, on behalf of the grand jury, that the court was entitled to anything more.

Why? Why was it necessary to pursue this arbitrary course, flouting established institutions for the resolving of disputes? The office of special prosecutor had been set up to provide the courts with an officer who could argue the Watergate cases with no taint of White House influence, avoiding any suspicion that the administration might try to continue to cover up. Why at the crucial moment subject it, as just another twig on the executive branch, to precisely the sort of presidential control and interference from which it had been promised immunity?

Why should not the White House present its proposal to the court, while Cox stated his objections? Why should the court not decide?

Quite simply, because President Nixon has sought to adopt a position above the law. And that, to put it gently, has most serious implications for the future of government in the United States. There is a name for a system in which the executive assumes such a position. The name is dictatorship.

The Star-News hopes and believes that the courts and Congress will stand up to the challenge that has been thrown at them. We hope and believe, too, that Richard Nixon will turn back from the dark road which can lead only to tragedy for him and for the country.

THE DURABILITY OF DÉTENTE

Mr. HANSEN. Mr. President, I ask unanimous consent to have printed in the RECORD an article written by Joseph Alsop, entitled "The Durability of Détente," published in the Washington Post on Monday, October 22, 1973, so that most Americans will be better able to understand the dimensions of our problems worldwide and why it is so important that we dispatch as quickly as we possibly can the whole Watergate matter in order not further to undermine and weaken the ability of the United States of America to discharge its very significant duties, not only for our people but also for human beings everywhere.

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

[From the Washington Post, Oct. 22, 1973]

THE DURABILITY OF DÉTENTE

(By Joseph Alsop)

While we wait for the outcome of the battles in the Mideast, it is worth asking what the war there has done to the Nixon-Kissinger foreign policy. In this poisonous city, the number of people who never do their homework is constantly increasing. These people are now speaking of the Nixon-Kissinger policy's "collapse," on the ground that the Soviet-American "détente" has been shown to be worthless.

This is nonsense. The policy devised for President Nixon by Secretary of State Henry A. Kissinger was always a gamble against uncertain odds. What has happened in the Mideast has undoubtedly made the odds for the future look more dubious and worrisome. But there are times when men and nations have no alternatives to the best gamble that happens to be open to them.

The place to begin is with this matter of alternatives. The United States always had all sorts of alternatives in the happier time when the United States possessed superior military strength, and was united on the need for a serious world power position. But that was by no means the case by the time President Nixon and Secretary Kissinger became responsible for foreign policy.

By then, a ferocious attack had long been in progress on the American defense program and any kind of American policy based on power. The success of the attack was amply demonstrated, from the start of the Nixon years, by the annual drama of the defense budgets, always inadequate, yet always cut, and even then never passed by more than a vote or two in the Senate.

The men responsible for this shocking situation were such senators as Mike Mansfield (D-Mont.), J. William Fulbright (D-Ark.), Stuart Symington (D-Mo.) and many more, plus their countless allies in the House, in the intellectual world and in the media. From the very start, therefore, Dr. Kissinger was the first architect of U.S. foreign policy since 1941 who had to try to win the game with a terribly weak hand to play.

There are no sure bets for anyone who must try to win with a weak hand. The only chance is to choose the best gamble, and then to play the cards astutely. This has been the real success of the Nixon-Kissinger team. What has happened in the Mideast has not altered that success, although it has greatly darkened the future outlook.

It is here that we come to the problem of "detente" with the Soviet Union, as organized by President Nixon and Secretary Kissinger. For those who did their homework, the ambiguity of this "detente" was always perfectly plain. It was in fact analyzed in full detail in four reports in this space written well before the renewed Arab attack on Israel. The ambiguity, of course, lay in the fact the "detente" was no more nor less than a well justified gamble.

The Soviets, quite obviously, had long been approaching a final choice between two policies profoundly different in character and impact on the world. The first policy was to try to make the Soviet economy work much better by massive importations of credits and technology from the West. This inescapably requires what is called "detente."

The second policy was to escape from the increasingly dangerous Soviet internal economic mess by maximum exploitation of the main Soviet asset, which is greatly superior military power. This choice, if finally made, will automatically transform all the preparations for "detente" into a series of tranquilizers for the West, in advance of the Soviet attack. The first major Soviet attack, if launched, was and still is most likely to be a preventive nuclear attack on China.

Faced with the certainty that the Soviets were getting ready for so fundamental a choice, the President and Dr. Kissinger made a basic decision, and then took two steps to implement that decision. Their decision was that the United States would face a situation worse than the Hitler-time, if the Soviets were to opt for the policy based on naked use of military, and even nuclear power. The steps taken were to make what amounts to an informal, temporary and preventive alliance with Peking, and meanwhile to offer Moscow what is called "detente."

The aim of offering "detente" to Moscow was bleakly practical. It was to make the first of the two policies above-outlined—the one *not* based on naked use of military power—look more attractive and more feasible to the Kremlin's policy-makers. For obvious reasons, this hard inner-reality could not be loudly proclaimed from any public rostrum, although it was not hard for the clear-eyed to perceive. As an effort to influence a future Kremlin decision, it was also a gamble in the true sense.

The Soviet-sponsored Arab attack on Israel has now affected the U.S. gamble, by making it seem considerably more likely that the Kremlin is leaning toward a policy based on naked military power. But if guilty men are to be sought for this Soviet leaning, the right place to look is among those Americans who have worked so hard to undetermine the U.S. defense posture and power position in the world. That is the long and short of it.

PROVISIONAL ORDER FOR RECOGNITION OF SENATOR KENNEDY ON NOVEMBER 2, 1973

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that, if the Senate is in session on November 2, the distinguished Senator from Massachusetts (Mr. KENNEDY) be recognized for

not to exceed 15 minutes after the recognition of the two leaders or their designees under the standing order.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE— ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 689) to amend section 712 of title 18 of the United States Code, to prohibit persons attempting to collect their own debts from misusing names in order to convey the false impression that any agency of the Federal Government is involved in such collection.

ENROLLED BILL SIGNED

The PRESIDENT pro tempore (Mr. METCALF) on today, October 23, 1973, signed the enrolled bill (S. 907) to authorize the appropriation of $150,000 to assist in financing the Arctic winter games to be held in the State of Alaska in 1974.

NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACTS

Mr. ALLEN. Mr. President, I ask the Chair to lay before the Senate a message from the House of Representatives on H.R. 9639.

The PRESIDING OFFICER (Mr. HUGHES) laid before the Senate a message from the House of Representatives announcing its disagreement to the amendment of the Senate to the amendment of the House to Senate amendment No. 5 to the conference report on the bill (H.R. 9639) to amend the National School Lunch Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs.

Mr. ALLEN. Mr. President, this is the conference report on the school lunch bill, and the parliamentary situation is that only one amendment remains unresolved between the House and the Senate, that being amendment No. 5, an amendment by the Senate which was amended by the House, returned then to the Senate, and the Senate added an amendment which would save harmless four States, the States of New York, New Jersey, Maryland, and Rhode Island, with respect to the free lunch payment of 45 cents provided by the bill, inasmuch as they were already receiving up to a cent and a half per free lunch more than the 45 cents allowed by the bill. The Senate amendment provided that these States would be saved harmless in the future, and that they would receive this additional amount, the amount that they are now receiving, and would not be cut back.

The House of Representatives rejected the Senate amendment, and has sent it back at this time.

I ask unanimous consent that the Senate recede from its amendment to the House amendment to the Senate amendment No. 5, in order that we can then seek to amend the amendment once again.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object, I would ask the indulgence of the distinguished Senator from Alabama, because the ranking minority member of the Committee on Labor and Public Welfare (Mr. JAVITS), who has an interest in this matter, as the Senator from Alabama knows, is on his way to the floor.

Mr. ALLEN. Yes, I understand. The Senator from Alabama is paving the way for action by the Senate.

Mr. GRIFFIN. I would imagine and believe that he would not object to such action, but I wonder if further proceedings could be temporarily held in abeyance until he arrives.

Mr. ALLEN. I have no objection to that. This move at this time is being made by the Senator from Alabama at the request of and with the full knowledge of the distinguished Senator from New York. If he wishes to speak on the matter, it is quite agreeable.

Mr. GRIFFIN. Mr. President, I am now informed that we had better not wait for the distinguished Senator from New York, because he is absent on official business.

Mr. ALLEN. I see. As I stated to the distinguished Senator from Michigan——

Mr. GRIFFIN. And I am advised by the Senator's staff that the matter is in perfect order, and meets with the approval of the distinguished Senator from New York.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I ask unanimous consent that the Senate concur in the House amendment to the Senate amendment No. 5 with an amendment, which I now send to the desk and ask that the clerk please state.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. ALLEN. I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. ALLEN's amendment is as follows:

Immediately after the matter to be inserted by the House amendment to the Senate amendment, insert the following sentence: "Notwithstanding the foregoing two sentences, (1) for the fiscal year beginning July 1, 1973, no special assistance factor under this section 11 shall, for any State, be less than the average reimbursement paid for each free lunch (in the case of the special assistance factor for free lunches), or for each reduced price lunch (in the case of the special assistance factor for reduced price lunches), in such State under this section in the fiscal year beginning July 1, 1972; and (2) adjustments required by the sentence immediately preceding this sentence shall be based on the special assistance factors for the fiscal year beginning July 1, 1973, as determined without regard to any increase required by the application of this sentence."

Mr. ALLEN. Before putting the question, Mr. President, this amendment, instead of saving harmless these States indefinitely for the future, saves them harmless for only the current fiscal year. It is the understanding of the Senator from Alabama that this amendment will be agreed to by the House and that that will complete the enactment of the bill.

Mr. President, the House rejected by a vote of 125 yeas to 218 nays on October 18 a Senate amendment to the House amendment to the Senate amendment numbered 5 to H.R. 9639. The purpose of the defeated Senate amendment was to prevent any State from receiving less Federal reimbursement under section 11 of the National School Lunch Act than the State received during the last school year.

While all schools were guaranteed a minimum of 40 cents per meal for free lunches under section 11 of the National School Lunch Act, many schools were able to receive additional reimbursement under an exception in the law. Under this exception any school which needed an amount of reimbursement greater than the minimum of 40 cents to serve lunches could receive such greater amount if it could prove its need to the State agency. Both the House and the Senate, in passing H.R. 9639, eliminated this exception.

Under the new section 11 provided for in the conference report the States will receive Federal reimbursement on the basis of the number of free lunches served multiplied by a minimum of 45 cents. For reduced price lunches the States will receive reimbursement based on the number of reduced price lunches served multiplied by 35 cents. The Committee on Agriculture and Forestry and the conferees felt that we were giving all States an increase under the terms of H.R. 9639. However, subsequent to approval of the conference report it has been pointed out that four States, New York, New Jersey, Rhode Island, and Maryland, were receiving an average statewide reimbursement of more than 45 cents under existing law.

The amendment which was offered by the Senator from New York (Mr. JAVITS) and accepted by the Senate would have provided that no State would receive less under section 11 than it received during the last school year. However, the House rejected this amendment when it was considered on October 18. It was pointed out in House debate that, under the terms of the Senate amendment, the four States in question would continue to receive a higher rate of reimbursement than other States under the so-called escalator clause. In fiscal year 1973, New York received a statewide average rate of 46.5 cents; New Jersey a rate of 45.8 cents; Rhode Island a rate of 45.5 cents; and Maryland a rate of 45.4 cents. Under Senate amendment numbered 5 as amended by the House and as was amended by the Senate action of October 16, these 4 States would have continued to enjoy higher reimbursement rates than the other 46 States.

In opposing the Senate amendment the ranking minority member of the House Committee on Education and Labor (Mr. QUIE) indicated that he would not be opposed to a hold-harmless amendment which would apply to fiscal year 1974 only. The amendment which is being offered today would apply only

to fiscal year 1974 and it would provide that in subsequent years the four States in question would receive no higher rate of reimbursement under section 11 than any other State.

The PRESIDING OFFICER (Mr. HUGHES). Will the Senator from Alabama please renew his request?

Mr. ALLEN. Yes. I ask unanimous consent that the Senate concur in the House amendment to the Senate amendment numbered 5 with an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time? What is the pleasure of the Senate?

EXTENSION OF TIME FOR TRANSACTION OF ROUTINE MORNING BUSINESS TODAY

Mr. ROBERT C. BYRD. Mr. President, has the period for morning business expired?

The PRESIDING OFFICER. 10 minutes remain.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the time for routine morning business be extended for an additional 10 minutes, with a limitation on statements therein of 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR BUSINESS

Mr. GRIFFIN. Mr. President, notwithstanding the fact that I was earlier recognized for 10 minutes, at which time I yielded to the Senator from Illinois, I now ask unanimous consent that I may be recognized for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

A NEW METHOD FOR SELECTING VICE PRESIDENTS

Mr. GRIFFIN. Mr. President, before eruption of the events of this past weekend, I had prepared a speech for delivery today. In the speech, which I shall proceed to deliver, I propose as a small step in the direction of the parliamentary system, a constitutional amendment to give Congress a direct role in the selection of all future Vice Presidents in a manner similar to that already provided under the 25th amendment in the case of a vacancy.

Frankly, my one and only reservation about the merit of my own proposal has been the concern that a highly partisan, opposition-controlled Congress might frustrate the process by holding a vice presidential nominee hostage for purposes of political extortion.

Ironically, even before the opportunity arrived today to formally present my proposal to the Senate, noises were sounded in connection with events over the weekend indicating that my worst fears about the performance of Congress under such circumstances might be realized, even in the case of the nomination of Congressman FORD, whose selection obviously reflected a high regard for the views of Congress.

If Congress should actually operate now to hold the FORD nomination hostage as some have openly threatened to do, it would not only frustrate implementation of the 25th amendment, but it would tend to prove that Congress itself is unworthy of a broader role in selecting future Vice Presidents as I am suggesting.

The clamor now being heard in some quarters for impeachment of the President affords no legitimate excuse whatever for delaying consideration of the FORD nomination on its merits. I was encouraged to hear the distinguished majority whip, the Senator from West Virginia (Mr. BYRD) make clear in his earlier remarks that he shares this view, and I salute him for his statesmanship in that regard.

If anything, suggestions being heard that impeachment proceedings might be a possibility should hasten, rather than delay, confirmation by a responsible Congress of a nominee like GERALD FORD.

Surely, no one could deny that, if narrow partisan considerations were put aside, there could be no question about the national need now to have a Vice President in office—a Vice President who is well qualified to step up and serve as President if necessary.

As a man of the Congress with a long and distinguished record of experience, JERRY FORD precisely fits those specifications. If Congress does not now proceed to confirm him with reasonable dispatch when the national need is so apparent, Congress will dismally fail an important test bearing on the merits of any proposal to expand the powers of Congress.

Accordingly, I hope and trust that Congress in this time of trial and testing will prove worthy of even a broader role in the selection of all future Vice Presidents by demonstrating that it is capable of putting the national interest above purely partisian interests.

THE PROPOSAL

Mr. President, 2 weeks ago the Vice President of the United States resigned his office under unprecedented circumstances. A little over a year earlier, the Vice-Presidential nominee selected by the Democratic Party at its national convention resigned just as the 1972 campaign was getting underway.

As everyone knows, the circumstances which led to the two resignations were entirely different. However, both cases have underscored the urgent need for meaningful reform of the traditional method of selecting the Vice President of the United States.

An essay which appeared in the August 7, 1972, edition of Time magazine included this paragraph:

> It is all done in a 3:00 a.m. atmosphere by men in shirtsleeves drinking room-service coffee—elated, frantic politicians running on sleeplessness, juggling lists, putting out phone calls, arguing in the bathrooms, trying to make their reluctant minds work wisely as they consider an afterthought: the party's nominee for Vice President of the U.S. It is the worst kind of deadline politics. For a year or two, or even more, the vast American political machine has been rumbling and ramshackling along, sifting presidential possibilities. Now a running mate must be chosen, checked out, signed on and presented to the convention with a triumphant but seldom very credible flourish ('Tom who?' 'Spiro who?')—all in a matter of hours. It is a procedure that invites error. Thus, most vice presidential candidates are too hastily chosen by only one man and his advisors without any real democratic process or sufficient investigation.

Surely, the American people deserve—and they are rightfully demanding—a better method than that for selecting the person who stands only a heartbeat away from the Presidency.

Today I announce my intention to introduce a resolution to amend the Constitution of the United States which in effect would provide:

First. That nominees for Vice President would not be selected at party conventions;

Second. That after a Presidential election, but prior to his inauguration, the President-elect would name his choice for Vice President;

Third. That the nomination would then be subject to confirmation by both Houses of the new Congress which convenes, following the election, in January.

In other words, my proposal would make certain that each future Vice President will be very carefully selected, with Congress as well as the President playing a significant role in the selection process, following a procedure similar to the one already available for filling a vacancy under the 25th amendment.

It is my strong view that almost any of a number of available alternatives would serve the national interest better than the traditional method now used to select the Vice President.

After careful consideration, I have decided to advance this approach for a number of reasons:

First. Instead of nominating a Vice President because his selection at the convention would balance the ticket or pay off a political debt, my proposal would emphasize and focus upon the national need to select an outstanding Vice President who would be highly qualified to step into the shoes of the President of the United States, if necessary.

Second. In contrast to the hurried, harried, haphazard way a Vice President is now selected, almost as an afterthought at the political convention, my proposal would allow the President-elect—as well as Congress—ample time for sober reflection, thorough investigation and deliberate consideration in choosing the Vice President.

Third. Speaking through their elected representatives in Congress, the people would have a stronger, more effective voice in the selection of a Vice President. As a practical matter, the people have little or no voice in the selection process as it now operates.

Fourth. Because the principal duty of a Vice President is to preside over the Senate, it is altogether appropriate that Congress should play a role in his selection. The President would be required to take the views of Congress into account, and it logically follows that such a procedure would encourage a closer working relationship between the White House and Capitol Hill.

Fifth. It is also important that the very operation of such a process inevi-

tably would serve to elevate and increase the significance of the Vice President, thereby making the office more attractive to outstanding leaders of Presidential stature.

I recognize that the bold reform proposal which I now put forward may not be the perfect or final answer. But I am confident of one thing: it represents a major improvement over the process as it now operates.

THE PROBLEM IN PERSPECTIVE

Throughout our history, a number of very able men have held the office of Vice President. One of them serves the Nation now as President; another serves with us in the Senate.

Since the founding of the Republic, 12 Vice Presidents have attained the Presidency—8 of them directly because of the death of a President. In all, Vice Presidents have been called upon to serve 24 of the 32 years for which their deceased predecessors were chosen.

It is unfortunate that the Constitutional Convention of 1787 devoted only slight attention to the subject of the Vice-Presidency. Our Founding Fathers were divided as to whether the country even needed a Vice President at all.

A strange paradox has flowed from that early treatment of the subject by the Constitutional Convention. The Nation's second highest officer is assigned only minor insignificant duties but, at a moment's notice, he must be ready to exercise the vast, awesome responsibilities of the most powerful office in the world.

As John Adams put it:

I am Vice President. In this I am nothing; but I may be everything.

Passage of time has done little to resolve the paradox. As historian Donald Young has written, Harry Truman conferred with President Roosevelt only twice, outside of Cabinet meetings—

During his 82 days as Vice President. Several years after he succeeded Roosevelt, he remarked that he was the worst prepared man for the responsibility of the Presidency since Andrew Johnson. The Vice President has not even been told of the existence of the atomic bomb.

No wonder that Harry Truman, in his salty, characteristic way once commented that all the Vice Presidents in history—

Were about as useful as a cow's fifth teat.

The absurd contradiction between what the office of Vice President is, and what the incumbent may become, poses a dilemma not only for those who must select a Vice President, but also for those who are considered for the office. At one and the same time, the office is both tempting and yet very unattractive to leaders of true Presidential stature.

John Nance Garner summed up his frustrations with this earthly comment:

The Vice-Presidency isn't worth a pitcher of warm spit.

Throughout most of our history, Vice Presidents have been politically impotent and generally ignored, except when a President's death suddenly propelled one of them into the White House. No wonder it became popular to downgrade and poke fun at the Vice-Presidency.

Thomas R. Marshall, Vice President under Woodrow Wilson said: Once there were two brothers—one ran away to sea, the other was elected Vice President, and nothing was ever heard of either of them again.

Since the Presidency of Dwight D. Eisenhower, the Vice Presidency has commanded a bit more attention and respect. Mr. Justice Powell, when he testified before a Senate Committee in 1965 as President of the American Bar Association, made this statement:

In considering any proposal on this subject, it is well to keep in mind that the office of Vice President has indeed become one of the most important positions in our country. The days are long past when it was largely honorary and of little importance in itself. For more than a decade the Vice President has borne specific and important responsibilities in the executive branch of Government. In addition, he has to a large extent shared and participated in the executive functioning of our Government, so that in the event of tragedy, there would be no break in the informed exercise of executive authority.

Despite the fact that some progress has been made, much more is needed. For the sake of the training of the person who holds the office, and for the well-being of the Nation which might suddenly inherit a new leader, the Vice President should be given even more responsibilities and should be allowed to work more closely with the President in the performance of his difficult duties.

President Nixon has a special opportunity to move in that direction now, particularly in light of the outstanding qualifications, experience and abilities of his Vice President-designate, GERALD R. FORD.

As we know, a growing recognition of the importance of the Vice President, combined with the obvious need for procedures to establish succession in the event of Presidential inability, led to development and adoption of the 25th amendment, ratified in 1967.

But, of course, the safeguards written into the 25th amendment were not designed to affect procedures for selecting a Vice President in the normal course of events.

ALTERNATIVES FOR REFORM

Even though there is general agreement that defects abound in the present system for selecting a Vice President, the ideas for reform are about as legion as the critics. Needless to say, it is one thing to find fault, but is it quite another to come up with a workable, acceptable alternative.

To date, most suggestions for change have focused on the need for reform of political party procedures.

These suggestions run the gamut from choosing the Vice Presidential nominees in a national primary to selection of Vice Presidential nominee by party leaders after the national party convention is over, much as the Democrats last year picked their replacement candidate for Vice President.

Even a simple change in convention scheduling would help a bit. I refer to a change so that the party's candidate for President would be nominated on the first day of a national convention, with selection of the Vice Presidential nominee taking place at least 2 days later. During the interim, the convention could focus on such matters as its party platform.

While convention procedural reform could be helpful, I have concluded that more drastic steps are desirable and really necessary—steps such as the one I am proposing.

Some have suggested that the easiest way to solve the problem would be to abolish the office altogether. Of course, that would solve nothing. Even in normal times a vacancy in the Presidency can produce a critical gap in leadership. But in times of crisis, the seriousness of such a gap is magnified many times over. I believe the Nation needs not only a Vice President—but a strong, well qualified Vice President.

On balance I have concluded that the most meaningful and effective reforms in the method of selecting the Vice President would be achieved by amending the Constitution as I am proposing rather than merely seeking to manipulate convention procedures.

Prompt and meaningful reform of the Vice Presidential selection process can be vital to the future of our Nation. To secure action in time for the 1976 elections, we must begin now. The Constitution cannot be amended overnight. Vigorous, searching debate of my proposal and other proposals is essential.

In any crusade to achieve reform the most important step—is the first step. I believe my proposal has great merit, and that it should be adopted. But even if my effort does nothing more than to sharpen the issues, to precipitate a national debate, and to set in motion the wheels of reform, it will serve a very useful purpose.

Mr. President, I send to the desk the joint resolution that I am introducing today and ask unanimous consent that the text be printed at this point in the RECORD.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

S.J. RES. 166

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution if ratified by the legislatures of three-fourths of the several States within 7 years after the date of final passage of this joint resolution:

"ARTICLE —

"SECTION 1. Except as provided in section 2 of the twenty-fifth article of amendment, the Vice President shall be selected in accordance with the provisions of this article of amendment.

"SEC. 2. Each candidate for election to the office of the President shall submit to the President pro tempore of the Senate and to the Speaker of the House of Representatives, not earlier than the day after the day on which electors are appointed under section 1 of article II and not later than the next following fifteenth day of December, the name

of a candidate for selection as Vice President. The President pro tempore and the Speaker shall receive the names without regard to whether the Congress is meeting at the time of their submission, and shall order an immediate investigation of each individual whose name is submitted with respect to his eligibility and suitability to serve as Vice President. Any individual whose name is submitted may withdraw his name from consideration, at any time prior to noon on the third day of January of the next year immediately following such fifteenth day of December, by written request submitted to the President pro tempore and to the Speaker. If any individual withdraws his name from consideration, the candidate who submitted that individual's name shall be notified in writing of the withdrawal of the name by the President pro tempore and the Speaker, and shall submit to those officers another individual's name within three days after being so notified.

"SEC. 3. Upon determining who is the President elect (if such determination is made before noon on the 20th day of January of such year), each House of Congress shall proceed to the consideration of the candidacy of the individual whose name was submitted by the President elect as a candidate for selection as Vice President. A majority vote of both Houses of Congress shall be necessary to select a Vice President under this section.

"SEC. 4. If the Congress fails to approve the candidate for Vice President named by the President elect within 10 days after the day on which the President elect is determined and in any event before noon on the 20th day of January of such year, or if the President elect has not been determined before that time, the office of the Vice President shall be filled in the manner provided in section 2 of the twenty-fifth article of amendment.

"SEC. 5. Any person who is ineligible under the Constitution to hold the office of President shall be ineligible to hold the office of Vice President.

"SEC. 6. The Congress shall have power to enforce this article by appropriate legislation.

"SEC. 7. This article shall take effect on the first day of May next following its ratification.".

EXTENSION OF TIME FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. ROBERT C. BYRD. Mr. President, how much time remains under the order for morning business?

The PRESIDING OFFICER. Two minutes.

Mr. ROBERT C. BYRD. I ask unanimous consent that there be an extension of time for the transaction of routine morning business, of not to exceed 1 hour, with statements therein limited to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S ACTIONS OVER THE PAST WEEKEND

Mr. McGEE. Mr. President, I had not intended to speak today, but in light of developments over the weekend and the many and diverse opinions that have been publicly expressed I think that one more will not do any harm.

I venture into this rather short statement with some trepidation. I am not a lawyer. I am not on the Judiciary Committee. But I suppose I would be a member of the jury, in spite of my professorial background, in the event more serious proceedings were to be undertaken in the House. It is in that context that I wanted to express for the record of this body my own reflections on this matter.

I would have to start by confessing that I was ill-prepared for the latest development over the weekend. I had boarded a plane in my hometown of Laramie, Wyo., Saturday afternoon, to fly to Dallas, Tex. ,for the purpose of addressing a United Nations group in honor of the anniversary date of the founding of the U.N.

When I landed in Dallas, there was, without any warning, an assemblage of the local press. They wanted to know what I thought about the most recent developments in Washington. I began to address myself to the resignation of the Vice President of the United States. They said, "Oh, no, we are not talking about that. Haven't you heard what has happened?"

That shows what can happen when one gets on an airplane. It is a kind of shattering experience to think that one can ride on a plane for a couple of hours and not learn that tumultuous events are happening on the ground.

I recall that I had my press secretary look up for me the number of times in the last 12 months that I have revealed my ignorance—at least my sentiments. I am sure that on six memorable occasions I summoned the media to make statements about developments in the Watergate case. On each of those six times I made the mistake of being inexact.

So this time I have sworn, pledged, and vowed not to make any direct forecasts or any predictions. But I would be less than honest if I failed to confess that I have been deeply shaken by the events of the weekend. As to those who would try to torture the right of the President to fire Mr. Cox and others, I would only have to say that they miss the whole point. The issue was not whether it was the prerogative of the President. The issue was the integrity of the appointment of the independent, special investigator, who apparently was fired because there was a difference of opinion concerning just what he had been appointed to do. It is this which looms largest in the minds of the people with which I had occasion to talk and who have confronted me with questions in the 2 or 3 days since the event. It is not the legality; it is the lack of wisdom, the lack of judgment, the shattering of credibility, that all seems to surface.

So in the light of that, I shall say what I have to say. The question should be approached, not in a legal sense, but I would hope a little bit in the historical sense, since that was my own profession for many years before entering this distinguished Chamber. In that sense, my petition is that we proceed with caution and with cool heads.

The whole prospect of impeachment proceedings ought to have a sobering effect on every Member of this body. The track record of the U.S. Senate on the impeachment of Presidents is not a distinguished one. There has been only one such occasion, the impeachment of Andrew Johnson right after the American Civil War. Andrew Johnson was impeached by the House for almost totally disgraceful reasons; narrowly partisan political reasons; tortured, unfair, persecutional reasons. It was a sorry, sorry episode in our country's history and should not serve as a parallel for any consideration at the present time, except to have taught us how not to proceed if such a situation were ever to arise again.

What I am saying is that I think it is most important that we have a little less rhetoric on this matter, at this moment. We should allow a moment for the cooling of heads to occur. Then as we proceed to the examination of the record in the other body, that it be done for the right reasons. It should be pursued for substantive reasons, for reasons of truth and proving facts, rather than for political considerations emotional considerations, publicity considerations, or whatever else. There already has been enough demeaning of the processes of government in the last year, and we should not indulge in still more. I think it behooves all of us in this body to proceed with that single thought uppermost in our minds, so that we can contribute to the restoration of dignity to the governmental mechanism and its processes by proceeding in an orderly way.

I know that we are all human. Sometimes it is easier to seek quick solutions. But I think the important thing is that we seek to achieve a wise solution, that we bring about a fair and just conclusion, and that we sort out the various factors that are exigent at the present time.

I think, likewise, that it should be sobering to us—at least it is to me—that we ought to be careful about saying who is guilty or who is not. At least, I think I should be, if I am to end up being a member of the jury. Do I not call into question my fitness to be a member of the jury if I pronounce the outcome before the vote is submitted?

What I am saying does not condemn those who are already calling for impeachment; but rather to say that we ought to be certain of what we are doing; certain of our reasons; in low key; and surrounded by the dignity for which these times desperately cry in this moment of serious national crisis.

I thought Archibald Cox put it correctly in his news conference, when we all heard him say, in effect, that what we must not overlook is that we are a nation of laws, not a nation of men. Men come and go, some good, some less good. But it is the law and the procedures through law that represent an ongoing continuity that is needed to establish the credibility of a system of government.

I think that is one of the things that loom large in the minds of many people around the world who do not aways understand our system, when they see us wracked by these grave crises. They are amazed when they have seen, on many occasions, how we have proceeded to make corrections and adjustments and have pursued in prosecutions where nec-

essary, within the Constitution and under the law. They are amazed when in almost any other area of the world governments would have fallen, the system would have collapsed, a junta would have taken over, or there would have been open rebellion and civil strife.

I think, thus, we ought to keep in mind what it is we are exhibiting to the rest of the word; that is, that whenever we have a grave crisis, there is always a place for the orderly procedure under the rules prescribed in advance by the Constitution or statutes. It is for that reason that I beseech my colleagues to join hands in responding to the seriousness of this moment, in a way that lends prestige to this body.

I would add a footnote in light of the remarks just made by the distinguished minority whip of the Senate, the Senator from Michigan (Mr. GRIFFIN). I belong to that group in the other party who deplored any unreasonable delays in the selection of a Vice President. It was my view that there was too much of a delay as it was in waiting another month in the consideration of this question. I do think, in light of the record, there must be an intensive inquiry. A great many things are already known. With the facilities of investigation that are available, we do not need to strain or stretch it out. I think events of the past weekend make it even more imperative that we expedite a sober consideration of the pending nominee, JERRY FORD.

I would say, in that context, Mr. President, that, as a Democrat, I would certainly hope that no partisan rancor or political expediency be permitted to intrude into the considerations of that question. This question is far bigger than Democrats or Republicans or independents. It is a question that really holds very much of the resilient qualities capable of emanating from our system of government, and we have to evaluate them as Americans and as people first, and as partisans last, if at all.

So, Mr. President, I express the humble hope that calm spirits will prevail, that cool heads will lead, and that warm hearts will prevail; hearts that understand a system that others around this world have sought to emulate. I sincerely hope we will equate our responsibilities with the best interests of our Nation.

Mr. BAYH. Mr. President, I ask unanimous consent to introduce into the RECORD a statement which I made on yesterday relative to this whole matter which we have been discussing, based on the facts that existed at that time.

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

STATEMENT BY SENATOR BAYH

The events of the past week have placed unprecedented stress on our Constitutional form of government. We are at a critical point in history, confronting a fundamental test of whether political decision-making will be permitted to subvert our judicial institutions and, in fact, our very system of government.

Unlike most other nations, for almost 200 years, our governmental institutions have survived and our nation has prospered because Presidents, Congresses, the courts and individual citizens have placed the rule of law above personal partisan political advantage and have determined that preservation of our precious, yet fragile, form of government is more important than any one individual.

One hundred years ago Abraham Lincoln said, "No man is above the law." At this moment, that basic concept, and its corollary that all citizens should be treated equally under the law, are in greater jeopardy than at any previous point in our history. President Nixon's decision to ignore the judicial process and to discharge those who refuse to go along with his decisions specifically raises the question—is one man—even the President—above the law.

We all know what happens to most average Americans who run afoul of the law.

A driver who speeds pays a fine and perhaps loses his license.

A burglar who breaks into our homes is jailed.

A small businessman who violates the seemingly endless maze of federal regulations is fined.

The average citizen who cheats on his income tax feels the force of law, a fine and likely imprisonment.

The average citizen who commits perjury or extortion can well expect to end up behind bars. In short, each of us know, we either obey the law or we pay the price.

If that is what happens to most of our citizens, isn't that what we should expect to happen to all of our citizens? (Unfortunately, that logical and appropriate expectation is in jeopardy).

Two former Cabinet officers are under indictment for accepting a bribe of $100,000 in connection with a proceeding before the Securities and Exchange Commission.

There are well documented reports that a single industry offered a $2 million "campaign contribution" in exchange for a government decision providing windfall profits for its members.

Former top White House aides have been charged with a wide variety of criminal offenses, including perjury and obstruction of justice. Some have been indicted, and others have already pleaded guilty.

A doctor's office has been burglarized, and his confidential patient-doctor relationship violated, under orders emanating from the White House under the guise of national security.

Executives of major corporations have acknowledged that persons raising money for the President's reelection campaign actively solicited and accepted illegal campaign contributions, even to the point of implying that refusal would bring adverse regulatory action by the government.

And, of course, there is Watergate—which has come to mean not only the break-in at Democratic National Committee headquarters, but the full range of law violations designed to subvert the electoral process.

There has been an attempt made to imply that these misdeeds are normal in the political process. "They all do it" has been the common excuse and the result has been to further erosion of public confidence in the basic political process of our system.

When our homes are broken into, or our money stolen, we expect the culprit to feel the full force of law. In the cases I have just listed, no one is stealing money from our pockets; they are trying to steal our political heritage, our freedom, and to corrupt our system of justice.

Given the enormous magnitude of the crimes with which we must deal, it is all the more imperative to carry out the pledge made by President Nixon on April 30. He said, in a speech to the American people, "justice will be pursued fairly, fully, and impartially, no matter who is involved."

Many agreed with the President in August when he said, "The time has come to turn Watergate over to the courts where the question of guilt or innocence belongs. The time has come for the rest of us to get on with the urgent business of our nation." We desperately hoped to put Watergate behind us—to convict the guilty and exonerate the innocent—and get on about the business of the country.

Yet the President's recent decision to ignore a lawful court order that he provide the courts with access to his controversial tapes prevents fair, full or impartial administration of justice. The President's action actually makes it impossible to prosecute successfully the law violators through the courts. The fact is, that as a matter of law, the withholding of the tapes and the other evidence requested will prevent the conviction of the defendants in many of these cases, since under the law these defendants can demand that evidence, in the possession of the government, which may tend to prove their innocence be produced. (Brody v. Maryland 373 U.S. 83/1963).

Whether or not the tapes actually disclose Presidential involvement, so long as the President refuses to produce them for the court, it will be impossible to convict many of those whose guilt can be clearly established without the tapes. So even before we confront the crucial question of whether the President can ignore a lawful court order the American people must be alerted to the fact that as long as the President refuses to give the courts access to the evidence in his possession, no amount of prosecutorial skill can provide for the conviction of those guilty individuals who can hide behind the defense provided by the President himself.

Even more important than sending the Watergate conspirators to jail, is the fact that the President has deliberately broken an implicit commitment to the Senate and to the American people that there would be an *independent prosecution* of Watergate and related cases by a special prosecutor. That commitment was made when the President vested full authority for the Watergate case in former Attorney General Elliot Richardson authority to appoint an independent special prosecutor, and allowed Mr. Richardson's nomination to go forward after the Attorney General designate has assured the Senate Judiciary Committee that Mr. Cox could proceed fully and without constraint.

At the time of Mr. Richardson's nomination the President said, "I have given him absolute authority to make all decisions bearing upon the prosecution of the Watergate case and related matters. I have instructed him that if he should consider it appropriate, he has the authority to name a special supervising prosecutor for matters arising out of the case."

When the Senate confirmed Mr. Richardson, the President was well aware of the pending appointment of Archibald Cox as Special Prosecutor and of the special prosecutorial arrangement made by Mr. Richardson with the Senate and at no time uttered one word of objection. It is only now, when the special prosecutor, Mr. Cox, is prosecuting those involved, that the President enters his objection.

Thus, in addition to making prosecution more difficult, if not impossible, the President has denied the American people their right to a full, impartial and independent prosecutor who can restore confidence in the integrity of our legal system.

Last spring, when the Richardson nomination was before the Judiciary Committee, and the terms under which a special prosecutor would be appointed was the central issue, I was deeply and directly involved in the negotiations surrounding Mr. Cox's appointment and the precise terms of that appointment. Along with Senator Hart I engaged in

elaborate and protracted negotiations with Mr. Richardson and Mr. Cox. The end product of those negotiations was an understanding of the conditions that would ensure an independent prosecution of the Watergate and attendant cases. The President's action of the past week destroys these efforts to let each American know that the courts would deal with the Watergate conspirators absent from political pressure and influence.

This obvious disrespect for the rule of law is what has created the grave Constitutional crisis that looms before us, posing a subtle but ominous threat to the very survival of our system of government with its checks and balances. This crisis stems directly from the President's refusal to abide by a lawful court order.

The President urged that Watergate be decided in the courts. Two courts have ruled against the President and he has refused to appeal the courts' decision to the Supreme Court. Rather the President has chosen to ignore the court orders. He has refused to obey the law.

Mr. Cox, for his part, was entirely correct in rejecting the extra-legal compromise offered by the President. That compromise must be regarded as unacceptable, not only because it ignored a court order, but because it seeks to substitute a privately agreed upon arrangement for a well established judicial procedure.

The net result of the resignation of Attorney General Richardson and the calculated dismissal of William Ruckelshaus and Mr. Cox, is that it vests in the Justice Department responsibility for prosecution of the violations of the law in Watergate and other cases previously within the jurisdiction of the special prosecutor. The American people are painfully aware of the fact that this is the same Justice Department which grossly mismanaged the Watergate prosecution prior to the 1972 elections, and prior to the appointment of the special prosecutor.

The President's actions have produced a ground swell of opinion demanding impeachment. It is clear that the House of Representatives has the responsibility of considering such a course of action.

But, perhaps there is one last chance to restore the rule of law to America, short of impeaching the President.

With this goal in mind, later this week I will introduce legislation requiring the appointment of a new special prosecutor and a deputy special prosecutor by the chief judge of the District Court for the District of Columbia. By calling for the appointment of two such special prosecutors, I am following the precedent established in the Teapot Dome case, when President Coolidge appointed prosecutors of differing political parties. The statute would assign to prosecutors the same responsibilities previously assigned to Professor Cox pursuant to the Guidelines agreed upon by the Senate Judiciary Committee, the Attorney General and Professor Cox and the President. Similarly, the special prosecutors would be by statute be given the full range of powers ordinarily available to the Attorney General of the United States investigating alleged misconduct and initiating and conducting all phases of the prosecutorial function.

The legislation would authorize the special prosecutor to organize and hire such staff as he may reasonably require, and provide him with an appropriate budget. In this regard, the legislation would again parallel the Guidelines under which Professor Cox has been operating successfully. The Department of Justice would be directed to provide such assistance as the prosecutor reasonably requests, including the investigatory resources of the FBI. If the prosecutor determines it necessary, he would be empowered to hire and direct his own investigatory staff. The special prosecutor, like Professor Cox, would be required to submit a final report to Congress; beyond that, he would be free to determine the need for additional reports and the time when his assignment is complete. Following the precedent of the Guidelines, the Chief Judge of the District Court could remove the special prosecutor or his deputy only for "extraordinary improprieties."

I recognize that this proposal involves legislation in areas where there are few constitutional precedents. But it is the President—not the Congress—who has set us adrift in these unchartered waters. I believe the Congress possesses the power under the Constitution to establish an independent prosecutor to pursue allegations of corruption by the very highest officials of the executive branch, the institution ordinarily charged with enforcing the criminal laws.

In the first place, Article II, Section 2 of the Constitution provides that "the Congress may by law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments." The Supreme Court has specifically held that the Congress may vest the power in the federal courts—pursuant to Article II, Section 2—to appoint "officers" performing various functions, generally those related to the work of the judiciary. See *Ex Parte Hennen*, 38 U.S. (13 Pet.) 230, 257–58 (1839) (clerks of the courts); *Ex Parte Siebold*, 100 U.S. 371, 397–98 (1880) (supervisors of Congressional elections); *Rice* v. *Ames*, 180 U.S. 371, 378 (1901) (United States Commissioners).

The special prosecutor is intended to perform functions which are intimately involved with the powers and responsibilities of the Judicial Branch. As with any attorney, representing the prosecution or the defense, he would discharge his functions as "an officer of the court." The District Courts are already authorized to appoint United States Attorneys—prosecutors—to fill temporary vacancies in their Districts. 28 U.S.C. § 546. And the validity of this provision has been specifically upheld against a constitutional challenge that it violates the separation of powers. *United States v. Solomon*, 216 F. Supp. 835 (S.D.N.Y. 1963). For these reasons, I believe that the Congress validly may vest the appointment of the special prosecutor in the Chief Judge of the District Court of the District of Columbia. It is essential to note that perhaps no other constitutional entity can so well perform the function required in this case—appointing a prosecutor of alleged corruption in the executive branch. As the Supreme Court said in holding that Congress could vest the appointment of Federal election supervisors in the Federal courts:

> It cannot be affirmed that the appointment of the officers in question could, with any greater propriety, and certainly not with equal regard to convenience, have been assigned to any other depository of official power capable of exercising it. *Neither the President, nor any head of department, could have been equally competent to the task.* *Ex Parte Siebold*, 100 U.S. 371, 398 (1880) (emphasis added).

Moreover, I believe that independent constitutional support for my proposal may be found in Article I, Section 8, Clause 17 of the Constitution, which authorizes the Congress to "exercise exclusive legislation"—plenary authority—over the District of Columbia. Congress acts in this capacity as a state legislature and the states clearly have authority to provide for the appointment of a special prosecutor in this manner. And a three judge federal court has held—both under Article I, Section 8 and under Article II, Section 2—that the Congress can constitutionally vest the District Court judges of the District of Columbia with powers far afield of their ordinary judicial responsibilities, specifically, the power to appoint the members of the District of Columbia Board of Education. *Hobson v. Hanson*, 265 F. Supp. 902 (D.D.C 1967), appeal dismissed, 393 U.S. 801 (1968).

Many of the alleged acts were performed in the District of Columbia, and a substantial amount of evidence concerning them remains in the District of Columbia. The legislation would provide that the special prosecutors would be authorized to bring suits in any court of competent jurisdiction, either in the name of the United States or in the name of the District of Columbia. This would allow the prosecutors to pursue crimes under either federal law or District of Columbia law (which, for example, contains a broad perjury provision).

Moreover, Article I, Section 8, Clause 18 empowers the Congress "to make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States or in any Department or Officer thereof." The power to prosecute corruption within the Executive Branch is plainly a power vested by the Constitution in the government of the United States. More specifically, the Constitution specifically refers to the functions of the grand jury in the fifth amendment. And if the Congress can empower a prosecutor to conduct a grand jury proceeding aimed at producing an indictment or presentment against those guilty of such corruption, surely the necessary and proper clause permits the Congress to provide also for the independent prosecution which the Constitution anticipates following grand jury action.

As Chief Justice Marshall wrote more than 150 years ago: "Let the end be legitimate, let it be within the scope of the Constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional." *McCulloch* v. *Maryland*, 17 U.S. (4 Wheat.) 316, 421 (1819). I believe the necessary and proper clause was intended to provide Congress with sufficient flexibility precisely so that it could deal with difficult and unforeseeable circumstances such as the President has precipitated in this case.

In recent years there has been much political verbiage about crisis in government and screaming headlines that threaten to dull our senses to the historical nature of the situation now confronting this nation. But, like the story of the boy who cried wolf, the wolf is now at the door. The response of the Congress and the American people must be unflinching and unyielding. Otherwise, we could well find that those things we hold dear—our freedom and our liberty, indeed the very foundation of our democracy—have slipped away and left 210 million Americans hostage to the unlimited power of one man—the President.

We have known the rule of law in this country for two centuries. In Anglo Saxon jurisprudence it stretches back 500 years. Prudent and thoughtful men must now consider seriously the use of the ultimate option available when all others fail to ensure justice and the rule of law. The President may have left us no alternatives but impeachment. Perhaps it is the only alternative available to protect our system of laws.

My bill to establish an independent prosecutor is one last effort to make our system of justice function. If this last option fails, we have no alternative but to impeach the President and replace him with one who recognizes that even presidential power must be controlled. When efforts to protect presidential rights threaten to destroy our constitutional system and the guarantees that treat all citizens equally under the law—the people must prevail.

Mr. BAYH. Mr. President, I suggested in that statement a concern which I still have over the position the President

has put the Senate, the Congress, and this Nation in, in which we may have no alternative but to seriously study, consider, and perhaps even ultimately act, on the matter of impeachment. I hope it does not come to that, Mr. President.

I listened with great care to what my friend and colleague from Wyoming suggested, and share the thoughts that he expressed. I think perhaps one other thought needs to be expressed—that we are desperately in need of whatever courageous action is necessary to try to shore up confidence in the whole system of government in the minds of the people of this country. Whenever a nation and its people lose confidence in the ability of its system to provide equality of treatment under the law for all of its citizens, then we shake the very cornerstone and foundation of the system.

I suggested on yesterday that one possible alternative to immediate and irreconcilable confrontation was the proposal contained in the statement just introduced into the RECORD to provide another vehicle for the appointment of a special, independent prosecutor, because where the country now is crying impeachment because of presidential action and where we need to give careful consideration to the merits of this outcry, I think it is also important for us to recognize that we have a responsibility to see that justice be done, whether it is conviction or exoneration, for those individuals who have been implicated in the Watergate affair.

So far as I, as a Member of the Senate, am concerned, I think we have a responsibility to see the carrying out of the pledge that was made by former Attorney General Richardson, by former Special Prosecutor Cox, and, by inference, the President of the United States, when he permitted us to proceed with the Richardson nomination and the Cox appointment, fully aware of the special problem facing us, with his own words promising a special approach, a nonpartisan and independent approach, so that wherever the tangled web of Watergate leads, the people of this country will have confidence that all the facts are on the table, that we are not playing politics as usual, that the great systems of this country are going to be permitted to function, that the guilty are going to be convicted and the innocent are going to be exonerated, that the great, the near great, and the not so great are going to be treated equally under our laws.

We are, as my friend from Wyoming has said, a nation of laws, not of men. It has been repeated historically with every generation, but I think it is also incumbent upon us to recognize that the way the laws are treated, the way they are administered, determines the caliber of justice and the caliber of government and, indeed, the confidence of the people in their government. It is almost impossible to separate men from laws, and indeed it is an axiom that hardly bears repeating that no man, large or small, should be above the law.

I yield the floor.

Mr. METCALF. Mr. President, the events over the weekend are so startling and so alarming that everyone in America is shocked and stunned. I have listened to the television reports, read three newspapers, the Washington Post, the Washington Star-News and the New York Times. I have heard not only reports of the compromise offered by President Nixon, but the reaction of the people concerned, Special Prosecutor Cox, Attorney General Richardson, Deputy Attorney General Ruckelshaus and others.

Many of my congressional colleagues in the House and Senate have made statements about impeachment. Many have suggested that this is the only course left to the Congress and the American people. In this context I make a personal statement.

I have never thought that the Senate committee, the Ervin committee, would be entitled to the Presidential tapes. As an investigative committee of the Senate, the Ervin committee is bound by statute and constitutional precedent. I concur with the opinion of Judge Sirica denying the tapes to the committee. Hence I agree that the ranking members of the Senate committee should have acquiesced to the President's proposal to let Senator STENNIS listen to the tapes and approve a summary. It appears that this was better than anything that the committee could have achieved through court action.

On the other hand, it would appear that Special Prosecutor Cox had no choice but to refuse to agree to this so-called compromise. The reasons that have already been stated this morning and that were enunciated in Mr. Cox's statement are self-explanatory. No prosecutor could prepare a case with such evidence missing, and every defense lawyer would object, and properly so, to the withholding of such vital information. Under the commitments made by the President and the agreement between Attorney General Richardson and the Senate Judiciary Committee at the confirmation hearings there was no other alternative than to resign. As honorable men, Mr. Cox, Mr. Richardson, and Mr. Ruckelshaus kept their word and refused to obey an order that would cause them to violate their promises or the express promises of President Nixon.

This morning and over the weekend several of my colleagues in the Senate have talked about impeachment. This is, of course, as has already been suggested by the Senator from Utah (Mr. BENNETT) a very delicate matter. In case an impeachment proceeding is instituted by the House of Representatives, the Members of the Senate will sit as the court and jury to decide the veracity of the charges brought by the House of Representatives. It will be the various articles of impeachment that will be voted upon by the Senate. Each Member of the Senate will vote guilty or not guilty in accordance with the evidence adduced. It is like a familiar legal story about the man who was charged with a crime and appeared before the judge at the preliminary hearing. The judge said, "How do you plead, guilty or not guilty." The accused said, "Your Honor how do I know I haven't heard the evidence?"

If an impeachment is brought it will be incumbent upon each Senator to vote upon the question as to whether the managers on the part of the House of Representatives have proved each respective article of the impeachment proceedings.

Several Senators have made statements about impeachment. Some have suggested that this is the only way to discover whether or not the President has failed to carry out his constitutional oath of office. Others have looked at the events of the last weekend and suggested that impeachment is the only recourse. I agree with the warning that the Senator from Utah expressed earlier today. Intemperate pronouncements might lead to a defense attorney's motion to disqualify such a Senator. But I have heard no such pronouncements.

Every Senator who has suggested impeachment has done so with the reservation that it would be incumbent upon the House managers to prove their case. Certain analogies come to mind. Frequently judges are called upon to issue preliminary restraining orders upon the basis of ex parte evidence presented. Just as frequently the same judge upon a hearing on the merits of the case will dissolve such order and dismiss the case.

In many of our States grand jury proceedings have been replaced by the prosecutor's appearance before the trial judge and asking for an information citing the accused for a crime. Sometimes this same judge presides at a trial without a jury and finds that the evidence is insufficient to convict. It is in this sense that some Members of the Senate are suggesting that there be an impeachment, if that is the last alternative but when the case comes to the Senate for trial and determination, if it ever does, these same Senators will adhere to their special oath to "do impartial justice according to the Constitution and laws."

EXTENSION OF PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business?

Mr. GRIFFIN. Mr. President, I ask that the period for morning business be extended, on the same basis, for an additional 30 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistance legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

REPORT OF OVEROBLIGATION OF AN APPROPRIATION

A letter from the Executive Director, Advisory Commission on Intergovernmental Relations, reporting, pursuant to law, on the overobligation of an appropriation. Referred to the Committee on Appropriations.

REPORT OF FEDERAL POWER COMMISSION

A letter from the Chairman, Federal Power Commission, transmitting, for the information of the Senate, a summary report entitled "Steam-Electric Plant Air and Water Quality Control Data, 1970" (with an accompanying report). Referred to the Committee on Commerce.

REPORT OF COMMISSION ON AMERICAN SHIPBUILDING

A letter from the Chairman and Members of the Commission on American Shipbuilding, transmitting, pursuant to law, a report of the Commission (with an accompanying report). Referred to the Committee on Commerce.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. METCALF):

Two joint resolutions from the Legislature of the State of California. Referred to the Committee on Commerce:

"ASSEMBLY JOINT RESOLUTION No. 17

"Relative to urging Congress to adopt a uniform certificate of title law

"Whereas, The need for a uniform, nationwide certificate of title law for vehicles is substantial and would help reduce interstate vehicle theft; and

"Whereas, Even if California, or any other state, were to develop the most effective controls imaginable for the prevention of illegal titling and stolen vehicle conversion, if other states have no title laws or very inadequate ones, the interstate aspects of vehicle theft will continue to create serious problems; and

"Whereas, Not all states have certificate of title laws and the certificate of title laws of some states are very weak and nearly as states have no title laws or very inadequate title laws whatsoever; and

"Whereas, because of this, it is possible for a vehicle stolen in California to be registered or titled in another state and sold or retitled in yet another state, or even in California if the numbers on the document are not the same as on the vehicle stolen; and

"Whereas, Two congressional bills were submitted last year which, in part, would have required certificate of title legislation in all states; and

"Whereas, These provisions of the bills were deleted so that states could be given the opportunity to develop such legislation on a voluntary basis; and

"Whereas, California would very much like to see eliminated the major governmental weakness in vehicle theft prevention which is external to California, thereby deterring interstate traffic in stolen vehicles; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California, jointly*, That the Legislature respectfully memorializes the President and Congress of the United States, if all states do not voluntarily enact adequate certificate of title statutes by the end of 1973, to enact legislation requiring each state to enact such statutes and to establish the necessary procedures and safeguards to assure a reasonable degree of integrity for the certificates of title issued thereunder; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Secretary of Transportation, to the Attorney General of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

"ASSEMBLY JOINT RESOLUTION No. 48

"Whereas, The United States is the only major industrial nation in the world that has not adopted the metric system as the principal system of measurement; and

"Whereas, the Secretary of Commerce has determined in a study authorized by Congress that the increasing use of the metric system is inevitable and that the adoption of the metric system would improve our position in world trade markets; and

"Whereas, Other nation's trading communities like the European Economic Community are establishing restrictive industrial standards favoring the metric system; and

"Whereas, the metric system would aid our educational system by simplifying the teaching of math and shortening the time needed to learn math; and

"Whereas, The State of Ohio has already instituted a 10-year plan to convert all highway mileage signs to metric; and

"Whereas, The spreading use of the metric system is creating confusion and unnecessary antipathy towards the metric system; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of California jointly*, That the Legislature respectfully memorializes the Congress to enact this year legislation establishing the necessary machinery to coordinate the conversion from the imperial system to the metric system, and to establish a deadline of 10 years in which to achieve metric conversion; and be it further

"*Resolved*, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

REPORT OF COMMITTEES

The following reports of committees were submitted:

By Mr. ROBERT C. BYRD (for Mr. CANNON), from the Committee on Rules and Administration, without amendment:

H. Con. Res. 301. Concurrent resolution providing for the printing as a House document "A History and Accomplishments of the Permanent Select Committee on Small Business of the House of Representatives" (Rept. No. 93-479).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. CHILES:

S. 2600. A bill to provide for the appointment of an independent special prosecutor to prosecute certain investigations into criminal activities. Referred to the Committee on the Judiciary.

By Mr. BIBLE:

S. 2601. A bill to provide for commercial outdoor recreation purposes of certain lands of the forest reserves created from the public domain, and for other purposes. Referred to the Committee on Interior and Insular Affairs.

By Mr. STEVENSON:

S. 2602. A bill to provide that daylight savings time shall be observed on a year-round basis. Referred to the Committee on Commerce.

S. 2603. A bill to provide for the continuation of an independent, thorough investigation of certain activities by high Federal officials and persons acting in concert with them. Referred to the Committee on the Judiciary.

By Mr. ROBERT C. BYRD (for Mr. BENTSEN):

S. 2604. A bill designating the Texarkans Dam and Reservoir on the Sulphur River as the Wright Patman Dam and Lake. Referred to the Committee on Public Works.

By Mr. HELMS (for Mr. THURMOND):

S. 2605. A bill to prohibit the export of agricultural grain to any country which reduces the quantity of oil normally exported by such country to the United States, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

By Mr. MONDALE:

S. 2606. A bill for the relief of Grant J. Merritt and Mary Merritt Bergson. Referred to the Committee on Interior and Insular Affairs.

By Mr. JACKSON (for himself and Mr. MAGNUSON):

S. 2607. A bill to establish the Alpine Lakes National Recreation Area, including within it the Alpine Lakes Wilderness Area in the State of Washington;

S. 2608. A bill to designate certain lands in the Snoqualmie and Wenatchee National Forests, Washington as "Alpine Lakes Wilderness" and "Enchantment Wilderness" for inclusion in the national wilderness preservation system;

S. 2609. A bill to designate certain lands as wilderness; and

S. 2610. A bill to designate the Alpine Lakes Wilderness, Snoqualmie, and Wenatchee National Forests, in the State of Washington.

Referred to the Committee on Interior and Insular Affairs.

By Mr. GRIFFIN:

S.J. Res. 166. A joint resolution proposing an amendment to the Constitution of the United States with respect to the selection of the Vice President of the United States. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. CHILES:

S. 2600. A bill to provide for the appointment of an independent special prosecutor to prosecute certain investigations into criminal activities. Referred to the Committee on the Judiciary.

(Senator CHILE's remarks when he introduced the above bill and the ensuing debate are printed earlier in the RECORD.)

By Mr. STEVENSON:

S. 2602. A bill to provide that daylight savings time shall be observed on a year-round basis. Referred to the Committee on Commerce.

Mr. STEVENSON. Mr. President, this winter the American people face an energy crisis of unprecedented proportions.

Cold homes, closed schools, rotting grain, and idle factories are not only possible—they are a certainty, unless we find the national will to live by a new energy ethic—the ethic of conservation.

Why and how this happened is the subject of much debate. But whatever the reasons, everyone agrees that little can be done over the short run—particularly this winter—to increase our limited energy supplies.

We are short over 629 billion cubic feet of gas. We are short 1.3 billion gallons of

propane. Under the best of circumstances, we were expected to be short over 100,000 barrels per day of fuel oil this winter. A colder than average winter here or in Europe, anything less than record domestic refinery production and a threatened Arab oil boycott could leave us with shortages of 1 million barrels per day of fuel oil and another 1 million barrels per day of crude oil.

If we cannot increase supplies, we must find ways to decrease demand. And we must do it together as individuals and as businesses and nationwide. The bill I am introducing today, calling for year-round daylight saving time, offers the Congress and the Nation a unique opportunity to take a decisive step in that direction.

On October 28—next Sunday—we are scheduled to turn our clocks back 1 hour and return to standard time. A soon to be released study by the Rand Corp. in California suggests that this time change may increase our total energy deficit this winter by as much as one-third to one-half. The time has come for the Congress and the administration to decide whether this energy starved Nation can afford to leave daylight saving time behind.

The Rand study—the most comprehensive on the subject to date—concludes that daylight saving time could save approximately 2 percent of all electrical output. Preliminary data indicates that the energy savings could be substantially higher during the peak load months of December, January, and February.

The production of electricity consumes one-third of all our Nation's energy resources. Assuming only a 2-percent electrical savings this winter, year-round daylight saving time would result in saving three-quarters of 1 percent of all our energy needs. That is 25 percent of our projected shortfall of 3 percent—and that is from electricity generation savings alone.

It previously has been assumed that the greatest energy savings from year-round daylight saving time would result from decreased electrical generation. Perhaps the most significant finding of the Rand Study is the 2 percent projected savings of fuel oil and natural gas which may result from decreased commercial and residential heating needs. Approximately 39 million homes and 3.3 million commercial buildings are heated with natural gas, and another 16.5 million homes and almost 1 million commercial buildings with fuel oil. These are also the fuels which are expected to be in shortest supply this winter.

Combining all these savings, the Rand study estimates the total energy saving from year-round daylight savings time may run as high as 1½ percent of our total energy needs this winter. This is one-half of our total projected shortfall of 3 percent.

In view of these substantial savings and the critical energy shortages we face this winter, my bill provides for a 1-year test of year-round daylight saving time as an energy conservation measure. It also authorizes the Department of Transportation, as administrator of the Uniform Time Act, to submit an evaluation of this 1-year trial to the Congress.

Daylight saving time was initiated as an emergency conservation measure during both world wars. The need is as great now. And the need is to move quickly. If daylight saving time makes any sense as an energy conservation measure, every effort must be made to avoid the energy loss and personal inconvenience which will occur with the scheduled time change this Saturday. Now is the time for Congress to move.

In addition to offering substantial fuel savings, daylight saving time will also help reduce crime, improve traffic safety, produce more daylight for the convenience and pleasure of most people and eliminate the confusing twice yearly time changes. Work and school schedules could be adjusted to convenience those adversely affected by early morning darkness.

Daylight saving time offers the opportunity to act quickly and easily to provide substantial energy savings while simultaneously providing a national focal point for sorely needed personal conservation initiatives. When used in conjunction with a conscientious nationwide energy conservation program of individual action, the energy savings associated with daylight saving time increase many fold.

The bill I am introducing today resolves that it is time we embark upon a nationwide energy conservation campaign, including personal efforts to:

Turn thermostats down several degrees, especially at night;

Limit unnecessary automobile travel and hold down the speed of necessary travel by automobile;

Keep automobiles in tune and buy small, efficient automobiles;

Use public transportation whenever possible;

Turn off office air-conditioners and heating plants an hour earlier in the afternoon;

Make a conscious effort to limit unnecessary use of lights; and

Shut off all unnecessary office building lights and outdoor displays.

These are only a few of the many individual actions which, together with daylight saving time, could save hundreds of thousands of barrels of petroleum products a day. In the short run, energy conservation is the only answer we have.

We are in serious trouble, and we are in serious need of strong national leadership to make energy conservation work—forthright leadership that rallies the Nation to the task.

Now, more than ever, the people are looking to the Congress for answers. It is time we establish a nationwide energy conservation program. And we can begin this week in Congress by passing year-round daylight saving time.

The future of the Nation may depend on how we meet the challenge of this winter's energy crunch. The stakes are simply too high to ignore a measure as promising as daylight saving time.

Mr. President, I ask unanimous consent that the full text of the Emergency Daylight Saving Time Energy Conservation Act of 1973 be printed in the RECORD at this point.

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

S. 2602

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Emergency Daylight Savings Time Energy Conservation Act of 1973".

SEC. 2. The Congress hereby finds and declares—

(a) that the United States faces the probability of severe energy shortages, especially in the winter of 1973–1974 and in the next several winters thereafter;

(b) that taking into account curtailments of all other fuels, the most optimistic estimates of this shortage for the winter of 1973–1974 may be expressed as a shortfall of 100,000 barrels per day of number two fuel oil;

(c) that various studies by the Department of Transportation and other governmental and nongovernmental agencies indicate that if daylight saving time were in effect year-round there would be an energy saving of from one-half to three per centum of all energy used in electrical power generation;

(d) that although no definitive studies have been done on the savings of energy in areas other than electrical power generation, there are indications that there would be savings in these other energy areas;

(e) that the studies referred to in clause (c) of this section indicate that if daylight saving time were extended to be in effect year-round, such action by the Federal Government could serve as an incentive for other energy conservation by individuals, companies, and various governmental departments, agencies, and other entities at all levels of government, and that these energy conservation efforts could lead to greatly expanded energy savings and would help to meet the projected energy shortages, and that these energy conservation efforts could include but not be limited to such actions as:

(1) turning down thermostats several degrees, especially at night;

(2) limiting unnecessary automobile travel and holding down the speed of necessary travel by automobile;

(3) keeping automobiles in tune and buying small, efficient automobiles;

(4) using public transportation whenever possible;

(5) turning off office air conditioners and heating plants an hour earlier in the afternoon;

(6) making a conscious effort to limit unnecessary use of lights; and

(7) shutting off all unnecessary office building lights and outdoor displays; and

(f) that in addition, the use of year-round daylight saving time could have beneficial effects in other areas affecting the public interest, including the reduction of crime, improved traffic safety, more outdoor playing time for the children and youth of our nation, greater utilization of our parks and recreation areas, an expansion of tourism and travel, and the elimination of the confusion during the twice-yearly changeover in times which occur in most areas of the nation; and

(g) that the emergency nature of an energy shortage in the winter of 1973–1974 requires at least the temporary enactment of year-round daylight saving time.

SEC. 3. Section 3 of the Uniform Time Act of 1966 is amended by inserting at the end thereof the following:

"(d) Notwithstanding any other provision of law (1) the one hour advance in time provided by subsection (a) of this section shall continue during the period from 2 o'clock antemeridian on the last Sunday of October, 1973, until 2 o'clock antemeridian on the last Sunday of April 1974, and (2) the provisions of clauses (1) and (2) of subsection (a) of this section shall not apply during such period."

SEC. 4. The Secretary of Transportation shall (1) make an investigation and study for the purpose of determining the amount of energy in its various forms which is conserved as a result of the extension of daylight saving time pursuant to the amendment made by this Act, and (2) report the results of such investigation and study, together with his recommendations to the President and the Congress not later than June 30, 1974.

By Mr. STEVENSON:

S. 2603. A bill to provide for the continuation of an independent, thorough investigation of certain activities by high Federal officials and persons acting in concert with them. Referred to the Committee on the Judiciary.

(Senator STEVENSON's remarks when he introduced the above bill and the ensuing debate are printed earlier in the RECORD).

By Mr. ROBERT C. BYRD (for Mr. BENTSEN):

S. 2604. A bill designating the Texarkana Dam and Reservoir on the Sulphur River as the Wright Patman Dam and Lake. Referred to the Committee on Public Works.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Texas on the introduction of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR BENTSEN

I am introducing today a bill to rename the Texarkana Dam and Reservoir in Texas the Wright Patman Dam and Lake.

The Texarkana Dam and Reservoir was authorized by the Flood Control Act of 1946 and was completed in 1958. It has operated successfully for the purposes of flood control, water supply, and recreation. The reservoir's recreational use is of particular pride to my state, and has provided enjoyment to over 2½ million visitors every year.

I am asking that the Congress rename this dam and reservoir for Wright Patman because he is a great Texan, a great statesman, and, above all, a great American.

Wright Patman has served continuously in the U.S. House of Representatives since March 4, 1929. Previously, he had been a member of the Texas State House of Representatives from 1921 to 1924, and also served as district attorney for the fifth judicial district of Texas from 1928 until his election to the Congress. As Chairman of both the powerful Committee on Banking and Currency and Joint House-Senate Economic Committee, and Vice-Chairman of the Joint House-Senate Committee on Defense Production, Congressman Patman has the ability to influence greatly the lives of all Americans. He has served with great distinction during his 45 years in Congress and has earned the respect and affection of his colleagues and constituents.

Chairman Patman has been particularly interested for many years in the field of water resources development, and it is only fitting that the Texarkana Dam and Reservoir be renamed in his honor The success of the dam epitomizes his contributions to the field of water resources and honors him for his many unselfish years in public service.

As I have stated before here on the Senate floor, I believe that the late President Johnson summed up very well what we all know about Congressman Wright Patman: "(Few) have served longer and with more experience than Wright Patman. None has served better and few as well. He represents the best in America's conscience and heritage, but most of all he always votes and fights for what he believes is best for the folks."

I realize that it is a departure from traditional policy to rename a porject for a sitting Member of Congress, but I believe that departure in this case is more than justified by Chairman Patman's unique record of service and dedication.

I am very proud to call Wright Patman my friend, and I strongly urge the support of my colleagues in passing this bill.

By Mr. HELMS (for Mr. THURMOND):

S. 2605. A bill to prohibit the export of agricultural grain to any country which reduces the quantity of oil normally exported by such country to the United States, and for other purposes. Referred to the Committee on Banking, Housing and Urban Affairs.

Mr. HELMS. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from South Carolina on the introduction of the bill, together with an insertion.

The PRESIDING OFFICER. Without objection, it is so ordered.

STATEMENT BY SENATOR THURMOND

In recent times, the investments of American corporations and their stockholders have frequently been expropriated by foreign nations. These nations initially welcome with open arms U.S. capital investment and then at a later date nationalize the fruits of these investments.

In a typical example, one of our corporations will invest millions of dollars in a foreign nation to develop a particular property. It will then spend considerable time and additional money in bringing the property to maximum operating efficiency. Once these properties have been developed by American expertise and money, then they are nationalized by the benefiting nation.

Mr. President, there is also the very real problem of various nations attempting to influence U.S. foreign policy by threatening to nationalize our properties or by restricting imports upon which this country has depended for a number of years. I speak with specific reference to the current situation with which our Nation is faced in the Middle East. Although normally the conduct of American foreign policy by the Executive Branch should not be unduly restricted, in my opinion, it is incumbent upon the Congress to act when necessary to protect American investments and to discourage outright extortion. For these reasons, I send to the desk legislation which would require the President to prohibit any export from the United States of grain to any nation which is found to have reduced, for political purposes, the quantity of oil normally exported by such country or to have nationalized any of our properties in these countries. Any prohibition against such exports will be lifted when the offending nation ceases such activity or when such nation pays just recompense to our Nation. The President shall keep Congress currently informed of all actions taken by him under this Act.

Mr. President, I have obtained from the Agriculture Department some very informative figures on grain imports from many of the Middle Eastern countries. I add some tables to my remarks and urge all of my colleagues to give careful consideration both to these tables and to this legislation.

PERCENT IMPORTS OF CONSUMPTION

	1971–72	1972–73	*1973–74
Egypt:			
Wheat	49.5	54.0	53.3
Feed grain	.6	1.5	3.0
Iran:			
Wheat	34.6	16.4	14.6
Feed grain	25.2	33.3	23.3
Iraq:			
Wheat	28.2	.....	38.5
Feed grain	32.9	.....	.....
Jordan:			
Wheat	39.2	41.8	79.1
Feed grain	22.2	20.8	29.2
Kuwait:			
Wheat	.....	.....	.....
Feed grain	.....	100.0	100.0
Lebanon:			
Wheat	[1] 101.4	72.9	93.3
Feed grain	[1] 104.9	[1] 101.2	81.7
Saudi Arabia:			
Wheat	100.0	100.0	100.0
Feed grain	100.0	100.0	100.0
Syria:			
Wheat	58.3	9.1	35.3
Feed grain	11.7	2.0	20.5
Israel:			
Wheat	54.0	60.2	54.2
Feed grain	92.1	96.2	96.6

[1] Percent of imports is greater than 100 percent due to build up of stocks.
*Estimated.

IMPORTS: WHEAT AND FEED GRAINS FOR SPECIFIED COUNTRIES

[1,000 metric tons]

	1971–72	1972–73	*1973–74
Egypt:			
Wheat	1,695	1,900	2,100
Feed grain	19	50	110
Iran:			
Wheat	1,116	770	770
Feed grain	276	395	300
Iraq:			
Wheat	320	0	500
Feed grain	250	0	0
Jordan:			
Wheat	125	150	238
Feed grain	10	11	7
Kuwait:			
Wheat	0	0	0
Feed grain	0	7	10
Lebanon:			
Wheat	448	291	347
Feed grain	213	163	76
Saudi Arabia:			
Wheat	350	350	350
Feed grain	25	25	25
Syria:			
Wheat	698	100	400
Feed grain	40	10	100
Israel:			
Wheat	293	339	315
Feed grain	862	952	1,033

*Estimated.

By Mr. JACKSON (for himself and Mr. MAGNUSON):

S. 2607. A bill to establish the Alpine Lakes National Recreation Area, including within it the Alpine Lakes Wilderness Area in the State of Washington;

S. 2608. A bill to designate certain lands in the Snoqualmie and Wenatchee National Forests, Wash., as "Alpine Lakes Wilderness" and "Enchantment Wilderness" for inclusion in the national wilderness preservation system;

S. 2609. A bill to designate certain lands as wilderness; and

S. 2610. A bill to designate the Alpine Lakes Wilderness, Snoqualmie, and Wenatchee National Forests, in the State of Washington.

Referred to the Committee on Interior and Insular Affairs.

Mr. JACKSON. Mr. President, I introduce for appropriate reference four distinctly different land use classification

bills pertaining to the rugged and indeed beautiful Alpine Lakes region of Washington State. These bills represent the culmination of exhaustive research, including natural resource inventories of the Alpine Lakes region by private business, conservation organizations, and by the U.S. Forest Service—all of whom have recommended different approaches for preserving what is commonly referred to as the Alps of North America.

I wish to have it completely understood from the outset, Mr. President, that I am introducing all of these measures because of their timeliness, not because I support any particular proposal. The public hearings which must be held in the House and the Senate will serve as the proper forum for reaching decisions as to which areas should be added to the national wilderness preservation system and which should be categorized as national recreation areas, botanical areas, scenic, areas, management units, or continued to be managed by the U.S. Forest Service under their normal management system as required by the Multiple Use Sustained Yield Act of 1960. My colleague, Senator MAGNUSON, who is cosponsoring all bills and all seven members of the Washington State delegation from the House who are introducing identical bills share my beliefs in this regard.

Because of its beauty and immense natural resource values, the North Cascades and in particular the Alpine Lakes region have been the subject of many books, reports, and travelogs almost since the first Federal forest reserves were established in the 1890's. Because of the early and continuing controversy over whether a North Cascades National Park should be established, together with associated problems of resource balance between competing users, a North Cascades study team was appointed in 1963 to "explore in an objective manner all resource potentials of the area and the management and administration that appears to be in the public interest." The multiagency team spent 2½ years studying more than 6 million acres of Federal land in the North Cascades before publishing their comprehensive report in October 1965. I should emphasize that the North Cascades study team engaged in one of the most complete public airings of regional land use policy that this country has ever witnessed.

Mr. President, in 1967 and 1968, I devoted considerable time to legislation encompassing much of the North Cascades region, time which culminated in the establishment of a 505,000-acre North Cascades National Park. Another 700,000 acres of dramatic alpine scenery, active glaciers, and mountain lakes in northern Washington were placed in a special status, including the Ross Lake and Lake Chelan Recreation Areas, and Pasayten Wilderness, and additions to the Glacier Peak Wilderness.

Because of the sheer magnitude of undertaking long-range land use patterns for the entire North Cascades area, only those study team recommendations dealing with land north of the Stevens Pass Highway were the subject of legislation in 1967 and 1968. The measures I am introducing today represent one more step toward total congressional consideration of the study team's recommendations.

Nationwide interest has been focused on the entire Alpine Lakes area as a result of the establishment of the North Cascades National Park and related land areas. Conservationists for many years have expressed their concern about the protection, management, and development of the lands involved in these measures. Because of the public's concern for protection for the outstanding natural beauty and grandeur, much of the Alpine Lakes area is currently being managed for its exceptional scenic wilderness and recreational values.

Mr. President, the extensive field hearings which were held during the long and complex debate on the North Cascades Park legislation enabled Congress to enact legislation which, I believe, best represented the needs of the majority of citizens. In an effort to see that all sides are heard on the Alpine Lakes proposals, I anticipate using the same procedures here. I feel it is essential that all alternatives be considered and the public be provided with a full opportunity to discuss them in depth so that we may make the wisest decision with regard to the future use of the beautiful Alpine Lakes region.

It might be useful at this point, Mr. President, to review the North Cascades Study Team recommendations for treating the Alpine Lakes region. While there was considerable disagreement between study team representatives of the National Park Service and the U.S. Forest Service as to classification of the Alpine Lakes area, the final position of the study team was:

NORTH CASCADES STUDY TEAM RECOMMENDATIONS

Recommendation I. An Alpine Lakes Wilderness Area should be established.

On the crest of the Cascade Mountains, between Snoqualmie and Stevens Pass, is an extremely beautiful area of high mountain lakes and peaks believed to be unmatched elsewhere in the country. Much of this area has been in limited area status under Forest Service management.

The team concurs with the Forest Service proposal to create a wilderness area of some 150,000 acres. The area clearly meets the standards for classification as wilderness. Some additional miles of low standard trails should be developed for camping, hiking, riding, hunting, and similar wilderness pursuits.

Recommendation II. An Enchantment Wilderness Area should be established.

This area of about 30,000 acres in the Mount Stuart Range lying east of the recommended Alpine Lakes Wilderness Area. It is an area of outstanding scenic qualities, of sharp contrasts in elevation and topography, of challenging mountain climbing, and without roads.

The National Park Service recommended that the Alpine Lakes and Enchantment areas be combined into one, but the Forest Service recommended that the two areas be kept separate in order to permit better access and the development of a connecting road between Leavenworth and Cle Elum Lake. . . . The study team agreed with the Forest Service.

The National Park Service, in addition to supporting a single unit wilderness area, also recommended that the wilderness "be the core of a larger surrounding recreation region." This concept is similar in many respects to the legislative proposal I am introducing today for the Alpine Lakes Protection Society—an organization of conservationists which was established in 1968 for the purpose of advocating the preservation and protection of the Alpine Lakes region. Their proposal calls for land classification of some 936,000 acres, including a core wilderness area of 364,000 acres surrounded by a national recreation area consisting of 562,000 acres. Approximately 41,000 acres of the proposed wilderness are now in private ownership. Since there is no condemnation authority in the Wilderness Act, under their proposal this land would have to be acquired by the Federal Government either by purchase or exchange.

The second bill I am introducing at the request of another organization, the Alpine Lakes Coalition, closely resembles the original U.S. Forest Service recommendations to the North Cascades Study Team in 1965. The coalition proposal calls for an enchantment wilderness of 44,000 acres and an Alpine Lakes Wilderness of 172,000 acres with a corridor between these two areas. The remaining acreage outside the wilderness area would continue to be managed in accordance with the multiple use concept as established by the Multiple Use Sustained Yield Act of 1960.

The Alpine Lakes Coalition was recently formed following an extensive land use and natural resources inventory study conducted by a team of land managers from the forest products industry. The coalition is composed of forest industry representatives from several firms as well as recreation and business organizations including the Association of Washington Business, the Big Game Council, the Central Washington Cascades Study Team, the Northwest Mining Association, Outdoors Unlimited, the Pacific Northwest Four Wheel Drive Association, the Washington Farm Forestry Association, the Pacific Northwest Ski Association, the Trailer Coach Association, the Washington State Horsemen, Inc., the Washington State Snowmobile Association, the Washington Trail Riders Association, and the Western Environmental Trade Association.

The third legislative plan for the Alpine Lakes I am introducing is at the request of Dr. Pat Goldsworthy, a noted conservationist, on behalf of the North Cascades Conservation Council, the Sierra Club, Friends of the Earth, and the Mountaineers. Their proposal calls for a single unit wilderness area of approximately 600,000 acres. Like the ALPS proposal, there is a substantial amount of private property contained within their wilderness area request.

Mr. President, the last bill I am introducing represents the wilderness proposal of Region 6 office of the U.S. Forest Service. While this measure does not have the official administration stamp of approval of the executive branch, I am introducing it now because it could be up to 14 months before a final position would be taken by the administration regarding the Alpine Lakes. It was also felt by members of the Wash-

ington State congressional delegation and most individuals concerned with the Alpine Lakes that all the proposals should be introduced together in an effort to provide a forum for comment prior to and during subsequent congressional hearings.

I want to commend the Forest Service at this time for their work in defining the land use alternatives for the Alpine Lakes area and for their conduct in involving the public in their decisionmaking process. While many people disagree with the Region 6 recommendation of a 285,000 acre single-unit wilderness area, the Forest Service has nonetheless focused a great deal of public attention, and rightly so, on this magnificent area.

Under the Region 6 proposal, only their recommendation for wilderness would require congressional action. It is their intent to administratively classify some 634,000 acres surrounding their wilderness proposal as a "management unit" and another 24,000 acres as "Tumwater Canyon and Mount Index Scenic Areas." While the land use criteria for the management unit have not been clearly defined by the Forest Service, it is felt by most observers that national recreation area classification would be a logical statutory framework for the Forest Service region's management unit.

Mr. President, I ask that the text of these four bills be inserted in the RECORD at this point.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 2607

A bill to establish the Alpine Lakes National Recreation Area, including within it the Alpine Lakes Wilderness Area in the State of Washington

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

ESTABLISHMENT OF AREA—STATEMENT OF PURPOSES

SEC. 1. In order to preserve the scenic, scientific, historic, recreational and wilderness values of the Alpine Lakes region of the Cascade Mountains; to provide for the public outdoor recreation use, education, inspiration and enjoyment thereof by the people of the United States; to assure orderly and quality development or use of private lands within the region in a manner consistent with the purposes of this act, and to further the purposes of the Wilderness Act, there is hereby established, subject to valid existing rights, the Alpine Lakes National Recreation Area (hereinafter referred to as the "area") in the State of Washington.

BOUNDARIES OF AREA—WILDERNESS AREA CORE

SEC. 2. Alpine Lakes National Recreation Area shall comprise that particular area which is shown on a certain map, identified as Alpine Lakes National Recreation Area (proposed by Alpine Lakes Protection Society) 1972, which is on file and which shall be available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture. As a part of the Alpine Lakes National Recreation Area, the core of such area, as depicted on the above-described map, is hereby designated as a Wilderness Area (hereinafter referred to as the "core") in accordance with the Wilderness Act.

ADMINISTRATION BY SECRETARY OF AGRICULTURE

SEC. 3. The administration, protection and development of the area shall be by the Secretary of Agriculture (hereinafter referred to as the "Secretary") in accordance with the provisions of this Act, and, to the extent consistent with these provisions, the laws, rules, and regulations applicable to national forests. The core shall be managed pursuant to the Wilderness Act, and regulations issued pursuant thereto, except as provided in sections 4, 5, and 8 of this Act.

ACQUISITION OF PROPERTY—AUTHORITY OF SECRETARY

SEC. 4. (a) The Secretary shall acquire by purchase with donated or appropriated funds, by gift, exchange, transfer from any Federal agency, or otherwise, such lands, waters, or interests therein within the boundaries of the area as he determines to be necessary or desirable for the purposes of this Act.

(b) Without limitation upon the preceding subsection, the Secretary may acquire less than fee interests, including scenic easements, when, in his judgment, such acquisition will sufficiently protect the interests of the United States for the purposes expressed in this Act.

(c) Any non-corporate owner or owners of improved residential property on the date of its acquisition by the Secretary may, as a condition to such acquisition, retain for a term ending at the death of such owner or owners, the right of use and occupancy of such property which does not unduly impair the scenic, natural or recreation values of the area. The Secretary shall pay to such owner the value of the property on the date of such acquisition, less the value on such date of the right retained by the owner. Such valuation shall be in accordance with the provisions of section 4(g) hereof. The retention of a right of use and occupancy shall not exempt the owner thereof from the provisions of section 5 of this Act.

(d) In exercising the authority to acquire granted by this Act, the Secretary shall, to the extent practicable, make such acquisitions in accordance with the following priorities—

(1) lands devoted to uses incompatible with, or needed to prevent threatened development or uses which would be incompatible with the purposes of this Act,

(2) lands within the core,

(3) other lands needed for preservation or protection of the scenic, natural or recreational values of the area, and

(4) lands needed for development of facilities.

Within each of the foregoing priorities, the Secretary shall give primary consideration to acquisitions where the owner needs to sell for reasons of personal hardship, or where the owner has placed or intends to place his property on the market for transfer.

(e) Notwithstanding any other provisions of law, any Federal property located within the area may, with the concurrence of the agency having custody thereof, be transferred without consideration to the administrative jurisdiction of the Secretary for his use in carrying out the provisions of this Act.

(f) In exercising his authority to acquire property by exchange the Secretary may accept title to any non-Federal property within the area, and in exchange therefor he may convey to the grantor of such property any federally owned property under his jurisdiction which he classifies as suitable for exchange or other disposal and which is not within any other Wilderness or Primitive Area: *Provided*, That the Secretary shall not convey to the grantor any federally owned property within the area unless—

(1) such exchange will not substantially impair the scenic, natural or recreational values of the area;

(2) federally owned property outside of the area cannot reasonably be used for the exchange; and

(3) the exchange will not result in any decrease in federally owned property within the core. Federally owned property within the area shall not be conveyed in exchange for non-Federal property elsewhere. In selecting federally owned lands outside of the area to convey under this subsection, the Secretary shall make such selection without regard to whether such lands have similar characteristics to those lands the Secretary seeks to acquire. The values of properties exchanged pursuant to this subsection shall be approximately equal or, if they are not approximately equal, the values shall be equalized by the payment of cash to the grantor or to the Secretary as the circumstances require,

(g) In acquiring any lands or interests therein the Secretary shall not pay more than the fair market value thereof. Such lands or interests shall be valued without regard to any decrease in the value thereof that may have resulted from the promulgation of regulations or adoption of zoning ordinances pursuant to section 5 of this Act: *Provided*, That the provisions of the last preceding sentence shall cease to be in effect after a period of ten years from the date of this Act.

REGULATION OF LAND USES—CONDEMNATION AUTHORITY

SEC. 5. (a) After consulting with appropriate local zoning agencies, the Secretary shall make and publish regulations, which may be amended from time to time, specifying standards for zoning ordinances to be adopted and applied by appropriate local zoning agencies to privately owned property within the boundaries of the area. Standards specified in such regulations shall have the object of assuring that the highest and best use of such privately owned land is consistent with the purposes of this Act and the management plans adopted by the Secretary pursuant to section 6 of this Act. Such regulations shall be as detailed and specific as is reasonably necessary to accomplish such objective and purpose.

(b) The appropriate local zoning agencies shall submit to the Secretary for his approval any zoning ordinance intended to apply to privately owned property within the area. The Secretary shall approve any zoning ordinance or any amendment to zoning ordinance submitted to him that conforms to the standards contained in the regulations in effect at the time of adoption of the ordinance or amendment. Such approval shall remain effective for so long as such ordinance or amendment remains in effect as approved.

(c) The Secretary shall, at the request of any local zoning agency having jurisdiction over privately owned lands within the area, assist and consult with such zoning agency in establishing zoning ordinances. Such assistance may include payments for technical aid.

(d) The Secretary shall, at the request of any owner of privately owned lands within the area, assist and consult with such owner regarding ways for such owner to use his property in a manner which is consistent with or in furtherance of the purposes of this Act.

(e) The Secretary is authorized to condemn privately owned lands or interests therein within the area if—

(1) such property is put to any use which does not conform to an approved zoning ordinance and the Secretary's regulations; or

(2) such property is made the subject of a variance, conditional use permit, or other exception to an approved zoning ordinance

that does not conform to any applicable standard contained in regulations issued pursuant to this section; or (5) zoning in accordance with standards contained in regulations issued pursuant to this section is incapable of legally preventing a use of privately owned land which may substantially impair the scenic, natural or recreational values of the area. Before any condemnation action is commenced, the Secretary shall notify the owner of such property in writing that condemnation is being considered. Such notice shall contain a detailed statement as to why the Secretary believes that the use made or planned to be made of the property authorizes the Secretary to condemn that property. Any such owner shall have sixty (60) days following receipt by him of that written notice within which to discontinue or abandon the existing or proposed use referred to in such notice. Discontinuance or abandonment of such use within such sixty-day period shall have the effect of prohibiting the Secretary from acquiring such property by condemnation by reason of such use. In any case in which such use is not discontinued or abandoned within such sixty-day period, the Secretary may acquire such property by condemnation. The Secretary shall initiate no condemnation action under this section until he has made every reasonable effort to acquire such property by negotiation and purchase. A certificate of determination by the Secretary or his designated representative that such reasonable efforts have been exhausted shall be prima facie evidence of compliance with this requirement. This section shall not be construed as limiting any authority to condemn granted to the Secretary by any other law.

(f) In any action to condemn privately owned lands or interests therein pursuant to the provisions of this Act, such land or interests shall be valued to include compensation for any decrease in the value thereof, not otherwise compensated for, that may have resulted from the promulgation of regulations or adoption of zoning ordinances pursuant to this section: *Provided*, That the provisions of this subsection shall cease to be in effect after a period of ten (10) years from the date of this Act.

(g) In the event condemnations authorized by this section involve estimated expenditures in excess of current appropriations for these purposes, the Secretary shall proceed with such condemnations as current appropriations permit in accordance with the priorities established in section 4 (d) of this Act.

MANAGEMENT PLANS

SEC. 6. In the administration, protection and development of the area outside of the core (hereinafter called the "perimeter"), the Secretary shall prepare and implement a land and water use management plan, which shall include specific provision for, in order of priority: (1) protection of scenic, natural, scientific, and historic features contributing to public enjoyment, inspiration and education; (2) public outdoor recreation benefits; and (3) such protection, management and utilization of renewable natural resources, including forage and forest products, as is consistent with and does not significantly impair the scenic, natural or recreational values of the area. The Secretary shall, to the extent possible, apply the provisions of this section to privately owned lands in accordance with section 5 of this Act.

(b) The Secretary shall, as a part of the preparation of management plans for the perimeter, establish zones wherein timber harvesting on federally owned lands either shall not be conducted or shall be in accordance with the following guidelines. In a zone established by the Secretary including all lands within one mile of the core and such other areas as the Secretary may designate, utilization of commercial timber shall be limited to the following: (1) cutting related to construction and maintenance of recreational, scientific or historic facilities; (2) removal of trees posing a danger of injury to persons or property; (3) sanitation cutting of timber posing a substantial threat to other portions of the area or adjacent forest lands from insects, disease or fire hazard, where alternative means of protection are not feasible and where such cutting will not have a serious impact upon the scenic, natural or recreational values of the area; and (4) salvage cutting of timber killed or seriously injured by catastrophic events, including, but not limited to, fire, insect or disease epidemics, where such cutting will not substantially impair the scenic, natural or recreational values of the area. Salvage cutting in this zone shall not be undertaken to recover normal forest mortality. Elsewhere outside of the core, harvesting by clearcut shall not exceed thirty (30) percent of all acreage logged within the area in any year. Units for harvesting by clearcut shall not exceed twenty-five (25) acres per unit and shall not encroach upon streams, lake shores and existing trails. All harvesting shall be in accordance with landscape management practices with measures to assure prompt reforestation. No timber harvesting may be conducted in watersheds of local communities and reclamation districts without prior consultation by the Secretary with the parties to be affected.

(c) The Secretary shall, as a part of the preparation of management plans for the perimeter, conduct an inventory outside of the core of potential recreation facilities including, but not limited to ski areas, tramways, and lodges, including site surveys and feasibility studies where necessary, with the assistance of non-governmental specialists generally recognized for their technical ability and expertise in these fields. Such surveys and studies shall, where applicable, consider the impact of any such facilities upon the Wilderness Area Core.

(d) The Secretary shall, in furtherance of management plans for the perimeter, adopt regulations regarding off-road motorized traffic in those portions of the area outside of the core. In adopting such regulations, the Secretary shall consider the extent to which such traffic is compatible with other recreational uses of the area, potential disturbances of soil, vegetation and wildlife, fire prevention, and the availability of other public and/or private lands for the use of off-road motorized traffic by the public.

(e) The Secretary shall, in furtherance of management plans for the perimeter, adopt regulations regarding motorized water traffic on lakes and streams within the area. In adopting such regulations, the Secretary may prohibit such private traffic on those lakes and streams or portion thereof which, in his judgment, are suitable for canoe and kayak use.

(f) The Secretary shall, in furtherance of management plans for the perimeter, establish policies regarding the location and design of existing and proposed roads. In establishing such policies, the Secretary shall give primary consideration to the natural, scenic and recreational values of the area, rather than the convenience to or speed with which such roads may be traveled by the public or the lowest ratio of construction and maintenance costs. In determining the design standard for any road to be reconstructed, such standard shall be based upon projected usage of such road in accordance with its existing design, rather than in accordance with its proposed design. No new roads of a permanent nature shall be constructed except for primary recreation use.

(g) The Secretary shall permit the reasonable use of Lakes Kechelus, Kachess and Cle Elum for irrigation and municipal water supply purposes.

HUNTING AND FISHING

SEC. 7. The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the area in accordance with applicable Federal and State laws. The Secretary, after consultation with the Washington Department of Game, may designate zones where and establish periods when no hunting shall be permitted for reasons of public safety, administration, or public use and enjoyment. Nothing in this section shall affect the jurisdiction or responsibilities of the Washington Department of Game under other provisions of state law with respect to hunting and fishing.

MINING

SEC. 8. The lands within the area, subject to valid existing rights, are hereby withdrawn from location, entry or patent under the United States mining laws. The Secretary, under such regulations as he deems appropriate, may permit the removal of the nonleasable minerals from lands or interests in lands under his jurisdiction within the recreation area outside of the core in accordance with the provisions of section 192c of Title 30, and he may permit the removal of leasable minerals from lands or interests in lands within the recreation area outside of the core in accordance with the Mineral Leasing Act of February 25, 1920, as amended, or the Acquired Lands Mineral Leasing Act of August 7, 1947, if he finds that such disposition would not have serious adverse effects on the scenic, natural or recreational values of the area: *Provided*, That any lease or permit respecting such minerals in lands administered by the Secretary shall be issued subject to such conditions as he may prescribe, including but not limited to, adequate provisions for site restoration.

AIRCRAFT OVERFLIGHTS

SEC. 9. The Secretary shall consult with appropriate officials of the Department of Transportation, Department of Defense, and the Washington State Aeronautics Board regarding flights by aircraft over the area. In cooperation with such officials, the Secretary may adopt regulations regarding flight paths, altitudes, and other provisions applicable to all or certain types of aircraft flying over or near the area.

UTILITY EASEMENTS

SEC. 10. The Secretary shall consult with the Bonneville Power Administration regarding means for reducing the scenic impact of electric transmission lines through the area. The Secretary shall not grant easements for additional lines unless additional lines cannot be installed in existing corridors, the capacity of lines in existing corridors cannot reasonably be increased, or location of additional lines outside of the area is not practicable. If the Secretary determines that additional easements are required, preference shall be given to such easements through Stampede Pass, rather than the Snoqualmie Pass area. The Secretary shall require, to the extent practicable, multiple use corridors for other utilities requiring transmission easements.

WILD AND SCENIC RIVERS

SEC. 11. All portions within the area of the following rivers are hereby designated for study and recommendations for inclusion with the National Wild and Scenic Rivers System: Cle Elum, Icicle, Miller, Skykomish (south fork), Snoqualmie (all forks), Tye, and Wenatchee.

(b) There shall be no new water impoundments or diversions within the area except for reasonable irrigation and municipal water supply purposes. There shall be no new water impoundments or diversions outside of the area substantially affecting the quantity or

quality of water in streams flowing through the area.

STATE JURISDICTION

SEC. 12. Nothing in this Act shall deprive the State of Washington or any political subdivision thereof of its right to exercise civil and criminal jurisdiction within the area consistent with the provisions of this Act, or of its right to tax persons, corporations, franchises, or other non-Federal property, including mineral or other interests, in or on lands or waters within the recreation area.

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 13. There is hereby authorized to be appropriated such sums as may be necessary for the acquisition of land and interests in land pursuant to sections 4 and 5 of this Act. There is also authorized to be appropriated such sums as may be necessary for the study of and/or development of recreation facilities pursuant to section 6 of this Act.

S. 2608

A bill to designate certain lands in the Snoqualmie and Wenatchee National Forests, Washington as "Alpine Lakes Wilderness" and "Enchantment Wilderness" for inclusion in the national wilderness preservation system

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in furtherance of the purposes of the Wilderness Act (78 Stat. 890) that the Secretary of Agriculture is hereby authorized and directed to classify and manage as wilderness—

(1) those certain lands in the Snoqualmie and Wenatchee National Forests, Washington which comprise approximately one hundred seventy-two thousand acres and which are generally depicted on a map entitled "Alpine Lakes Wilderness" and dated October 3, 1973, and

(2) those certain lands in the Wenatchee National Forest, Washington which comprise approximately forty four thousand acres and which are generally depicted on a map entitled "Enchantment Wilderness" and dated October 3. 1973.

SEC. 2. As soon as practicable after such classification, the Secretary of Agriculture shall promptly transmit to the Congress a map and legal description of these wilderness areas and such description shall have the same force and effect as if set forth in this Act: *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. Upon classification the wilderness areas designated by this Act shall be known as the "Alpine Lakes Wilderness" and the "Enchantment Wilderness" and shall be administered by the Secretary of Agriculture in accordance with the same provisions and rules as those areas designated as wilderness by the Wilderness Act of September 3, 1964 (78 Stat. 890), except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

S. 2609

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—ALPINE LAKES WILDERNESS

SEC. 101. In accordance with section 3(b) of the Wilderness Act (78 Stat. 890; U.S.C. 1132(b), there are hereby designated as wilderness certain lands in the Snoqualmie and Wenatchee National Forests, Washington, which comprise approximately six hundred thousand acres as depicted on a map entitled "Alpine Lakes Wilderness Conservations Groups Proposal, June 1973" these lands shall be known as "the Alpine Lakes Wilderness".

SEC. 102. As soon as practicable after this Act takes effect, the Secretary of Agriculture (hereinafter referred to in this Act as the "Secretary") shall file a map and a legal description of the Alpine Lakes Wilderness (hereinafter referred to in this Act as the "Wilderness") with the Interior and Insular Affairs Committees of the United States Senate and the House of Representatives, and such description shall have the same force and effect as if included in this Act; *Provided, however,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 103. The wilderness designated by this Act shall, upon filing of the legal description and map, was provided for in section 102 be administered by the Secretary in accordance with the provisions of the Wilderness Act governing areas designated by the Act as wilderness areas, except that any references in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

TITLE II—LAND ACQUISITION

SEC. 201. Within the boundaries of the Wilderness, the Secretary may acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, or exchange, except that he may not acquire any such interests within the Wilderness without the consent of the owner, so long as the lands are devoted to uses compatible with the purposes of this Act.

S. 2610

A bill to designate the Alpine Lakes Wilderness, Snoqualmie, and Wenatchee National Forests, in the State of Washington

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the area generally depicted on a map entitled "Alpine Lakes Wilderness—proposed", dated September, 1973, which is on file and available for public inspection in the Office of the Chief, Forest Service, Department of Agriculture, is hereby designated as the Alpine Lakes Wilderness within and as a part of the Snoqualmie and Wenatchee National Forests, comprising an area of approximately 285,200 acres.

SEC. 2. As soon as practicable after this Act takes effect, the Secretary of Agriculture shall file a map and legal description of the Alpine Lakes Wilderness with the Interior and Insular Affairs Committees of the United States Senate and House of Representatives, and such description shall have the same force and effect as if included in this Act: *Provided,* That correction of clerical and typographical errors in such legal description and map may be made.

SEC. 3. The Alpine Lakes Wilderness shall be administered by the Secretary of Agriculture in accordance with the provisions of the Wilderness Act governing areas designated by that Act as wilderness areas, except that any reference in such provisions to the effective date of the Wilderness Act shall be deemed to be a reference to the effective date of this Act.

By Mr. GRIFFIN:

S.J. Res. 166. Joint resolution proposing an amendment to the Constitution of the United States with respect to the selection of the Vice President of the United States. Referred to the Committee on the Judiciary.

(Senator GRIFFIN's remarks when he introduced the above joint resolution are printed earlier in the RECORD.)

ADDITIONAL COSPONSORS OF BILLS

S. 847

At the request of Mr. ROBERT C. BYRD, for Mr. NELSON, the Senator from Illinois (Mr. STEVENSON) was added as a cosponsor of S. 847, the School Bus Safety Act.

S. 948

At the request of Mr. MONDALE, the Senator from New Hampshire (Mr. McINTYRE) was added as a cosponsor of S. 948, to amend the Federal Property and Administrative Services Act of 1949 to provide for the use of excess property by certain grantees.

SENATE CONCURRENT RESOLUTION 55—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING THE PRINTING OF THE REPORT OF THE PROCEEDINGS OF THE 46TH BIENNIAL MEETING OF THE CONVENTION OF AMERICAN INSTRUCTORS OF THE DEAF AS A SENATE DOCUMENT

(Referred to the Committee on Rules and Administration.)

Mr. BAYH, for himself and Mr. HARTKE) submitted the following concurrent resolution:

S. CON. RES. 55

Resolved by the Senate (the House of Representatives concurring), That the report of the proceedings of the forty-sixth biennial meeting of the Convention of American Instructors of the Deaf, held in Indianapolis, Indiana, from June 24, 1973, through June 29, 1973, be printed with illustrations as a Senate document. Five thousand five hundred additional copies of such document shall be printed for the use of the Joint Committee on Printing.

SENATE RESOLUTION 191—SUBMISSION OF A RESOLUTION RELATING TO THE CENSURE OF ROBERT BORK FOR REMOVING ARCHIBALD COX AS SPECIAL PROSECUTOR

(Referred to the Comimttee on the Judiciary.)

(The remarks Senator STEVENSON made when he submitted this resolution appear earlier in the RECORD.)

SENATE RESOLUTION 192—SUBMISSION OF A RESOLUTION TO URGE THE PRESERVATION OF ISRAELI SOVEREIGNTY AND TERRITORIAL INTEGRITY AND CONTINUED FRIENDLY RELATIONSHIP WITH THE ARAB NATIONS IN THE MIDDLE EAST THROUGH A BALANCED SETTLEMENT OF THE PRESENT CONFLICT

(Referred to the Committee on Foreign Relations.)

Mr. HELMS. Mr. President, the ceasefire in the Middle East is a welcome development. A conflagration anywhere in the world carries with it the danger that the two superpowers may be gradually sucked in, one on each side, with an escalation of the conflict into a major con-

frontation. In the present circumstances, the United States was being drawn deeper and deeper into the affair. On Friday, the President asked for $2 billion in grants for military aid to Israel, of which more than $800 million has already been spent. U.S. Marines were dispatched to the region, and U.S. ships were standing by. The danger of an incident became more prominent, an incident which could lead us to a more direct conflict with the Soviet Union.

Setting aside the potential for involvement with the Soviet Union, the confrontation was one which the United States could never win. The U.S. interest lies with both sides in the unending dispute. Israel is an object of much sentimental sympathy by many Americans who directly or indirectly participated in the establishment of that nation. But the United States has also had longstanding friends among the Arab nations, and we also participated in the modern development of those areas. Indeed, we have a situation in which neither side is our enemy, and neither side bears ill will toward the United States, except in so far as each has a perception that we are aiding the other side.

The United States interest, as I think everyone agrees, is in the achievement of a long-term settlement. It also lies in diminishing the perception of each side that we are aiding the other. In a highly emotional situation, where suspicions breed paranoia, it may be impossible to remove the duel perception. Simply being "even-handed" is not enough. Even-handedness leads to the doctrine that we must supply weaponry to one side to match the supply of arms which the Soviet Union gives to the other. Thus we have an even-handed escalation of the potential for conflict.

Instead, what we must do is to recognize the realities of the situation. A long-term solution must provide for a balanced political settlement, rather than balanced escalation of the potential for armed conflict. Israel is a fact of modern life, and any settlement must guarantee her political sovereignty, territorial integrity, and economic viability. At the same time, Israel must recognize the territorial integrity of her neighbors. The territorities which Israel seized by force of arms in 1967 must be given back to the nations from which they were wrested. This is a hard saying, but it must be said. At the same time, Israel's fears of massive troops concentrations on her border can be allayed by establishing appropriate demilitarized zones. These zones can be on both sides of the old boundary lines, and sufficiently broad to include whatever natural obstacles and distances may be suitable. Civilian administration of the areas seized by Israel should be reestablished immediately, including whatever portions may be demilitarized.

Such a settlement would satisfy the essence of the immediate controversy. Israel's aspiration for buffer zones would be fulfilled; at the same time, the desire of the Arab nations for the return of their territorities would be met. But it would not satisfy the long-term problems. The problem of the Palestinian refugees remains a festering sore. It is not only a problem of justice, but a problem of practical politics. The Arab guerrilla movements have been spawned in the refugee camps, where the young men have no hope and no future, and seek fulfillment in the burning cause of justice. They have not only committed terrorist acts throughout the West, but have incited political pressures and armed revolt against the moderate Arab leaders. They are not the cause of unrest in the Middle East, but they provide the tinder for ungovernable passions. It must be said that Israel has not fully recognized her obligations in this matter, nor have the Arab nations been able to provide the means for a solution.

Finally, we must turn to those means by which the economies of this region can be made equal partners in the system of free market countries. Israel has demonstrated that she can be economically viable, particularly if she does not have to maintain the burden of armaments. The Arab nations are divided into the oil producers and those who are not. Yet even the have-nots have other resources which could be the base for economic development. We must help the Arabs to diversify, and for those with a surplus of oil revenues to invest in their neighbors, so that the benefits of free enterprise can be spread around. We must not expect even the oil-producing nations to be content with the role of being suppliers of natural resources to the West.

Nor must we overlook the role that U.S. private enterprise can play in this diversification. We should look forward to the day when there will be a broad range of private industrial relationships between the United States and our Arab friends, helping the Arabs to develop their own economies, instead of simply being the recipient of oil royalties. Even our cooperation in the past, I fear, has been somewhat one-sided. A prime aim of such activity should be to provide an economic base for the solution of the problem of jobless refugees. We must not make the mistake of thinking that material means will solve the whole problem, but it is nevertheless an element that should be included.

In my view, a balanced political settlement would provide the long-term basis for peace in the Middle East. It is close to the terms under which the Arabs have indicated for the first time that they would sign a permanent treaty. We should use our influence with Israel, and it should be considerable, to induce them to sign a permanent treaty. I believe that a treaty could be signed in 6 months, if the basic premises of both sides were met as I have outlined.

Accordingly, Mr. President, I am today introducing a sense of the Senate resolution along the broad outlines I have suggested. In this resolution I am joined by Senators McCLURE of Idaho, SCOTT of Virginia, and THURMOND of South Carolina. I invite other like-minded Senators to join as cosponsors.

Mr. President, I ask unanimous consent that the text of the resolution be printed at this point in the RECORD.

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

SENATE RESOLUTION 192

Whereas, the negotiated cease-fire in the Middle East is a welcome development because military conflict endangers the political and economic structure of the entire region; and

Whereas, any permanent settlement must guarantee the political sovereignty, territorial integrity and economic viability of Israel; and

Whereas, the unresolved problems of Palestinian refugees and the unsettled territorial controversies will continue to increase rather than to reduce tensions in the area; and

Whereas, arms shipments by the superpowers to both sides can lead only to a renewal of military confrontations and to the potential of subsequent involvement by the super-powers; and

Whereas, the economic prosperity and future development of all nations of this region and of all nations which are dependent upon stability in the distribution of world energy resources can be jeopardized by the increase of Soviet influences in the area; and

Whereas, the recent tragic events demonstrated the necessity for a permanent balanced political solution rather than the maintenance of balanced military forces; Now therefore be it

Resolved, That it is the sense of the U.S. Senate that the President should continue his mediation between the opposing parties of the area to bring about a long-term, lasting peace settlement. Such a peace should consider all the political and economic realities of the region, including the territorial integrity of all states involved, the need of Israel for protective buffer zones, the Arab aspiration for the return of their territories, and the long-term development of a sound economic base for the elimination of social and political problems. In this spirit, the settlement should include—

(1) Re-establishment of the civilian administration of the Sinai Desert and Golan Heights areas and the west bank of the Jordan River under Egypt, Syria, and Jordan, respectively;

(2) Establishment of broad demilitarized zones on the borders between Israel and its neighbors;

(3) Achievement of a just settlement of the Palestinian refugee problem;

(4) The cooperation of major free market countries and the Arab world in a long-range program of technical and industrial investment and development, with special emphasis upon the creation of job opportunities for Palestinian refugees;

(5) The negotiation and signing of a permanent peace treaty within six months after the cease-fire.

ADDITIONAL COSPONSORS OF SENATE CONCURRENT RESOLUTIONS

SENATE CONCURRENT RESOLUTION 52

At the request of Mr. CURTIS, the Senator from Tennessee (Mr. BAKER) and the Senator from Ohio (Mr. TAFT) were added as cosponsors of Senate Concurrent Resolution 52, expressing the sense of Congress relative to friendship with the Republic of China.

ADDITIONAL COSPONSORS OF SENATE RESOLUTIONS

SENATE RESOLUTION 189

Mr. GRIFFIN. Mr. President, on behalf of the distinguished Senator from Texas (Mr. TOWER), I ask unanimous consent that he be added as a cospon-

sor of Senate Resolution 189, relating to the transfer to Israel of Phantom aircraft and other equipment.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEARING ON NOMINATION OF RUSSELL W. PETERSON TO BE MEMBER OF COUNCIL ON ENVIRONMENTAL QUALITY

Mr. JACKSON. Mr. President, on Tuesday, October 30, the Committee on Interior and Insular Affairs will hold an open public hearing on the President's nomination of Russell W. Peterson to be a member of the Council on Environmental Quality. The hearing will begin at 2:30 p.m. in room 3110 of the Dirksen Senate Office Building. The public is invited to attend, and any Member of the Senate wishing to participate is welcome to do so.

For the information of the Senate, I ask unanimous consent that a biographical sketch of Governor Peterson be placed in the RECORD at this point in my remarks.

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

The President today announced his intention to nominate Russell W. Peterson, of Rehoboth, Delaware, to be a member of the Council on Environmental Quality. The President also announced that upon his confirmation by the Senate he would designate Mr. Peterson as Chairman of the CEQ. As both member and Chairman he will succeed Russell E. Train, who held the positions from February 9, 1970, until he became Administrator of the Environmental Protection Agency on September 13, 1973.

Governor Peterson was Governor of Delaware from 1969 to 1973. Since leaving office he has been Chairman of the Executive Committee of the National Commission on the Future of America in Its Third Century.

From 1942 to 1969, Governor Peterson was with E. I. DuPont de Nemours & Co., Inc., in Wilmington, Delaware, serving as: Research Director, Textile Fibers Department (1954–55, 1956–59), Merchandising Manager, Textile Fibers (1955–56), Director, New Products Division, Textile Fibers (1959–62), and Director, Research and Development Division, Development Department (1963–69). He is also a former Chairman of the Board of Directors and former Chairman of the Executive Committee of the Textile Research Institute, Princeton, New Jersey.

He was born on October 3, 1916, in Portage, Wisconsin. Governor Peterson received his B.S. degree in 1938 and his Ph. D. in 1942 from the University of Wisconsin, where he was elected to Phi Beta Kappa.

Governor Peterson is married to the former E. Lillian Turner. They have two sons and two daughters.

The Council on Environmental Quality was established by the National Environmental Policy Act of 1969 to formulate and recommend national policies to promote the improvement of the quality of the environment. The Council consists of three members. Current members are Dr. Beatrice E. Willard and John A. Busterud.

ADDITIONAL STATEMENTS

AIMS OF ANGELS, TOOLS OF TYRANTS

Mr. FANNIN. Mr. President, one of the finest journalists in this area is Mrs. Shirley Scheibla, the Washington editor of Barron's.

On October 10, Mrs. Scheibla was the speaker at the luncheon of the Security Subcommittee of the National Security Industrial Association in Washington.

The title of her talk, "Aims of Angels, Tools of Tyrants," refers to the mistaken actions taken by Congress in the name of ecology and the public good. She provides us with a penetrating analysis of the devastating effect that actions by the Environmental Protection Agency can have on the economic security of our Nation.

This country's ability to compete on the world market already is threatened by high wages and lagging productivity; additional self-inflicted burdens of costly and unnecessary environmental controls administered in an adversary manner will cause economic and social disaster.

Mr. President, I believe all Members of Congress should consider the points made in this excellent speech, and I ask unanimous consent that it be printed in the RECORD.

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

AIMS OF ANGELS, TOOLS OF TYRANTS

Scientists probably won't know for years the full significance of the astronauts' proven ability to live in space for 59 days. But one bad fallout from the space program already is readily apparent—the widespread belief that the United States government can do just about anything if it devotes enough resources to it.

The War on Poverty already has proven that this is not true. Instead of ending poverty, it has created monumental problems. Now the government has embarked on a crash program to stop pollution and make everything safe and beautiful. Like the elimination of poverty, it's a hard goal for politicians to quarrel with.

BEYOND GOAL-SETTING

This newest crash program, however, now has gone beyond the goal-setting stage. In addition to your activities of looking for those who would overthrow the government by force, it would be well worth your while to examine what this program has done so far and where it is leading. It has waked the nation up to the need to control pollution, and that is indeed laudable. But the hysteria and insistence on a crash program to end pollution at all costs already has made serious inroads on the profit system and actually has been counter-productive in several important instances. Unguided by common sense and the art of the possible, it can lead to totalitarianism and the end of capitalism.

ENERGY SHORTAGE

Since nothing can disrupt industry or bring a nation to its knees faster than an energy shortage, let's take a look first at what the environmental movement has done in that field. The fuel shortage is forcing the United States to currently import oil at a record rate of over a million barrels a day from the unstable, unfriendly Middle East. Yet if court action by environmentalists had not blocked construction of the Alaskan pipeline, today we already would be receiving over a million barrels a day from that one source.

Even if Congress passes pending legislation during this session to enable construction to go forward, we could not receive oil from that pipeline for four years since that is the minimum time required for construction. Meantime, the estimated cost of the pipeline has escalated from $1.5 billion to $3.6 billion, and a large part of one of the richest oil fields in the world lies unexplored because of lack of means to transport new discoveries.

(The planned capacity of the pipeline is 2 million barrels a day, while already discovered oil would mean 1.2 million barrels a day.) Let us all pause for a moment and give thought to Alaska's caribou and permafrost and the price we are paying for their comfort and preservation.

OFFSHORE OIL AND GAS

Another tremendous source of domestic oil and natural gas lies offshore. According to the Interior Department, about 3 million acres a year in prime prospective tracts should be made available for exploration. But back in 1971 when the Department started a five-year program calling for general lease sales, the Natural Resources Defense Council obtained a court injunction which held up the sale of 346,000 acres from December 1971 to September 1972. Environmentalists have protested the sales of more than a million acres of leases since then and are threatening to take the Interior Department to court over the first lease sale in the Florida Gulf Coast, scheduled for December of this year. Also taking in parts of Mississippi and Alabama, it is expected to involve 800,000 acres.

NASSIKAS WARNING

To help encourage exploration for natural gas, the Administration has called for ending price regulation by the Federal Power Commission. But FPC Chairman John Nassikas told me, "If we just de-regulated all gas, that wouldn't solve the problem because, without opening up the federal offshore leases, it would only run up the price and not bring out enough gas."

Thus, the environmentalists are discouraging exploration for one of the cleanest and most environmentally acceptable fuels.

SANTA BARBARA

Because of pressure from environmentalists, the Interior Department, in apparent violation of sanctity of contract and due process of law, indefinitely suspended 35 oil leases in the Santa Barbara channel. They are located in the vicinity of a blowout which several years ago poured oil over 400 square miles of ocean surface and 100 miles of coastline. However, production at the blowout site is continuing because capping would increase the risk of another disaster. As for the area comprising the 35 leases, the Geological Survey has concluded it is no more prone than any other to blowouts and that the potential benefits outweigh the slight risk involved in drilling.

OIL IMPORT QUOTAS

Back in 1959 the Interior Department imposed oil import quotas on grounds of national security. It said the quotas were essential to encourage domestic exploration and development. The idea very clearly was to bring about high enough prices for such encouragement. Prices never got that high, however, and the hoped for production boost did not occur. Because of pressure from the consumer movement, the Interior Department let the oil companies know it would increase imports if prices got too high. Now, of course, regardless of prices, the situation is too desperate to continue their import quotas.

DEEPWATER PORTS

The most efficient way to handle the increasing imports is to build deepwater ports, and several groups of companies are interested in spending the hundreds of millions of dollars each one would cost. Such ports would require legislation, however, and, naturally, the environmentalists are opposing it.

REFINERIES

They already have blocked construction of several refineries in the U.S. Let me just tick off a few: A Stuart Petroleum refinery at Piney Point, Md. to operate in conjunction with a bulk plant it already has there; a 100,000 barrel a day facility by Supermarine Inc. at Hoboken, N.J. on the site of the old Todd Shipyard; a 65,000 barrel a day refinery by North East Petroleum at Tiverton, R.I.; expansion of the Amerada Hess plant at Port Reading, N.J. and expansion by Chevron East at Perth Amboy, N.J.

Shell Oil Co. tried to build a 150,000 barrel a day refinery on Delaware Bay but ran into a state law obtained by the environmentalists which prohibits refineries and other heavy industry within 10 miles of the coast. McClean Fuels Co. wanted to build a 200,000 barrel a day refinery at three different locations, South Portland, Me., Searsport, Me. and Riverhead, L.I., but failed to get environmental approval.

FUEL PENALTIES

Discouragement for obtaining petroleum would seem to dictate stringent use of it, but environmentalism is resulting in just the opposite. At the beginning of this year when he was head of the Office of Emergency Preparedness, General George Lincoln said that cleaning up auto exhausts already has cost 300,000 barrels a day of extra gasoline and will cost about two million barrels a day by 1980. Additional safety equipment means more fuel penalties because of the extra weight. Also, taking the lead out to please environmentalists means a 15% to 20% decrease in fuel efficiency.

BOILER FUEL

Because of the natural gas scarcity, the Federal Power Commission has been trying to discourage wasteful use of it as a boiler fuel. But here again environmental demands are causing trouble. The Commission is finding that many firms feel forced to use clean natural gas for boiler fuel because of anti-pollution requirements. Incidentally, some who converted their facilities to use oil because of FPC pressure and natural gas scarcity now are having trouble getting oil.

COAL IS BLACK

Coal, of course, is the only domestic fuel in plentiful supply. But it's name is black with environmentalists because it is dirty. Filters have not yet been perfected. Neither has liquified coal. Meantime reliance on limited supplies of low-sulphur coal is creating much economic hardship.

Since there are inadequate resources for extensive hydro-power, and technology is still evolving for oil shale, thermal, solar, tidal and other exotic sources of power, that leaves only the atom. But that's anathema to environmentalists.

NUCELAR POWER PLANTS

In a massive fuel study released early this year, the National Petroleum Council said that 23 nuclear power plants with a capacity of 20,000 megawatts will be delayed six months to three years by environmental obstacles. Let me stop here to translate for you the meaning of 20,000 megawatts. That's 20 million kilowatts, and a kilowatt is equal to 1,000 watts. I have a good-sized home covering 3,000 square feet, and it has 50 kilowatts. The next time we have a brown-out or black-out, you might consider how many homes, offices and factories those 20 million kilowatts would power. (The Council also said each year's delay could cost the electric utility industry between $5 billion and $6 billion.) For 17 months following the Calvert Cliffs decision by the Court of Appeals the Atomic Energy Commission licensed no plants at all while it took time to do the environmental studies required.

Now Ralph Nader and Friends of the Earth have gone to court to force closure of 20 of the 31 operating plants but have failed to obtain an immediate injunction, and the issue of whether they should be closed is still pending before a court of appeals.

AUTOS

A new game plan is to penalize use of private autos and compel greater travel by public transportation. This, so the reasoning goes, not only would mean purer air, but less use of gasoline, thus leaving more petroleum for other purposes. So far as I can determine however, no one has figured out how the nation's cities, already strapped financially, are going to be able to afford the big outlays for public transportation this will require. The tendency is to look to the federal government, but I suggest that those who do so also take a look at the current size of the federal budget. Also ignored is how greater public transport would affect the private auto market and, in turn, the nation's economy since the auto industry makes up such a large part of it.

CLEAN AIR ACT

The transportation edicts are framed by the Environmental Protection Agency under authority of the Clean Air Act which is one of the greatest instruments of tyranny fashioned by Congress. Although EPA itself admits that some of its orders under it lack scientific validity and that it is having trouble equating economic costs with health benefits, woe be to anyone who doesn't obey EPA. The Act calls for fines of up to $25,000 a day and imprisonment up to a year for a first violation of EPA rules and $50,000 a day and two years for a second offense. In some instances compliance requires passage of state laws. Yet, the Bill of Rights notwithstanding, the penalties for non-compliance apply to state and local officials as well as ordinary citizens.

Under the Act, EPA also is struggling with what one official calls the "biggest challenge in the air program" by trying to nail down specific requirements for about 50,000 individual stationery sources.

NONDEGRADATION OF CLEAN AIR

But that's only one facet of the Clean Air Act. Last June, in a case brought by the Sierra Club, the U.S. Supreme Court upheld the ruling of a lower court that there must be no significant degradation of air quality, even for areas which presently have cleaner air than required by federal standards. This could throttle industrial development for clean areas. In a stab at defining "significant" in a way that would allow some development, EPA held hearings in August on four rules it suggested. The Sierra Club, however, has notified EPA that it doesn't like any of the ideas and will take the agency to court if it tries to implement any of them.

LAND USE CONTROLS

The draconian Clean Air Act notwithstanding, EPA officials still aren't satisfied with their tools for forcing purity in the air and elsewhere. They are advocating legislation which would require an EPA okay for any use to which land might be put. Thus, a buyer who paid a handsome sum for a choice site with a specific use in mind might find that use vetoed by EPA—if the land use planning legislation goes through. If it does, kiss property rights good-bye in the name of purity.

WATER POLLUTION

Agency action under the Water Pollution Act is not so far along since the measure was enacted only last year. Here too, however, it appears that EPA is using it to impose expensive controls on industry. They are expected to cost billions of dollars and cause some plant closings. Nevertheless, in a study for EPA not yet made public, the National Academy of Sciences has found that many of EPA's criteria are faulty and lack adequate scientific justification.

DDT

EPA also administers the nationwide ban on DDT. The depredations of the Gypsy Moth in the east as a result are well known. Now the Tussock Moth is devastating northwest forests and worsening the shortage of timber. Consequently, some of the original Senate sponsors of the DDT ban are trying to get it rescinded.

OSHA

The Occupational Safety and Health Act, administered by the Labor Department, is providing just as potent anti-business weapons as the environmental and consumer movements. A year ago George C. Guenther, then Assistant Secretary of Labor for Occupational Safety, told me that under OSHA, the Labor Department commands enough power to put everybody out of business. That is not hard to understand. Senator Carl Curtis (R., Neb.) told the Senate that regulations implementing the law make up a stack 17 feet high. Virtually every employer is in violation of OSHA one way or another, and the Labor Department has authority under the law to assess fines without court review. Critics of the law are legion and even include some of its original Congressional sponsors. One of the main complaints is that it is inflating the cost of doing business without corresponding gains in safety and health.

As this cursory glance shows, the environmental and allied movements are using the aims of angels to fashion the tools of tyrants. Let us hope that the hysterical crash program soon succumbs to the rule of reason so that we can get on with the job of cleaning up under the system which affords the greatest freedom, efficiency and general well-being of any yet devised by man.

ISRAEL'S RIGHT TO EXIST IN PEACE

Mr. MONDALE. Mr. President, I would like to call to the attention of my colleagues an eloquent statement written by an eminent group of professors at the Hebrew University of Jerusalem during the fighting in the Middle East.

Mr. President, I believe this statement is still worth reading now that a tentative cease-fire has been agreed to by Israel and Egypt. Indeed, their message becomes even more appropriate.

As the professors state:

We feel that it is the duty of free men . . . to insist on the overriding duty of the Arab states to recognize Israel's right to exist in peace, and to demonstrate this by agreeing immediately to meet the representatives of Israel for discussion and negotiation.

I ask unanimous consent that the statement be printed in the RECORD.

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

STATEMENT OF THE STAFF OF THE HEBREW UNIVERSITY OF JERUSALEM, OCTOBER 10, 1973

For the fourth time since its creation, Israel is engaged in battle with the neighboring Arab world. It is a battle which is uneven in two respects. In the first place, if Israel wins, the Arab world will endure; if the Arabs win, Israel will cease to exist. Secondly, there is no equivalence in the forces engaged. Syria and Egypt have drawn on enormous forces, both of manpower and materiel. Sixteen other Arab countries have expressed their solidarity with them, and a number have already sent units of their armed forces to join in the battle. Israel faces this situation as a small people fighting on its own. Nearly all of our students, and most of our colleagues, are today in uniform.

We, the undersigned, have always used our right as free men to express our views on

our country's policies, both external and internal; and some of us has disagreed with some of these policies in the past. Today it is clear to all of us beyond any shadow of doubt, that Egypt and Syria prepared this attack over a long period, and deliberately chose to launch it on the Day of Atonement, the most sacred day in the Jewish calendar.

It is equally clear to us that, though aware of the Egyptian and Syrian plans, the Government of Israel chose to abstain from a preemptive strike, and rather to do all it could to avert the danger by a diplomatic effort.

The real issue today, as it was in 1967, is the determination by Egypt and Syria to destroy Israel.

We are doubly convinced that the road to meaningful negotiations for a peaceful outcome has always been open to the Arab states. Had that road been taken by the Arab states, the response of our people and our government would have been such as to ensure that every conceivable step to bringing these negotiations to a mutually acceptable and positive conclusion would have been made by us.

The Egyptian and Syrian attack against us on the Day of Atonement, has led us to the painful conclusion that the policy of the present governments of the Arab states, is to go to any length to destroy the existence of Israel.

There can be no peace in the Middle East, unless the right of our people to independence and continued existence in Israel is fully recognized by our neighbors.

There can be no peace until the Arab states change their policy, and understand that the future of the Middle East must take the form of peaceful co-existence between them and Israel.

The cause of organizing a peaceful world is based on the right of all peoples to free existence and harmonious national self-expression and self-government. These rights cannot be denied to Israel and its people.

For this reason, we feel that it is the duty of free men throughout the world who cherish the cause of peace and see it as pre-condition for humanity's survival and development, to insist on the overriding duty of the Arab states to recognize Israel's right to exist in peace, and to demonstrate this by agreeing immediately to meet the representatatives of Israel for discussion and negotiation.

The Arab doctrine of prior agreement by Israel to withdraw from territory, is illogical and unacceptable. Everyone of us is wholly convinced that our very existence today—that we have been able, at considerable cost in lives, to withstand Egyptian and Syrian assault and turn it back—are due to the fact that this doctrine was rejected by us. The way in which the Egyptian and Syrian attack was prepared and launched must convince the world that this rejection was thoroughly justified.

The argument has been heard that having suffered military defeat in the past, the Arabs cannot be expected to negotiate with Israel without a "gesture" from Israel. The "gesture" demanded has been that Israel should place the Arabs unconditionally, and before any agreement or commitment on their part, in a condition where, as experience shows, it would be made easier for them to attack Israel. We cannot agree that this is morally acceptable or practically feasible. Nor should the world agree. For the fourth time since 1948, we have seen our country besieged and attacked, our friends and relatives killed; we have been the target of terror on a world-wide scale; yet today, when everyone of us has members of his family, students and colleagues, at the front, we say that we remain ready for a peace process with our Arab neighbors. A peace process must mean mutual recognition, with peaceful co-existence as its goal, achieved by free negotiations. In the circumstances which have arisen, the secure nature of the agreed boundaries is, more than ever, seem to be imperative. The nature of the territorial settlement will only emerge as a function of mutual trust.

We address ourselvs to our colleagues, to students, and to men of good will all over the world in the hope that they will use their influence to the utmost to bring home to the Arab countries the demand of the world that the language of hate and vilification, and the dialogue of war, must be replaced by the dialogue of peaceful co-existence.

Shlom Avineri, Joseph Ben-David, Ernst Bergmann, Aryeh Dvoretzky, Samuel Eisentadt, Saul Friedlander, Natan Goldblum.

Jack Gross, Yehoshafat Harkabi, Avraham, Harman, Alex Keynan, Don Patinkin, Joshua Prawer, Michael Rabin.

Nathan Rotenstreich, Gershom Scholem, Moshe Shilo, Gabriel Stein, Jacob Talmon, Ephrain Urbach, David Weiss.

The above signatories are on the staff of the Herbrew University in Jerusalem.

ENVIRONMENTAL PROTECTION AGENCY REGULATIONS

Mr. NELSON. Mr. President, the Environmental Protection Agency—EPA—has promulgated regulations in the July 5 and September 7 issues of the Federal Register pursuant to sections 301—effluent guidelines—and section 402, the National Pollutant Discharge Elimination System—NPDES—of the Amendments to the Federal Water Pollution Control Act—FWPCAA—of 1972 establishing those agricultural pollution areas that will be classified as "point sources" and thereby have to file for a NPDES permit and meet the zero discharge of waste effluent guideline by 1985.

The EPA regulations define both large and small "concentrated animal feeding operations" as "point sources" although the EPA later excluded farm operations with less than 1,000 beef cattle, 700 dairy cows, 290,000 broilers, 180,000 laying hens, 55,000 turkeys, 4,500 hogs, 35,000 feeder pigs, 12,000 sheep and lambs and 145,000 ducks from compliance with sections 301 and 402 of the act.

During the debate of the FWPCAA Congress clearly indicated that small farm operations were not to be considered "point sources" of pollution unless they met three criteria developed by Senator MUSKIE in a colloquy on the floor of the Senate with Senator DOLE. It appears that neither set of the EPA regulations follows the congressional intent in the manner small farm operations are excluded from the compliance with the act.

The Natural Resources Defense Council—NRDC—has filed suit against the EPA alleging that the agency cannot define all concentrated animal feeding operations as "point sources" and then exclude small operations when the act specifically states that all "point sources" are to be controlled through the issuance of a permit and compliance with published effluent guidelines.

The NRDC agrees that there should be a numerical cutoff determined with public hearings that distinguishes a small farmer-feeder operation, a "nonpoint source," from a large "concentrated animal feeding operation" that is a "point source." The public interest law firm does not specifically object to the feedlot-point source criteria established by Senator MUSKIE, rather they object to the way EPA has drafted its regulations.

Furthermore, numerous constituent letters indicate that the public has not had an adequate and full opportunity to draft responses for consideration in the decisionmaking process. In fact, public hearings were not held in Wisconsin until October 2, 7 days before the public comment period expired on the draft effluent guidelines.

Therefore, in a letter to the Administrator of the EPA, Mr. Russell Train, I have urged the EPA to: First, extend the public comment time for the September 7, 1973, effluent limitation guidelines, second, hold public hearings on both the NPDES and effluent programs, and third, redraft these two sets of regulations to reflect in specific language the congressional intent and legislative history—Legislative History, volume II, pages 1298–99—of the FWPCAA as it pertains to agricultural problems.

The July 5 regulations developed the numerical cutoff point for farm operations that must file for a NPDES permit while EPA's second set of regulations establish effluent guidelines for point sources of pollution under section 301 of the act. The September 7 draft effluent regulations initially proposed that all farmers regardless of size would have to meet a zero-discharge-total confinement of runoff by 1985. Seven days before the public comment time expired, the EPA announced a dramatic change in policy: The farm operations that were exempt from the NPDES regulations would now be exempt from the effluent guideline limitation program. This action appears not only to be in variance with the law but contrary to published EPA policy—38 Federal Register, 128, page 18001.

The question is one of implementation rather than intent. Senator MUSKIE's colloquy clearly sets forth criteria which the EPA should follow in determining whether feedlots are "point sources" of pollution. The criteria state:

"If a man-made drainage ditch, flushing system or other such device is involved and if any measurable waste results and is discharged into water, it is considered a 'point source.' Natural run-off from confined livestock and poultry operations are not considered a 'point source' unless the following concentrations of animals are exceeded: 1,000 beef cattle, 700 dairy cows, 290,000 broiler chickens, 180,000 laying hens, 55,000 turkeys, 4,500 slaughter hogs, 35,000 feeder pigs, 12,000 sheep or lambs, 145,000 ducks. Any feedlot operations which result in the direct discharge of waste into a stream that transverses the feedlot are considered point sources without regard to number of animals involved."

This statement shows that if a feedlot is a "point source" a permit is to be required. The Congress gave the EPA the discretion to distinguish between a "concentrated feeding operation", which would require a permit and effluent guidelines and a farmer-feeder operation which would not.

The EPA admits the proposed regula-

tions will be most harsh economically on the small farm and will in fact promote the decline of the small operation and encourage the growth of larger facilities which are less family oriented.

The Wisconsin Legislature has expressed its concern by passing a joint resolution calling for the EPA to amend its regulations. In addition, a large number of constituents have written to me asking for more time to draft comments to the EPA.

Mr. President, I ask unanimous consent that my letter to EPA Administrator Train and the Wisconsin Legislatures joint resolution be printed in the RECORD.

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

OCTOBER 9, 1973.

Hon. RUSSELL TRAIN,
Administrator, Environmental Agency, Washington, D.C.

DEAR MR. ADMINISTRATOR: I am concerned over the EPA regulations which have been published in the Federal Register that establish the National Pollution Discharge Elimination System (NPDES) and the effluent limitation program of the Federal Water Pollution Control Act Amendments of 1972 (FWPCAA). It appears to me that neither set of regulations follows the Congressional intent of the legislation. Furthermore, numerous constituent letters indicate that the public has not had an adeqaute and full opportunity to draft responses for consideration or meaningfully participate in the decision-making process, and in fact, public hearings were not held in Wisconsin until October 2.

The National Resources Defense Council's suit raises serious legal questions surrounding the manner in which the EPA has exempted small farm operations from compliance with the mandates of PL 92–500. The Congress clearly did not intend that small farm operations would be covered by the permit and effluent limitation program except when such farm was a "point source" of pollution as described by Senator Muskie in his discussion of legislative intent on the floor of the Senate (Legislative History, Vol. II, pp. 1298–99).

The EPA's final regulations which will be published in the *Federal Register* should make a clear distinction between a "concentrated animal feeding operation", a point source pollution problem covered by the NPDES program, and a small farmer-feeder operation, a non-point source.

On October 2, 1973, seven days before the public comment times for the effluent limitation was due to expire, two representatives of the Region V EPA briefed members of the state legislature, the Governor's office, and members of the public at a public hearing in Madison, Wisconsin. Not only did that meeting come too late in the 30-day review period but a significant change in policy was anounced by Mr. John Kirkwood. A message from Robert Sansom indicated that those farmers who qualified for exclusion from the July 5 NPDES regulations would also be excluded from complying with the September 7 effluent guidelines. This action appears not only to be in variance with the law but contrary to published EPA policy (38 *Federal Register* 128 p. 18001).

To permit adequate public participation in the review of the proposed standards the time limit for the reception and consideration of citizen comments should be extended. In addition public hearings should be shceduled to permit the public full opportunity to comment on the specific proposals to implement the legislation.

The EPA must promulgate its regulations on sounder legal grounds. The July 5, 1973 *Federal Register* citation clearly states that, "the agency proposes to exclude for the present time certain classes of agricultural and silvicultural point sources from the requirements of the NPDES program." The Sansom telegram extends this exclusion to the effluent guidelines. According to the FWPCCAA, the NPDES program provides for the establishment of a permit program to regulate the "discharge of any pollutant" or combination thereof. Section 502(6) defines "pollutant" among other substances as "agricultural wastes discharged into the water" of any kind. The terms "discharge of pollutants" and 'discharge of a pollutant" seem to include "discharge of any pollutant" are defined in section 502(12) of the Act as meaning, "any addition of any pollutant to navigable waters from any source." Navigable waters (section 502(7)) is defined as, "The waters of the United States . . ." Finally, the term, "point source," is defined (section 502(14) to include any, "concentrated animal feeding operation . . . from which pollutants are or may be discharged.

Although the EPA exempted small farm operations there is a serious question they did so pursuant to the guidelines spelled out by Senator Muskie. The intent of the Congress is clear: *all* point sources of pollution are to be covered by the NPDES program. Section 502(14) does not define "concentrated animal feeding operations." Senator Muskie in a colloquy with Senator Dole on the floor of the Senate on November 2, 1972, sets forth criteria which the EPA should follow in determining whether feedlots are point sources. The criteria state:

"If a man-made drainage ditch, flushing system or other such device is involved and if any measurable waste results and is discharged into water, it is considered a 'point source.' Natural run-off from confined livestock and poultry operations are not considered a 'point source' unless the following concentrations of animals are exceeded: 1,000 beef cattle, 700 dairy cows, 290,000 broiler chickens, 180,000 laying hens, 55,000 turkeys, 4,500 slaughter hogs, 35,000 feeder pigs, 12,000 sheep or lambs, 145,000 ducks. Any feedlot operations which result in the direct discharge of waste into a stream that transverses the feedlot are considered point sources without regard to number of animals involved."

This colloquy clearly shows that if a feedlot is a "point source," a permit is to be required. The Congress gave the EPA the discretion to distinguish between a "concentrated animal feeding operation," which would require a permit and a small feeder-farmer operation which would not.

There seems to be a good deal of unresolved controversy surrounding the numerical formula that determines who is excluded under present EPA regulations. Should EPA choose to redraft their regulations along the lines suggested by the Senate a numerical formula would still be needed to distinguish between a small farmer-feeder operation and a point source concentrated animal feeding operation. The Secretary of Agriculture has suggested an even more stringent definition for an agricultural point source. He defines a "concentrated animal feeding operation" as:

". . . a feed lot, feed yard, or confined feeding facility having more than 300 animal units at one time. Feed lots, feed yard, or confined feeding facilities shall mean the feeding of livestock on sites or facilities from which wastes must be removed and that are not normally used for raising crops, or on which no vegetation intended for livestock feeding is growing. Thus, permit applications will be required from operators of feed lots, feed yards, or confined feeding facilities having the equivalent of 300 animal units. The following data are suggested as minima for the requirement of a permit:

"Slaughter steers or heifers	300
Dairy cows	200
Boilers	35,000
Laying hens	32,000
Turkeys	10,000
Butcher hogs	1,200
Feeder pigs	10,000
Sheep	2,300"

The Sansom telegram represents a significant change in policy at a very late stage in the decision-making process. Such changes should be printed in the Federal Register and given the opportunity to be fully examined and discussed in public. It is clear that the public has not had the opportunity to fully participate in the review and consideration of these regulations. Therefore, I urge you to: (1) extend the public comment time for the September 7, 1973 effluent guideline regulations (2) hold public hearings on both the NPDES and effluent limitation regulations and (3) redraft these two sets of regulations to reflect in specific language the Congressional intent and the legislative history of the FWPCAA as it pertains to agricultural pollution problems.

Sincerely,

GAYLORD NELSON,
U.S. Senator.

STATE OF WISCONSIN: 1973 SENATE JOINT RESOLUTION 80

Request the U.S. environmental protection agency to amend the proposed effluent limitations guidelines for the feedlots category of the federal water pollution control act.

Whereas, on September 7, 1973, the U.S. environmental protection agency published proposed rules in the Federal Register concerning effluent limitations guidelines for the feedlot category of the federal water pollution control act; and

Whereas, the proposed rules apply to nearly all producers of milk, meat and eggs in the state of Wisconsin; and

Whereas, the proposed rules require that by 1977, the water runoff from a feedlot containing dairy cattle, beef cattle, hogs or poultry shall be postively stopped from entering streams except in unusual circumstances; and

Whereas, to meet the requirements demanded by the proposed rules, most Wisconsin producers of milk, meat and eggs would have to spend a prohibitive amount of money in order to stay in production; and

Whereas, the prefatory statement to the proposed rules as set out in the Federal Register of September 7, 1973, contains language indicating that the environmental protection agency accepts the fact that small producers are going out of business and being replaced by larger facilities and that this trend will be accelerated by these proposed rules; and

Whereas, Wisconsin farmers, who produce over 16% of the total volume of milk in the United States, are primarily small producers with 77% of the milking cows in Wisconsin being in dairy herds of less than 50 heads; and

Whereas, if the proposed rules as finally published do not include exemptions for the small producer, it will mean the ruin of the small family farm in Wisconsin and an increase in the cost of food to the consumer; and

Whereas, representatives of the environmental protection agency appearing at the joint hearing of the senate agriculture and rural development committee and the assembly agriculture committee on October 2, 1973, testified that the agency interpretation is that the proposed rules would only apply to dairy herds of over 700 head, beef herds of over 1,000 head, herds of swine of over 2,500 head or to significant contributors to pollution; and

Whereas, the proposed rules do not contain any specific exemptions or make any refer-

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

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

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

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

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

GENOCIDE CONVENTION UNJUSTLY CRITICIZED

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

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

First. Killing members of the group;

Second. Causing serious bodily or mental harm to members of the group;

Third, Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

Fourth. Imposing measures intended to prevent births within the group; and

Fifth. Forcibly transferring children of the group to another group.

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

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

It does not apply to civil wars as such.

It does not apply to discrimination, racial slurs, and insults and the like.

It does not apply to voluntary population control measures.

It does not apply to the past.

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

Mr. President, we must ratify the Genocide Convention.

THE NEED TO ESTABLISH AN OFFICE OF CONGRESSIONAL LEGAL COUNSEL

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

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

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

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

HOUSE COUNSEL FOR CONGRESS

(By Austin C. Wehrwein)

Watergate didn't create arrogant excutive clout.

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

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

They were, "So what?"

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

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

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

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

The concept in full is a breakthrough.

Still, there are partial precedents.

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

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

But neither litigates.

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

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

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

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

Too, members of Congress filed lawsuits to attempt to end the war. Others have filed suits to gain information under the Freedom of Information Act. These cases have, however, been less successful than the Missouri highway case.

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

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

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

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

The CLC would render legal opinions.

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

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

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

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

This adds a new dimension to our governmental process.

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

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

THE NEED FOR A CEASE-FIRE IN THE MIDDLE EAST

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

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

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

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

since war broke out and to maintain the power balance essential to maintaining any cease-fire which will, inevitably, be fragile and subject to great stress.

On Friday the President responded to those of us who had recommended military aid for Israel by requesting a $2.2 billion authorization to guarantee Israel the hardware it must have. I am pleased to support the President's request and shall certainly do all that I can to see that Israel receives the assistance we realize is so crucial to her survival and to lasting peace.

But I must remind my colleagues that the President, as he did last year, has sought to lump together aid for Israel and aid for Cambodia. The President's request includes an additional $200 million in military assistance to Cambodia, something of much less obvious merit than aid to Israel.

I have never had any problem distinguishing in my mind between U.S. policy in the Middle East and U.S. policy in Indochina. The President has repeatedly tried, as he is now doing, to draw a parallel in these two troubled areas, despite the fact that the situations and the U.S. national interest are really quite different in Israel and Cambodia.

Last year the Senator from Idaho (Mr. CHURCH) and I were successful in offering an amendment to weigh aid to Israel and aid to Cambodia separately. As a member of the Senate Appropriations Committee I shall again seek to draw a necessary and valid distinction between these two separate and very different matters of foreign policy.

There simply has not been adequate justification for a supplemental military aid program for Cambodia. Indeed, I am confident that if the President did not have the more compelling argument of aid to Israel he would not even be seeking the supplemental request for Cambodia at this time. We must not be blackmailed into this piggyback arrangement, whereby we have to authorize highly questionable aid for Cambodia in order to help Israel at a time of great duress.

Without an elaborate review of old arguments, let me say briefly there is no valid analogy between Israel—fighting to defend itself from a calculated invasion made possible by Soviet aid—and Cambodia—where the question of external involvement is far less obvious and the basic character of the government is so different from the democracy in Israel.

Aiding a democracy from external attack is something we can and must do; aiding a nondemocratic government in a battle of uncertain origins is something we had better look at very carefully.

I want to reiterate my deep hope that a cease-fire can be arranged in the Middle East, as a necessary prelude to direct negotiations among the belligerents on a final peace agreement to end 25 years of intermittent warfare. But there will not be such a cease-fire, nor a lasting peace in the Middle East unless the United States provides Israel with the equipment—including aircraft—essential to restoring a balance of power. To this end I am prepared to support the President's request for a supplemental military assistance program for Israel, but reserve the right to seek a sharp distinction between that program and the proposed supplemental aid to Cambodia.

FAMILY HEARINGS

Mr. MONDALE. Mr. President, recently the Subcommittee on Children and Youth, which I chair, began a series of hearings on the "American Families: Trends and Pressures." In these hearings we are seeking to understand what influence governmental policies have on families, and to determine the extent to which public policies are helping or hurting families.

Several weeks ago, the St. Paul Pioneer Press included a very kind editorial supporting the purposes and objectives of this inquiry. The editorial said in part:

There is no denying there are significant trends affecting the family's structure and its effectiveness as a basic unit in society and that pressures on the traditional nuclear family organization are growing . . .

Because it contains such a clear and concise statement of the goals of the subcommittee's investigation, I ask unanimous consent that a copy of this thoughtful editorial be printed in the RECORD.

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

A NEW MONDALE INQUIRY

Minnesota's Senator Walter Mondale, the work of his rather generously publicized Select Committee on Equal Education having been concluded, has launched hearings in another, but related field, as chairman of the Subcommittee on Children and Youth. The Inquiry is into "American Families: Trends and Pressures."

There is no denying there are significant trends affecting the family's structure and its effectiveness as a basic unit in society, and that pressures on the traditional nuclear family organization are growing, so the inquiry is germane. As the Christian Science Monitor recently observed, it may not be a subject to give a potential presidential candidate (which Mondale is) daily headlines and TV exposure, but "all the national issues impinge on the family. The state of the family tempers or aggravates all (of them)."

Right now the hearings are concentrated on the economic pressures on the family. The findings, judging by what has been heard so far, doubtless will bolster Mondale's long-pursued objectives of government helps to those Americans struggling at or under the poverty income level.

Robert Coles, who won the Pulitzer Prize this year for his books on minority and "backwoods" families, was the lead-off witness for the Mondale subcommittee. His plea was for greater consideration for the mental and emotional burdens placed on a family whose breadwinner is unemployed or underemployed. "A jobless man's situation becomes a wife's mood," Coles said, "(and) a child's feeling for what is in store for him or her, too." In other words, welfare payments and government subsidies cannot remove this psychological burden and therefore do not attack the problem at its base. Depending upon how much impact testimony of this sort may have on Congress and the public, the work of Mondale's subcommittee could bring fundamental changes in the direction and application of legislation affecting the poor.

Not as dramatic as Sen. Ted Kennedy's impending attack on the natural gas suppliers, and certainly without the exposure the Watergate hearings have given a couple of Republicans mentioned as possible presidential candidates, Mondale's work may have more basic meaning. And it would be unfair to the senator and to the work of his subcommittee to suggest that the hearings are part of any campaign build-up. There is no reason to believe Mondale's humanitarianism and interest in the well-being of the American family are anything but sincere and deeply motivated.

THE 4–F SHORTAGE: FOOD, FUEL, FERTILIZER, AND FORESIGHT

Mr. ABOUREZK. Mr. President, the senior Senator from South Dakota (Mr. MCGOVERN) has a well-deserved reputation as a spokesman for family farmers. He has served 4 years in the House of Representatives, 2 years as director of the food for peace program, and 11 years in the U.S. Senate. He has been a member of the Agriculture Committee in both House and Senate.

On October 16, 1973, Senator MCGOVERN spoke to the annual convention of the South Dakota Farmers Union. His remarks once more establish the depth of his concern and understanding regarding American agriculture.

He points out that even in a time of high farm prices and high farm income, the picture is not entirely rosy. Energy production has not been adequate to meet agricultural needs. Fertilizer is in short supply. Prices on the commodity markets have been characterized by wild fluctuations. Transportation has not been adequate to meet rural needs.

All of these shortages are at least partially explained by the failure of foresight. We need not accept shortages as inevitable. Most of all we need not accept the ultimate demise of the family farm as unavoidable.

Senator MCGOVERN is committed to the concept that the family farm is the cornerstone of American food and fiber production. In his remarks he suggests four steps that will help preserve the family farm and will help provide the foresight needed as we move from an era of abundance to an era of scarcity.

Mr. President, I feel that the remarks of Senator MCGOVERN are of such importance that I would commend them to each and every Member of the U.S. Senate. I ask unanimous consent that his comments be printed in the RECORD.

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

THE 4–F SHORTAGE: FOOD, FUEL, FERTILIZER, FORESIGHT

(By Senator GEORGE MCGOVERN)

It is an unusual pleasure to be here tonight, with so many of my long-time friends—farm leaders whose advice and opinions have been invaluable to me for all the 16 years that I have been in Washington.

As I reflect over those four years in the House of Representatives, two as President Kennedy's Food for Peace director, and nearly 11 years as your Senator, I find it difficult to name any single year which has been so momentous for American agriculture as the past year.

Average prices for farm products surpassed 100 per cent of parity for the first

time since 1952. Corn stands at 114 per cent, wheat at 127 per cent.

U.S. farm exports this year will set another new record—probably approaching $20 billion.

You are harvesting an all-time record crop—nearly six billion bushels of corn, two billion bushels of wheat and one and one-half billion bushels of soybeans.

A harvest-season price of $2.50 per bushel for corn and $4.75 per bushel for wheat is almost unheard of.

And there are no surpluses overhanging the market, threatening to force prices down to depression levels.

At no time since I became your representative in Washington—at no time since I first joined the House Agriculture Committee back in 1957—could it have been possible to report such encouraging facts.

"Secretary of Agriculture Butz, as early as May of this year, was referring to prosperity for agriculture as ". . . the promised land of sustained growth, profitable production, and income commensurate with that realized by non-farm sectors of the economy . . ."

But is the picture honestly that rosy? Have we really reached the "promised land" in American agriculture?

Let's examine a few more developments of the past year.

The productive miracle of the American farm, for the first time since World War II, could not produce all the food to meet domestic and foreign demand.

U.S. energy production, for the first time, failed to make enough petroleum available for every need. There is not enough propane for crop drying, and many fuel dealers could not meet commitments for harvest operations.

Fertilizer is in seriously short supply. Anhydrous ammonia alone is projected to be one-million tons short in 1974, and many farmers already cannot obtain fertilizer for this fall's field preparation.

The prices of future contracts on many commodities have swung wildly up and down, out of all relation to supply and demand, causing anxiety and uncertainty throughout the food chain.

Boxcars have not been available to move grain to market.

A number of Federal rural assistance programs—REA, rural water and sewer, conservation cost-sharing and others—were arbitrarily cut back by the Administration earlier this year.

And the cost of everything you buy—from feed and feeder livestock to machinery, supplies and interest rates—have increased enormously.

These problems have led to unprecedented complications.

For the first time when the Nation was not at war, the Administration imposed price controls on food and farm products. For the first time in memory, limitations were placed on farm exports.

In the cities, housewives held angry meetings to denounce the price of food and, at least by inference, denounce the farmer for unfairly increasing his prices.

It has been an eventful year for American agriculture. And no wonder that many of us, despite the most encouraging farm prices in a quarter century, have been justifiably nervous.

Most of you have wondered, as I have, how the strongest nation in the history of the world, with the most advanced economy and sophisticated technology, could blunder into chronic shortages of the "three F's"—food, fuel and fertilizer.

The answer, it seems to me, lies in the shortage of a fourth "F"—foresight.

We have known for years that per capita food consumption in the United States and the rest of the developed world has been growing faster than the world's capacity to produce.

We know that the American consumer has become accustomed to 110 pounds of beef, 65 pounds of pork, and 560 pounds of milk and dairy products each year. And we know that rising incomes in the industrial nations make it possible for consumers in other countries—notably Japan and Western Europe—to want and to bid for as much.

Yet we did not plan for an era of scarcity. We continued to plan as if we were destined for centuries of abundance.

It took no great prophet to warn that a Nation with 6 per cent of the world's people using 34 per cent of the world's energy resources would some day exhaust those supplies.

Yet we continue to build two-ton automobiles to carry one person to and from work, consuming a gallon of gasoline in every 7 or 8 miles.

And certainly it has been apparent for many years that, as developing nations improved their economies, they would learn and want the tools of modern food production.

But still, in the face of rapidly rising world demand for farm inputs such as fertilizer, the world's capacity to produce fertilizer slipped relatively behind.

I wonder how it might have been different if the foresight and the ideas of the people in this arena tonight had been setting American food and farm policy. By looking back at some of the policy recommendations over the past 10 or 15 years, I think we can see how it might have been different.

Had one of your key recommendations prevailed, America would have had a strategic reserve, stored on farms, adequate to cope with periods of unanticipated demand such as we have just seen.

We would have had adequate supplies to meet export needs such as that of the Soviet Union last year, without the need for a massive taxpayer subsidy for the grain trade, and without selling one-fourth of your wheat crop in a manner that did not adequately reimburse the producer.

If we had adopted the kind of price policies advocated by the Farmers Union for so many years, food prices and farm income would have moved up steadily over the past 25 years, rather than ballooning in a period of a few short months.

I am convinced that the anguish expressed by consumers earlier this year would have not occurred, if only food and farm prices had kept pace with urban people's incomes and the increases in cost of everything else they buy.

As a result, there would have been no boycotts, no pressure for price rollbacks, and no imposition of this year's unfair and self-defeating food price controls by the President.

Your forward-looking transportation policies could have served to prevent, or at least ease, the crunch created by the lack of rail facilities to move grain to market.

Certainly, the time-honored Farmers Union position on price and income supports, had it been listened to many years ago, would have resulted much earlier in the kind of "target price" system which is in this year's farm bill. But it would have been a far better one.

I am pleased with this year's farm bill, because it establishes in part the concepts first articulated in the Brannan Plan a quarter-century ago. It sets a minimum price, below which the Federal government will not permit farm income to fall. And if market prices should drop below that minimum target price, a direct payment makes up the difference.

And it almost goes without saying that your forward-looking advocacy of greater public control of the Nation's energy resources could have prevented the kind of energy shortage which American farmers are facing this year.

But the Farmers Union position which I regard as the foundation on which all other policies rest is your unending insistence on the family farm as the cornerstone of American food and fibre production.

Had American agricultural policy been established on the firm protection of America's farm families, I am convinced that we would not find ourselves in the contradictions which face us today.

The consumer would be less prone to criticize our agricultural sector if he or she knew that the principal beneficiary of increased food prices were families just like them, and not the corporate giants whose principal responsibilities are to wealthy stockholders.

The substantial increases in farm income this year would be spread more evenly, and spent more widely in the rural communities of America.

And there would have been, over the past dozen years, sustained growth in the farm market for fuel, fertilizer and other farm inputs which are in short supply, and healthy railroad systems serving all rural America.

But, to my regret, this kind of foresight has been lacking in Washington. And we are faced with a number of problems and challenges which must be met. I would like to outline for you just *four* of the steps which, I believe, we must take to prevent a recurrence of many of the less hopeful developments of the past year.

First, we must re-direct our policy from one which grew out of a surplus mentality to one which deals with an age of scarcity. That means we must come to grips with America's role as a food provider in the face of spreading world hunger. We no longer have surpluses to give away, and we must determine how we are to respond to famine and drought in less developed areas.

Maintaining a capability to provide food for those in need is not only a humanitarian goal, but one which is important to every American farmer. This week I released a study, done for my Senate Nutrition Committee, which demonstrates the impact on the American farm economy of our domestic and foreign food assistance programs. It demonstrates how Food for Peace, food stamps and child feeding programs have provided a sustained, steady source of farm income.

The senior Republican member of the Senate, George Aiken of Vermont, has joined me in an effort to establish a U.S. policy of cooperation and leadership in the development of domestic and foreign food reserves. We should never be caught short again, such as we were in 1973.

Second, we must do more to provide incentive to American farmers to produce the food and fibre that will be demanded by a growing world population and rising world income.

That means that the Secretary of Agriculture should fully use the powers granted under the new farm bill to make it more certain that the farmer will earn a profit if he expands production as the Secretary asks.

One significant action by the Secretary this year goes counter to that goal. In calling for all-out feed grain production, Secretary Butz established a national acreage allotment of 89 million acres for 1974. That compares with 130.1 million acres this year. While it is not likely that prices will fall significantly in 1974, and deficiency payments to make up the target price are not likely to be paid on the farmer's allotted acreage, such a low allotment is a dangerous precedent. It further increases the financial risk of not getting your crops planted or harvested because

of natural disaster, because the bill provides disaster payments only on allotted acres.

And it means that we should increase the target prices in existing law. When we set the target prices in the Senate Agriculture Committee in April of this year, we used figures which then represented 70 per cent of parity. But by the time the bill came out of Conference, because of the threat of a veto, they had been reduced—to $2.05 per bushel for wheat, $1.38 for corn. And we lost two years of the escalator clause.

But since we started to draw up the farm bill, production costs have increased 7.6 per cent—that's an annual rate of almost 18 per cent. To be fair, then, and have the Federal government share the risk of all-out production, I believe the target price should be increased to at least 70 per cent of parity. Based on today's prices and costs, that means $2.46 for wheat and $1.65 for corn.

Compared with today's market prices, target levels such as those are modest indeed.

Third, we must reform the system of commodity futures trading which affects the price of everything you sell and everything you buy.

Last Friday, I introduced a bill to overhaul the system of Federal regulation of commodity exchanges, in the hope that we can stop the excessive speculation which brought soybean prices to $12.90 a bushel—a price that no farmer in this room ever received or is likely ever to receive.

I propose the creation of an independent, five-member Commodity Exchange Commission, patterned after the Securities and Exchange Commission, which regulates the stock market. My bill would give that commission significantly expanded powers to deal with speculators, and to prevent conflicts of interest which can serve to harm both farmers and consumers.

Some sort of legislation is likely to pass the Congress next year. I have spent the last four months studying the need for reform, and I am convinced that the time is at hand for a positive result.

And *fourth*, we should enact the Family Farm Act of 1973. Senator Abourezk and Senator Gaylord Nelson of Wisconsin and I have introduced a bill which would prohibit farming by large, non-farm corporations which compete unfairly with the family farmers of America.

They are not more efficient; they are less efficient. But they have tax breaks and can compete unfairly for capital, machinery, and other production inputs.

These four steps, I submit, would help develop a system of production of food and fibre which would fairly reward the men and women whose labors are at the very heart of that system. It would be fair to the consumers in our great cities, and to the people of the world.

Such policies would help restore America's image in the world community. And they would, more than anything else, affirm America's leadership in the world.

It does us little good to have the most damaging weapons and the strongest war machine if our economy is in chaos and our capacity to produce food is in disarray. Because America must be more than a first-rate military power. We must be a first-rate moral power if we are to bring peace and order to a troubled world.

With your help, and your continued foresight, we can build the kind of world that we deserve and our children require.

MAKING AMERICA SAFE FOR DEMOCRACY

Mr. McGOVERN. Mr. President, tonight I will address an audience at the Virginia Commonwealth University in Richmond, Va. This is an address which grows out of weeks of thought on my part as to the constitutional crisis the Nation now confronts. I have come to the painful conclusion that given the disturbing revelations of misconduct in the Nixon administration, the dismissal of Special Prosecutor Cox, and the difficulty of pursuing unanswered questions by other methods, that the time has come to begin impeachment proceedings.

Since the election last year, I have been reluctant to speak on the President's involvement in Watergate, because I felt my remarks might be interpreted as the vindictive behavior of a defeated candidate. But I have now come to the conclusion that the only way we can restore public confidence in our constitutional system and establish either the President's innocence or his guilt once and for all is through the constitutional process of impeachment.

I ask unanimous consent that the full text of the address I intend to deliver this evening be printed in the RECORD.

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

MAKING AMERICA SAFE FOR DEMOCRACY

(By Senator GEORGE MCGOVERN)

In the oath of office taken by the President and members of Congress, there is a single thread from which the fabric of our Republic is woven—and that is to protect and defend the Constitution.

If this thread is broken, then the tapestry on which we have predicated almost two hundred years of our national existence becomes unraveled and meaningless. Those who disregard the Constitution do so at their own peril. And when the office they hold is high enough, and their power great enough, any defiance of the Constitution imperils us all.

The Constitution has been challenged before. And we have survived, because men of honor have put the law and the Constitution above all other concerns. And now we are being tested again.

I do not know what is on those celebrated White House tapes. I do not even care to speculate.

But I do know this: America cannot function with a President who believes he is above the law and who claims the right to defy the Courts, the Congress, and the Constitution.

And I also know that after this turbulent weekend, there is just one agency left with a constitutional remedy. It is the Congress, and the remedy is impeachment. And if we fail to use that remedy, then we, too, invite the contempt of the American people. So as a citizen who loves this nation and as a United States Senator, I believe that the House of Representatives should exercise its constitutional power to begin impeachment proceedings.

We are surrounded by grave national concerns. Yet, the national government is at a standstill, paralyzed by the worst political scandal in our history.

We turn on the news hoping to hear about progress on the fuel crisis so that there will be enough heating oil this winter. Instead, we hear that still another White House aide has been indicted.

We hope to hear that inflation is abating, but instead, we read that the "law and order" Vice President of the United States, after protesting his innocence for so long, has copped a plea to avoid a prison term.

We hope to learn that crime is more nearly under control. Instead, we hear more about a crime wave at 1600 Pennsylvania Avenue.

And finally, we learn that one clear difference between Mr. Nixon and Mr. Agnew is that Mr. Agnew could not fire the people who were investigating him.

Mr. Nixon would have us believe that our national government has not responded to urgent needs in other areas because the Congress has been "wallowing" in Watergate.

But let us not forget who created this wallow and who now keeps us in it—not those who are determined to seek out the truth and to punish the guilty—but those who committed and condoned crimes and who now obstruct justice.

Since the election a year ago, I have been reluctant to speak on the President's involvement in Watergate. For many months I have remained almost silent in the belief that it might seem vindictive for the defeated presidential candidate to comment on the conduct of his opponent's campaign.

So when I have discussed this issue, I have expressed a desire to accept the President's claim of innocence. And I have suggested that even these bad times for the few who have failed the American people could lead to good times for the American system by inspiring a new appreciation for the rule of law and a new respect for the Constitution.

But those hopes, without prompt and vigirous action by the Congress, no longer hold.

How can we take seriously the President's claim to the presumption of innocence if by his every action he invites the assumption of guilt?

And how can we proclaim a renewed faith in the Constitution, if we fail now to use the constitutional mechanisms devised by the framers for precisely the condition we are in today?

It is important that we know the nature of that remedy—that we understand what impeachment does and does not mean. For what I propose today is not that Mr. Nixon be removed from office; it is only that we begin this one kind of inquiry that he must take seriously, because he knows it could lead to that result.

Our constitutional draftsmen understood the lessons taught by the rule of powerful and often arrogant monarchs in England. They feared an excess of power in executive hands. And they took two steps to prevent it.

First, they established checks and balances among the three branches of government. The war power and the power of the purse—those most susceptible to abuse—were placed in the Legislature, the branch closest to the people.

And second, the framers understood that even checks and balances in the Constitution might not suffice in the absence of checks and balances in the President's own conscience. I think they recognized that even the most carefully constructed system could not restrain any leader who was determined to thwart it. So Congress was given the power to investigate the conduct of the President and, in cases of high crimes or misdemeanors, to remove him from office.

If we draw a parallel with the laws by which the rest of the American people are governed, the role of the House of Representatives is similar to that of a Grand Jury. If after investigating and evaluating the facts, a majority of the House votes for impeachment, all that means is that probable cause of wrongdoing has been found and that the case should be tried by the Senate. In other words, the House, like a grand jury, may bring an indictment, which then opens the way for a trial by the Senate.

After the President is impeached by the House of Representatives, the Senate determines his guilt or innocence, with the Chief Justice of the United States presiding over the trial. And here, the standard is more stringent. While the impeachment, or indictment, is accomplished by a simple majority

vote in the House, conviction, or removal from office, cannot be voted by anything less than a two-thirds majority in the Senate.

So the procedure is straightforward. It includes ample safeguards for the President and rigorous standards of proof.

And while it provides that remedy, the Constitution also assures that the removal of one man shall not mean either the collapse of the Presidency or the fall of our system. Indeed, James Madison and his colleagues saw the power of impeachment as an essential restraint against arbitrary one-man rule.

The American people can be assured that the government will continue. Considering the performance of government over the past nine months, it may well be that impeachment, far from damaging our political system, is the best method of restoring public confidence in that system. It could dispel the dark clouds over the White House, either by vindicating the President's claim of innocence or by replacing him with someone who will heed the obligations of the Constitution.

As a member of the Senate, I must reserve my judgment on conviction until the case is before the Senate. But the process of impeachment should begin now.

Indeed, some authorities, including members of the House of Representatives and the entire national board of the distinguished American Civil Liberties Union, have seen grounds for impeachment for some time.

In describing the "decisive engine" of impeachment, James Madison declared that it should make the President personally responsible for his subordinates—"to superintend their conduct so as to check their excesses." Certainly, there is cause to question whether that responsibility has been met.

The list of Nixon Administration offenses includes bribery, forgery, burglary, perjury, unlawful wiretapping, obstruction of justice, destruction of evidence, improper use of sensitive government agencies such as the Internal Revenue Service, the FBI and the CIA, and the "fixing" of antitrust suits.

If Mr. Nixon knew about this criminal behavior and either condoned it or covered it up, he has obviously betrayed his high office. If he did not know that all about him, his top aides were sabotaging our democratic process, he is obviously unqualified to lead a great nation.

The President's oath of office requires that he uphold and defend the Constitution, which assigns the war power to Congress. Yet, Mr. Nixon deceived the Congress and the American people by covering up and denying fourteen months of bombing in Cambodia. Did that action uphold the Constitution, or were the Constitution and the presidential oath both betrayed?

Those activities and others—including the establishment of a White House "plumbers" unit with a mandate which contemplated clear violations of law—all raise the impeachment question.

But Mr. Nixon has gone much further. He says he offers compromise through the courtesy of Senator Stennis on the White House tapes; but in fact, he stands in contempt of definitive orders by the United States District Court and the Court of Appeals. Judge Sirica did not instruct Mr. Nixon to summarize selective portions of the tapes for a single Senator of his choosing. He ordered him to surrender the tapes for examination by the Court. The Court of Appeals sustained Judge Sirica. The President's obligation was to appeal those decisions of the highest Court in the land, or else to obey them. He has done neither. And his conduct not only prevents a full and fair investigation of his own role in a clear defiance of the rule of law; it also jeopardizes the prosecution and the defense of other alleged participants in Watergate.

Finally, Mr. Nixon stands in contempt of the United States Senate. Elliot Richardson was confirmed as Attorney General only after the President pledged that Mr. Richardson would have absolute authority to make all decisions bearing upon the Watergate case and related matters . . . [including] the authority to name a special supervising prosecutor for matters arising out of that case."

And before he was confirmed, Mr. Richardson promised the Senate that he would do just that, and that the special prosecutor would be independent. Mr. Richardson kept his promise, even though he was ordered to violate it, and even at the risk of his career. And Mr. Nixon kept appointing acting Attorneys General until he found one who wanted the job badly enough to dismiss Special Prosecutor Cox and then seal off and close down his office, and stop the Watergate inquiry dead in its tracks.

In effect, Mr. Nixon has served notice that no inquiry by the Justice Department or by the judicial system will be permitted to follow the truth into the oval office. Is this not clearly an obstruction of justice? Surely, Mr. Nixon knows that the Senate insisted on an impartial prosecutor in the first place because it had ample reason to doubt the reliability of the Administration's investigation of itself. But beyond this, the courts have spoken clearly to Mr. Nixon and he has chosen to ignore their orders.

After this most recent constitutional challenge, the Congress has no choice but impeachment.

Other nations have fallen in the wilderness in which we now wander, where the pursuit of power breaks the bounds of principle, where there is justice only for some and finally liberty for none.

Yet, there is a beacon in the gathering darkness; it has lighted our way and the work of our forbearers throughout the life of this land. That beacon is the Constitution, and if we follow it now, we can come home again to the true America. We can live once more by ideals instead of deals. We can be ruled once more by democratic traditions instead of dirty tricks. We can step again to the message which has seemed until recent days to be sounded only by a distant drummer—a faith which was kept by Archibald Cox even as he lost his position—that ours must be a government of laws, not of men, and certainly, not of one man. No one man is indispensable to the Presidency, but the Constitution is indispensable. The law must be sustained; and the highest officials of government have the most solemn obligation of conscience to bend their wishes and their will before the bar of justice.

So the question of impeachment is put to the Congress and the country. We hoped to avoid it, but it has come. We sought to avert a constitutional crisis, but unless we face it, we will sanction and perhaps fasten upon our children the excess of an unrestrained executive power. If what this President has done is not a cause to begin impeachment, what can ever call any President to account?

This is not a partisan matter, but a matter of principle. Elliot Richardson and William Ruckelshaus are Republicans who resigned, not to help the Democratic Party, but because they put duty to America ahead of any political party. And this is not an attack on the Presidency, but a defense of it. For if we condone, even by our inaction, the wrongs of Watergate and the White House horrors, our political process will be dishonored; the office of the Presidency will be disgraced; and we will be blamed as long as men read or remember history for betraying the promise of America.

We cannot wait for history's judgment. We must have the courage to judge. We must find a way out of the wilderness. And there is only one path, marked out for us by Thomas Jefferson in the Declaration of Independence and by James Madison, the father of the Constitution. Here in this historic City, we remember their heritage; and in every part of this country we must resolve to make our own. We must follow our conscience and our Constitution wherever they take us, even to impeachment. We can change Presidents, but we must not change our principles.

Almost sixty years ago, a great Virginian and a great President, Woodrow Wilson, called on the people of this nation to make the world safe for democracy. Now, we the people must summon ourselves to a task at least as difficult and even more fundamental—to make America safe for democracy.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there now be a call of the calendar beginning with Calendar No. 444 and extending through Calendar No. 450.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL EXPENDITURES BY THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

The resolution (S. Res. 178) authorizing additional expenditures by the Committee on Interior and Insular Affairs for routine purposes was considered and agreed to as follows:

Resolved, That the Committee on Interior and Insular Affairs is authorized to expend from the contingent fund of the Senate, during the Ninety-third Congress, $25,000 in addition to the amount and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act of 1946, and in S. Res. 96, agreed to May 10, 1973, and S. Res. 137, agreed to July 20, 1973.

ADDITIONAL COPIES OF SENATE HEARINGS ON COPYRIGHT LAW REVISION

The resolution (S. Res. 188) authorizing the printing of additional copies of Senate hearings on copyright law revision was considered and agreed to, as follows:

Resolved, That there be printed for the use of the Committee on the Judiciary one thousand additional copies of the hearings before its Subcommittee on Patents, Trademarks, and Copyrights during the present session on Copyright Law Revision.

SUPPLEMENTAL EXPENDITURES BY THE COMMITTEE ON VETERANS' AFFAIRS

The Senate proceeded to consider the resolution (S. Res. 170) authorizing supplemental expenditures by the Committee on Veterans' Affairs for inquiries and investigations which had been reported from the Committee on Rules and Administration with an amendment on page 1, line 1, after the word "Resolved," strike out "That S. Res. 47, Ninety-third Congress, agreed to February 22, 1973, is amended as follows:

(1) In section 2, strike out the amounts "$100,000" and "$40,000" and insert in lieu thereof "$250,000" and "$50,000", respectively." and, in lieu thereof, insert: "That section 2 of Senate Resolution 47, Ninety-third Congress, agreed to February 22, 1973, is amended by striking out the amounts "$100,000" and "$40,000"

and inserting in lieu thereof "$210,000" and $50,000", respectively."

The amendment was agreed to.

The resolution, as amended, was agreed to.

ORDER FOR PRINTING OF A COMPILATION OF THE 25TH AMENDMENT

The Senate proceeded to consider the resolution (S. Res. 183) authorizing the printing of a compilation of materials on the 25th amendment as a Senate document which had been reported from the Committee on Rules and Administration with an amendment on page 1, at the beginning of line 6, strike out "document for the use of that committee." and insert "document, of which one thousand copies shall be for the use of the Committee on the Judiciary and one thousand copies shall be for the use of the Committee on Rules and Administration."

The amendment was agreed to.

The resolution, as amended, was agreed to, as follows:

Resolved, That a compilation entitled "Selected Materials on the Twenty-fifth Amendment", prepared by the Subcommittee on Constitutional Amendments, Committee on the Judiciary, be printed as a Senate document, and that there be printed two thousand additional copies of such document, of which one thousand copies shall be for the use of the Committee on the Judiciary and one thousand copies shall be for the use of the Committee on Rules and Administration.

ORDER FOR PRINTING ADDITIONAL COPIES OF HEARINGS ENTITLED "U.S. INTERESTS IN AND POLICY TOWARD THE PERSIAN GULF"

The concurrent resolution (H. Con. Res. 275) providing for the printing of 1,000 additional copies of the hearings before the Subcommittee on the Near East of the Committee on Foreign Affairs entitled "U.S. Interests in and Policy Toward the Persian Gulf" was considered and agreed to.

ORDER FOR PRINTING ADDITIONAL COPIES OF REPORT OF THE COMMISSION ON THE BANKRUPTCY LAWS OF THE UNITED STATES

The concurrent resolution (H. Con. Res. 322) to reprint and print the corrected Report of the Commission on the Bankruptcy Laws of the United States was considered and agreed to.

ORDER FOR PRINTING AS A HOUSE DOCUMENT THE CONSTITUTION OF THE UNITED STATES

The Senate proceeded to consider the concurrent resolution (H. Con. Res. 184) to print as a House document the Constitution of the United States which had been reported from the Committee on Rules and Administration with an amendment on page 2, add the following new section:

SEC. 2. There shall be printed fifty-one thousand five hundred additional copies of the document authorized by section 1 of this concurrent resolution for the use of the Senate.

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on today, October 23, 1973, he presented to the President of the United States the following enrolled bills:

S. 907. An act to authorize the appropriation of $150,000 to assist in financing the arctic winter games to be held in the State of Alaska in 1974; and

S. 2016. An act to amend the Rail Passenger Service Act of 1970 to provide financial assistance to the National Railroad Passenger Corporation, and for other purposes.

QUORUM CALL

Mr. ROBERT C. BYRD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. HELMS). Without objection, it is so ordered.

THE CALENDAR

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar Nos. 442 and 443.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES AND IMMUNITIES TO THE ORGANIZATION OF AFRICAN UNITY

The bill (S. 1526) to amend the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 1526

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the International Organizations Immunities Act (22 U.S.C. 288–288f) is amended by adding at the end thereof the following new section:

"SEC. 12. The provisions of this title may be extended to the Organization for African Unity in the same manner, to the same extent, and subject to the same conditions, as they may be extended to a public international organization in which the United States participates pursuant to any treaty or under the authority of any Act of Congress authorizing such participation or making an appropriation for such participation.".

CERTAIN PRIVILEGES GRANTED TO THE COUNCIL OF THE ORGANIZATION OF AMERICAN STATES

The bill (H.R. 5943) to amend the law authorizing the President to extend certain privileges to representatives of member states on the Council of the Organization of American States was considered, ordered to a third reading, read the third time, and passed.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, on Friday, October 26, 1973, the Senate will convene at 12 o'clock noon.

Under the order previously entered, after the recognition of the two leaders or their designees under the standing order, there will be a period for the transaction of routine morning business not to exceed 30 minutes, with statements therein limited to the usual three minutes.

I do not anticipate any business, unless there are measures on the Calendar which have been cleared for action and possibly any conference reports that may be available and awaiting action.

I do not, at this time, anticipate any yea-and-nay votes.

ADJOURNMENT TO FRIDAY

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 12 o'clock noon on Friday next.

The motion was agreed to; and at 3:07 p.m. the Senate adjourned until Friday, October 26, 1973, at 12 o'clock noon.

NOMINATION

Executive nomination received by the Senate on October 19, 1973, pursuant to the order of October 18, 1973:

FOREIGN CLAIMS SETTLEMENT COMMISSION

Kieran O'Doherty, of New York, to be a member of the Foreign Claims Settlement Commission of the United States for a term of 3 years from October 22, 1973 (reappointment).

HOUSE OF REPRESENTATIVES—*Tuesday, October 23, 1973*

The House met at 12 o'clock noon.

Rabbi Sally Preisand, Stephen Wise Free Synagogue, New York, N.Y., offered the following prayer:

Once again, we consecrate ourselves to the task of building a better world. Those who sit here have been granted positions of authority by their fellow citizens. May they use their power wisely and for the good of all, and may their decisions ever reflect a true sensitivity toward human needs. May they uphold the law of right-

eousness in America and courageously defend the democratic system wherever its survival is threatened. Proud of our achievements, yet aware of our shortcomings, may all our citizens unite in the spirit of concord and compassion to solve the problems of contemporary life and to create a world in which all people might at last live together in peace and in unity with none to make them afraid.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

RABBI SALLY PREISAND

(Ms. ABZUG asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Ms. ABZUG. Mr. Speaker, today we have been privileged to hear the prayer and receive the guidance of Rabbi Sally Preisand, assistant rabbi of the Stephen Wise Free Synagogue in New York.

This is indeed a historic occasion for more reasons than one. One is because, Mr. Speaker, Rabbi Preisand is the first woman rabbi in America and the first to offer the morning prayer to the House of Representatives.

Ordained over a year ago, Rabbi Preisand is now associated with one of the finest synagogues in all New York, the Stephen Wise Free Synagogue, which serves many of my constituents and those of other Members of this House. Educated at the University of Cincinnati and the Hebrew Union College, she fulfills all the duties of a member of the clergy. She performs marriages and leads confirmation classes and Hebrew studies; she meets with the youth groups and with the trustees; she works with the elderly and the young; and conducts the Friday night and Saturday morning worship services.

But as Rabbi Preisand has said, "A rabbi is also a leader and a counselor." Rabbi Preisand recognizes the importance of her position as a model for young Jewish women. She has said, "I'm proud, perhaps proudest, that now little girls can grow up knowing they can be rabbis if they want to." Her accomplishments have been recognized by many all over the country.

As we learn from her words today, so can we learn from her life; to help others, to give leadership and to be open to change within the institutions of our society must be our goal, as it is hers.

MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS JUDICIARY COMMITTEE TO STUDY IMPEACHMENT QUESTION

(Mr. O'NEILL asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. O'NEILL. Mr. Speaker, let us review the action of the President of the United States.

No other President in the history of this Nation has brought the highest office in the land into such low repute. His conduct must bring shame upon us all.

By his highhanded firing of the special prosecutor, President Nixon has violated the solemn promise he made to the Congress and to the American people on nationwide television last April 30.

The resignation of the Attorney General, Mr. Richardson, and the Deputy Attorney General, Mr. Ruckelshaus, was the only course available to honorable men. And of honorable men, this administration has had few enough. Now it is poorer still by two and many excellent staff assistants.

I have never seen such an avalanche of angry telegrams. The Capitol required extra help on the switchboard over the weekend. The Western Union lines were jammed.

Mr. Speaker, many people are demanding impeachment. They have suffered patiently through the whole sordid Watergate mess. In the American spirit of fairplay and the right to a presumption of innocence, they accepted the arrangement proposed by President Nixon last April—a special prosecutor who would investigate Watergate wherever it might lead and who would make the truth known to the American public. Those were the terms fixed by President Nixon himself.

Now he has chosen to violate those terms—deliberately and with premeditation. His act raises serious questions of President Nixon's ability to govern this Nation.

He has left the people no recourse. They have had enough doubledealing. In their anger and exasperation, the people have turned to the House of Representatives. It is the responsibility of the House to examine its constitutional responsibilities in this matter. The case must be referred to the Judiciary Committee for speedy and expeditious consideration. The House must act with determined leadership and strength.

LEGISLATION TO PROHIBIT PRESIDENT FROM APPOINTING ACTING DIRECTOR OF FBI

(Mrs. GRIFFITHS asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. GRIFFITHS. Mr. Speaker, I have today introduced a bill which I have had under consideration for some time, a bill which would prohibit the President of the United States from appointing an Acting Director of the FBI. I do not believe that any man should be able to appoint an Acting Director of the FBI and ask that the files of anyone whom he chose be turned over to the President.

I have given this authority to the oldest-in-seniority Justice of the Supreme Court, and then just to make sure I have said that anyone who acts under color of authority of the President be liable to 6 months in jail and a $10,000 fine.

I urge the Committee on the Judiciary to take immediate recognition of this bill and to enlarge it so that a President of the United States cannot appoint an Acting Director of anything for any period whatsoever.

The President should not be able to tell a day enforcement officer, "Do what I tell you to do and I will promote you; or I will fire you if you do not." This is dictatorship and contrary to the American system.

REPUBLICAN LEADERSHIP SUPPORTS REFERRAL OF RESOLUTIONS TO COMMITTEE ON JUDICIARY

(Mr. GERALD R. FORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GERALD R. FORD. Mr. Speaker, I wish to announce to the Members of the House that the House Republican leadership met this morning and I communicated the information to the distinguished Speaker of the House that we do support the referral of any resolutions to the House Committee on the Judiciary.

IMPEACHMENT OF THE PRESIDENT

(Mr. WALDIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDIE. Mr. Speaker, I have introduced a resolution of impeachment.

I have done so because I think the crisis that today confronts the country demands that we in the House not step away from confronting that crisis by taking less than the concrete step of impeachment. To begin an "inquiry," to begin less than an impeachment process, is an admission on the part of the House of Representatives that this body is not willing to accept the responsibility that the Constitution thrusts upon it, and that the bizarre actions of the President last weekend thrust upon it.

The President's incredible and bizarre actions this last weekend have culminated a long pattern of pure and unmistakable obstruction of justice. The President has shown utter contempt for the judicial branch of the Government. He has shown equal contempt for the legislative branch of the Government. The President does not believe in a rule of law. His arrogance and lawless activity can no longer be tolerated.

If the House of Representatives refuses to embark upon a proceeding of impeachment, the House of Representatives will be deserving of that contempt.

Mr. Speaker, I urge the House of Representatives to commence impeachment proceedings against the President immediately.

PROPOSED SELECT COMMITTEE

(Mr. SISK asked and was given permission to address the House for 1 min-

ute and to revise and extend his remarks.)

Mr. SISK. Mr. Speaker, it is with a great deal of sorrow that I find myself in a situation today where I introduced a resolution to create a select committee of 15 Members empowered and with full authority to report an impeachment resolution to the House within 30 days, or such other resolution of censure or anything else that that committee may find necessary to meet this situation.

Mr. Speaker, I deeply regret that this action is necessary, but this Nation is confronted not only with a constitutional crisis, but a question of whether, in fact, the President of the United States has placed himself above the law and has actually violated laws.

Mr. Speaker, certainly in connection with the statement made by the minority leader a few moments ago, I will support a full-scale investigation and immediate action by the Judiciary Committee, if that is the desire of the leadership. But I want it clearly understood that I feel very strongly that this matter must be done immediately, that we can no longer drag our feet; that it is no longer a matter that can be swept under the rug and that we must proceed expeditiously, because the country demands it. I think America demands it in equity and in justice.

Therefore, we as Members of this House must live up to our constitutional requirements and meet our obligations.

PROPOSED IMPEACHMENT PROCEEDINGS

(Mr. HAYS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYS. Mr. Speaker, I as chairman and 11 other Members of the House were in Ankara, Turkey, to attend a meeting of the North Atlantic Assembly, when on early Sunday morning we received this news. The immediate decision was, because we did not know what might happen today, to return; and we arrived only at 11:30 today at Andrews Air Force Base. But I can say that when this word was given to the standing committee which met on Sunday of what the President had done, there was absolute amazement, shock, and horror, from every delegate there. In any other country in the world the President would have resigned. If he had not, he would have been forced by a vote of no confidence by precipitating this crisis and taking over as his domain the judiciary of the United States.

I have supported the President a lot more than I have ever opposed him. I have supported him almost 100 percent in foreign policy, but I cannot condone this kind of action.

I would have no more confidence in the Justice Department under his handpicked man than I would in an Egyptian war communique.

I just want to say that I am willing to wait for a reasonable investigation, that is, in a reasonable length of time; but if it drags on, then I think the House will be confronted with some Member calling up an immediate impeachment resolution for a vote up or down.

IMPEACH THE PRESIDENT

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Ms. ABZUG. Mr. Speaker, will the gentlewoman yield?

Ms. SCHROEDER. I yield to the gentlewoman from New York.

Ms. ABZUG. Mr. Speaker, I have introduced today a resolution setting forth reasons why President Nixon should be impeached for high crimes and misdemeanors.

The President has shocked the Nation by defying a Federal court order on the tapes and violating a solemn commitment to the Senate by summarily dismissing special prosecutor, Archibald Cox, and abolishing his office. There has been a groundswell of protest from every part of the Nation, from Republicans as well as Democrats, from citizens who profoundly respect our constitutional form of democracy and are appalled that the Chief Executive does not.

A common theme appears in the phone calls and telegrams pouring into my office: The President is not above the law or beyond the reach of the courts. He must be called to account for his actions through the process of impeachment by the House and trial by the Senate.

Since last May I have been asking the House Judiciary Committee to inquire into the conduct of the President to determine whether he has committed impeachable acts. I believe it is now evident that he has done so. His contempt for the Constitution, the courts, and the people, as seen in the Cox dismissal, climaxes a long series of unlawful and antidemocratic actions by the President. His attempt to cover up the evidence and to shut down the Cox investigation indicates that the trail was indeed leading into the Oval Office.

The articles of impeachment I have offered charge the President with seven separate violations of the Constitution and the law, ranging from the tapes issue and the ouster of Mr. Cox to the impounding of funds and the secret, illegal bombing of Cambodia.

All these and other charges should be thoroughly investigated by the Judiciary Committee so that the people may have the full facts.

IMPEACHMENT OF THE PRESIDENT

(Mr. OBEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OBEY. Mr. Speaker, my office and my home have been flooded with calls from constituents since the President discharged Special Prosecutor Cox last Saturday evening.

One woman from Rhinelander, Wis., called me at 12:30 Saturday night. She told me that last November, even though she was 8½ months pregnant, she had distributed literature in support of the reelection of the President. She asked me to please support impeachment proceedings. Her call was not unique. Many good Republicans are every bit as disturbed as Democrats over the sobering turn of events of this weekend.

There are many important questions surrounding the events of the past weekend and the entire Watergate controversy. But, for the country, the most important question to ask is whether Richard Nixon's Presidency has lost its usefulness. I believe it has. For this President, trust is gone, belief is gone, the public's good will is gone, and nothing short of a miracle will restore it.

Presidents are elected for 4 years to govern, not to rule, and it is sadly apparent that this President can no longer really govern.

Mr. Speaker, I believe you and a delegation from the House should call upon the President, pledge early action on the nomination of Representative FORD to the Vice Presidency, and urge Mr. Nixon's immediate resignation for the good of the country upon the confirmation of Mr. FORD. That would be the best thing Mr. Nixon could do for the country.

CENSURE OF THE PRESIDENT

(Mr. LONG of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LONG of Maryland. Mr. Speaker, heretofore, I have been reluctant even to think about impeachment, but if the President persists in his defiance of the courts, and in his orders to the Federal prosecutors not to seek to invoke the judicial process further to compel production of recordings, notes, and memoranda regarding the Watergate prosecution, then our Constitution is imperiled and Congress has no alternative, but to proceed with impeachment proceedings.

I represent a district which voted for Nixon by a 75-percent margin. Yet, yesterday, I received 239 telephone calls of which 200—5 to 1—were for impeachment. These calls came from people of all economic conditions and political persuasion. Never has anything even approached this outpouring of sentiment in my district. It is as if a dam had broken.

First, I support the launching of an inquiry leading to impeachment.

Second, if the inquiry results in a finding that the President is in violation of the law, and of the Constitution, I shall vote for impeachment.

Third, I urge that the investigation into the qualifications of GERALD FORD be speeded up, in the hope that Congressman FORD can be confirmed by Congress as Vice President with the view of removing any political considerations from the impeachment proceedings.

Fourth, I came here today introducing a resolution of censure of the President; a resolution that does not prejudice or preclude any subsequent proceedings for impeachment.

PREMATURE IMPEACHMENT PROCEEDINGS

(Mr. FISHER asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. FISHER. Mr. Speaker, I am amazed at the Members who have so prematurely urged impeachment proceedings against the President. After all, as of this time, what has he done? The Attorney General has said the President as of this time has violated no court order.

The issue over revealing the contents of recordings of private conversations by the President with his aides has been litigated extensively. Last week Mr. Nixon announced a plan to reveal the contents of the recordings and have the accuracy and completeness of his summary verified by Senator JOHN STENNIS. That arrangement had the approval of Senator ERVIN and of Senator BAKER, spokesmen for the Senate Watergate Committee. If it is not approved by Judge Sirica, then that would present another question. But that point has not yet been reached.

In regard to the President firing Archibald Cox, who had defied the President's plan to reveal the contents of the tapes, that certainly is no grounds for impeachment. I recall that when President Truman fired General McArthur, thousands of telegrams of protest were received on Capitol Hill. But no one even suggested impeaching Truman. After all, Mr. Cox worked for the executive branch and President Nixon was his boss.

Let us restrain ourselves until the outcome of the President's proposal to reveal the contents of the tapes has been determined.

IMPEACHMENT OF THE PRESIDENT

(Mr. WOLFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. WOLFF. Mr. Speaker, it is with a heavy heart that I rise today to call for the impeachment of President Nixon for the high crime of refusal to obey an order of the Federal Court of Appeals of the District of Columbia. If the law of the land is to be maintained and anarchy or totalitarianism to be avoided, there is no alternative but that the President comply with the order of the court or suffer this body to begin immediate impeachment proceedings.

This weekend the Nation was rocked by the news of the resignations of Attorney General Elliot Richardson and Deputy Attorney General William Ruckelshaus and the firing of Special Watergate Prosecutor Archibald Cox. These tragic events bring to a head the unconscionable abuse and arrogation of power by the President of the United States who has placed himself in defiance of both the courts and the laws of our land.

Indeed, the issue of impeachment concerns more than the President's refusal to comply with the order issued by District Judge John Sirica and the U.S. Court of Appeals that he turn over the White House tapes in a specific and prescribed manner. The shielding of witnesses in criminal investigations through the improper use of executive privilege, the seizing and sealing of the Special Prosecutor's files and the concealment and withholding of documents and other evidence relating to alleged criminal activities constitute a shocking and blatant obstruction of the process of justice, which is itself a felony and clearly an impeachable offense.

Mr. Speaker, the President's actions leave the Congress no alternative but to act to bring about whatever procedures may be necessary for a return to orderly government within the democratic process.

PROPOSED IMPEACHMENT OF THE PRESIDENT

(Mr. VANIK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. VANIK. Mr. Speaker, as a result of the President's incredible actions last Saturday which resulted in the removal from Government of Attorney General Richardson, Deputy Attorney General Ruckelshaus and Special Prosecutor Cox, I am joining those of my colleagues who are introducing impeachment resolutions.

It was my hope that this action would not be necessary—that the President would comply with the order of the Federal courts—that the President would allow the special prosecution to move without restraint; that the President would support due process of law.

The President's dissolution of the prosecution is equivalent to an order that further proceedings be dropped against indicted former Attorney General Mitchell, against indicted former Commerce Secretary Stans, against indicted White House aides, as well as other White House manipulators.

The President's action grossly violates his solemn constitutional promise to support the laws of the land. He leaves the Congress with no other alternative than to review his disobedience to the law and his right to remain in office.

A RESOLUTION OF IMPEACHMENT

(Mr. RIEGLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RIEGLE. Mr. Speaker, like every other Member who rises to speak today, I have given long and careful thought to my own remarks, and I speak with all my feeling.

I think President Nixon has broken the law and he has violated his sworn oath of office. He has done this not once, but several times. By so doing, he has disgraced his country and himself. This is a matter of great sadness; it is also a cause of justified public outrage. The President has broken his word to the American people and has violated the bond of sacred trust that must exist between the President and our people.

The President with his specific actions of the last week is openly involved in a criminal obstruction of justice. If he does not cease this obstruction and end his lawlessness, then he leaves the American people and this Congress no choice but to remove him from office. We can have only one set of laws in America, and they must apply equally to all of us.

Therefore, my sworn oath of office to protect and defend our Constitution and our laws requires me to file a formal resolution of impeachment. As soon as I can properly and carefully prepare such a resolution, I will so file it.

A LEGISLATIVE LYNCH MOB

(Mr. KUYKENDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUYKENDALL. Mr. Speaker, time and time again today this situation has been called unprecedented. Those Members who are students of history know that this situation is not unprecedented. It happened to a President of the United States from my home State of Tennessee. Shortly after the Civil War, a man stood for unity, stood against the Congress of the United States for even treatment of all parts of this Nation, and he was lynched legislatively in this House. It took one man in the U.S. Senate being hauled in on a stretcher to save this Nation from one of the blackest spots that would have been in its history.

It was President John F. Kennedy in his book, "Profiles in Courage," who finally told the true story of what happened.

I warn everyone in this House to go slowly. Do not be part of a legislative lynch mob. This can happen, as it did happen in this House to Andrew Johnson shortly after the Civil War.

For those who would rush into this proceeding without going through an investigation, without going through the procedure suggested by the gentleman from Michigan (Mr. GERALD R. FORD), I have here a symbol for their actions.

THE PRESIDENT HAS NOT DEFIED A COURT ORDER

(Mr. WYMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYMAN. Mr. Speaker, let us not go off the deep end here today. It is very clear that Mr. Cox and the President have been having differences in regard to the former's jurisdiction. It is also obvious that the President feels very deeply about the privilege of Executive papers for this President or any President.

It does not make sense to me, and I am sure it does not to most of us, for the President not to appeal the Court of Appeals decision, and then after having failed to appeal within the designated limit, to offer a compromise, which if it is not accepted can only result in a possible contempt citation.

But let it be remembered at this hour that the President has not yet defied a court order of any court in this land. It is

to be fervently hoped that he will not do so, for at stake is the very integrity of our system, our system of justice and even the Constitution of the United States itself.

At this juncture the developments of the past few days are regrettable but not impeachable. I think it is important to set the record straight in this respect, in light of some of the near hysterically misleading statements we have been listening to this noon.

IMPEACHMENT OF PRESIDENT NIXON

(Mr. BROYHILL of Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROYHILL of Virginia. Mr. Speaker, this Congerss has an opportunity today to display a maturity of legislative judgment in response to outcries for the impeachment of President Nixon.

We must not, Mr. Speaker, be led down the garden path of prejudgment behind the prejudice of the Nation's press, and the political bias of the anti-Nixon claque in our country.

Archibald Cox has chosen to set himself above the compromise on the tapes worked out between the President and the Senate Watergate Committee. To allow Mr. Cox to continue in office would be to allow him to function as a fourth branch of Government.

Every one of us, Mr. Speaker, understands the President's right to confidentiality in the operation of his office. None of us could long remain in office if we violated the confidentiality of the daily letters we receive and conversations we have with our constituents. They trust us to protect their privacy in their discussions with us regarding their marital, financial, emotional, employment, and other personal problems.

Let us proceed, Mr. Speaker, as the people's Representatives, and determine the full facts before we allow mass media hysteria to replace reasoned judgment.

IMPEACHMENT CRY PREMATURE

(Mr. DICKINSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DICKINSON. Mr. Speaker, following the cries of impeachment which have been heard this morning, I would observe that some persons uttering this cry are well-meaning and sincere, others are mounting sheer sloppy demagoguery. Mr. Speaker, all cries are premature and not well founded.

Article II, section 4 of the Constitution states:

> The President, Vice President, and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high crimes and Misdemeanors.

What are these high crimes and misdemeanors committed by President Nixon?

I find it rather amazing that anyone could demand the impeachment of the President of the United States—the most extreme action the Congress could take and which has never happened to a President in our history—simply because he fired an employee of the executive branch which he appointed. Nowhere in the Constitution of the United States do I find such action listed as an impeachable offense. It may not have been good judgment, but it is certainly no crime.

If the firing of one's employee, in this case Mr. Cox, is a high crime of misdemeanor, then I say that there has not lived a President who should not have been impeached.

Is the President's high crime or misdemeanor that he is defying the courts?

I think not. Less than 1 hour ago the Acting Attorney General of the United States relayed the word that talks were underway and that negotiations were being considered to resolve the tapes conflict. I predict that if the courts order President Nixon to produce the tapes he will comply.

Mr. Speaker, the President of the United States has been charged with no crime, and he has committed no crime. This morning's cries of impeachment are, to say the least, premature and unfounded.

CONFIRMATION OF GERALD R. FORD AS VICE PRESIDENT

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS. Mr. Speaker, the resignations this weekend of Attorney General Elliot L. Richardson, and Deputy Attorney General William D. Ruckelshaus, and subsequent removal from office of Watergate Special Prosecutor Archibald Cox, are serious and grave steps taken by President Nixon.

On a number of occasions, President Nixon has demanded that Watergate be tried in the courts. This is exactly what Watergate Prosecutor Cox was attempting to do when fired by the President.

The resignations and firing which were brought about by Mr. Nixon represent a 180-degree turn in his commitment to the Congress and the American people to have a thorough, full, and impartial investigation into the Watergate incident and its subsequent coverup effort. Actually, when President Nixon appointed Elliot Richardson as Attorney General, William Ruckelshaus as Deputy Attorney General, and Richardson appointed Archibald Cox as Watergate Prosecutor, Mr. Nixon was selecting his own people and repeatedly announced that he had complete confidence in their integrity and character.

Due to this abrupt reversal on the part of the President, I am willing to participate in the debate of possible impeachment proceedings. However, I must make clear my total opposition to any impeachment of the President prior to the confirmation by the House and Senate of GERALD FORD as Vice President.

When GERALD FORD was nominated to be Vice President a week ago last Friday, that action was met by acclaim by almost all Republicans and Democrats in Congress. It is time now to put aside partisan politics and confirm Mr. FORD's nomination, before any attempt is made to institute impeachment proceedings.

CONGRESSIONAL INVESTIGATION WITH RESPECT TO IMPEACHMENT

(Mr. GUDE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUDE. Mr. Speaker, the Congress must immediately pick up the threads of the investigation which have been cut by the President this weekend. We should retain Mr. Cox to continue this investigation.

The President may now agree to a court order but, because of the imminent danger of an unprecedented constitutional impasse, the Congress must assemble all evidence which would point to an impeachment of the President so that we are prepared to act with reason and justice, and without prejudice.

IN SUPPORT OF PRESIDENT NIXON

(Mr. PASSMAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASSMAN. Mr. Speaker, I would be remiss in my responsibility as a God-fearing and God-loving American if I did not express myself now as my heart and conscience dictate, keeping in mind that of my position you may deprive me, but of my integrity, never.

Our great country has never had a bad President. Some have been greater than others, and in my considered judgment history will record Richard M. Nixon as the greatest President this Nation has ever had. We should be commending this great President, not condemning him. We are inclined to forget too quickly what he has accomplished for this land that we love.

He concluded, under most difficult circumstances, the Vietnam war; he established a dialog with Mainland China and doubtless prevented them from going into the arms of Russia. This act may have prevented world war III. And, it appears, that he is well on his way to bringing peace in the Middle East.

There comes a time when the faint-hearted run for the showers; then, those with courage must speak up. I am taking my position on the side of the President, because I believe he possesses unimpeachable integrity. I contend that his troubles began when he put the Communist, Alger Hiss, in jail.

Those with the brains of a juvenile moron know that the President is working within the framework of the law. We should not persecute our President for trying to protect the office of the Presidency. There are those who would settle for nothing less than to force the President, if they could, to confess to crimes he has not committed. There are those who would destroy the Presidency if it would mean the destruction of Richard M. Nixon.

IMPEACHMENT IS NOT THE ANSWER

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MONTGOMERY. Mr. Speaker, I also think that talk of impeachment at this time is unreasonable.

If we impeach President Nixon, what happens next? I believe that after the people of the Nation get over the shock of the last 2 weeks, they are not going to support this drastic action.

Mr. Speaker, quite frankly, this talk of impeachment gives me a knot in my stomach.

ON IMPEACHMENT

(Mr. ROUSH asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. ROUSH. Mr. Speaker, the indignation of those who have spoken out concerning the President's brash and irrational actions in dismissing Mr. Cox and Mr. Ruckelshaus and causing the resignation of Mr. Richardson is well founded. What he has done deserves the sharpest of criticism and condemnation.

Should we now proceed with impeachment? What a profound and difficult question to deliberate. Mr. Speaker, I am overwhelmed by the events which have overtaken us. I, too, am indignant and have strong feelings concerning the President's action and immediate judgment is tempting; however, because of the importance and the gravity of this matter my decision on the question of impeachment must be well considered and deliberate. It must be consistent with the dictates of the Constitution and the laws of the land and above all serve the best interests of my country and its people. My decision will be made accordingly.

THE PRESIDENT'S ALTERNATIVES

(Mr. WYLIE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WYLIE. Mr. Speaker, when I first heard of the arrangement to release the tapes on Saturday, I felt relieved. This seemed like a happy solution in order to avoid a confrontation on the question of separation of powers, and I thought that maybe we will get Watergate behind us and get on with the country's normal business.

It was my impression that Mr. Cox wanted the tapes to obtain information regarding Watergate. The President has said that he would release the information on the tapes pertaining to Watergate. Senator ERVIN has agreed to this arrangement. Apparently Mr. Cox wanted more and refused to compromise. Mr. Cox threw down the gauntlet.

The President had no alternatives but to ask for his resignation. How can that possibly be a high crime and misdemeanor? What court order has the President disobeyed?

Elliot Richardson made it clear that the President had violated no court order, speaking in his press conference this morning.

Mr. Speaker, let us act like professionals and not guardhouse lawyers.

IMPEACHMENT PROCEEDINGS

(Mr. STEIGER of Arizona asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEIGER of Arizona. Mr. Speaker, I will not belabor this unduly, but I would suggest that perhaps there is a single area of agreement that everybody who is concerned about this problem could confront. One is that the problem is very genuine because the feelings not only in this House but in the Nation are very genuine; two, we have an assigned task before us which can help to alleviate the problem of what to do with the President's apparent disregard for at least the feelings of many people in this country and the feelings of many people in this House, that is, to address ourselves to our constitutional assignment regarding the confirmation of the Vice President designate.

Mr. Speaker, that is a problem we must confront. If we confront that now and dispose of that and confirm the gentleman from Michigan as Vice President, then we can approach completely objectively the problem of whether or not the President is indeed guilty of any high crimes, treason, or misdemeanors.

I urge that we get on not only with the rhetoric that I know is inevitable, but with the constitutional obligation of confirming the gentleman from Michigan.

CRIME DOESN'T PAY—EXCEPT FOR NIXON

(Mr. LEGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. LEGGETT. Mr. Speaker, the President has maliciously manipulated the law to suit his mischief by capriciously eliminating a man charged with investigating one of the most odious episodes in our political history. And today the President attempts to kiss off months of frustration of the legal investigative officer's efforts to get the evidence by simply divulging the contents of 10 tape recordings.

The time has come for a body truly independent of and coequal with the executive branch to bring all the facts to the fore. It is abundantly clear that we cannot expect any employee of the present administration to put the handcuffs on his employer. Since Mr. Cox had a staff of more than 80 lawyers, the Judiciary Committee must be authorized to hire at least that number for the purpose of investigating charges including but not limited to the following:

CHARGES

I. Bribery (USCA, 18-203, 18-201(g), 2 years/$10,000). ITT deal, milk deal, Vesco deal. (USCA 18-201(d), 15 years/3X value value of bribe.) Hush money to Watergate defendants. (USCA 201 (b) and (f), 3X monetary equivalent of bribe/15 years.) Offer of FBI to Byrne.

II. Misprision of Felony (USDA 18-4, 3 years/$500). Failure to report break-in of Ellsberg's psychiatrist's office.

III. Wiretapping (USCA 18-2511, 5 years/$10,000). DNC bugging/tapping, 1969 taps on newsmen.

IV. Perjury (USCA 18-1621) and subornation of perjury (USCA 18-1622) (each 5 years/$2,000). Submission of false reports on Cambodian bombing to Congress.

V. Obstruction of criminal investigations (USCA 18-1510, 5 years/$5,000). Use of CIA to prevent FBI investigation of Mexican laundry. Hush payments to Watergate defendants, withholding of information from Ellsberg jury, prohibition of investigation of plumbers, disguising corporate campaign contributions to avoid penalties.

VI. Conspiracy against rights of citizens (USCA 18-241, 10 years/$10,000). Denial of Ellsberg's right to fair trial by withholding evidence.

CONFIRMATION OF VICE-PRESIDENTIAL NOMINEE IS FIRST ORDER OF BUSINESS IN CONGRESS

(Mr. HOGAN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. HOGAN. Mr. Speaker, we have a serious constitutional crisis confronting us. This is not the time for partisan rhetoric but a time for calm, objective, rational deliberation.

If this body is going to seriously consider an impeachment resolution, each Member of the House is comparable to a member of a grand jury who is being asked whether the accused is guilty before the facts are heard. This is especially true for those of us who serve on the Judiciary Committee.

The firing of Special Prosecutor Cox is not the real issue. As the head of the executive branch, the President has the power and the right to fire any appointees in his administration. Firing a subordinate is certainly not an impeachable offense.

Defiance of a court order, however, is another matter and herein lies the constitutional dilemna confronting us. The separation of powers between the three branches of the Federal Government is the cornerstone of our system of government. Can one branch compel the other to do something which the other branch feels contravenes the separation of powers? That is the constitutional crisis facing us. How we resolve it could have ramifications for succeeding centuries.

The solution of this issue is more important than the personality of Richard M. Nixon or the Nixon administration. The consequences are historic and that is why it is so imperative that we be statesmanlike rather than partisan in our deliberations and judicious in our statements.

The Congress has a paramount responsibility before us which takes precedence over impeachment resolutions and all else: that is the prompt confirmation of the President's nominee for Vice President. There is an intolerable vacuum in our Government until this vacancy is filled. We cannot and should not tarry in this discharge of our responsibilities under the Constitution.

Let us get on with this important task

at once before we consider anything else. We cannot even consider impeachment until this question is resolved.

MORE DELEGATED POWER

Mr. GROSS. Mr. Speaker, I assume that you will shortly lay before the House a message from the President requesting $2.2 billion to finance his intervention in the Middle East war.

President Nixon's unilateral intervention—without the advice or consent of Congress—is another demonstration of what takes place when a spineless, irresponsible Congress delegates its powers to a President. Beyond the perilous act of intervention in a war, it leads as in this case to a projected colossal raid on America's already overburdened taxpayers.

Mr. Speaker, I believe it is especially important that those who voted to give the office of President almost unlimited power, as well as those who performed in the role of doves 3 months ago, hear this message. Or have the wings of the Vietnam doves suddenly been stilled by the moulting process in the Middle East?

To the end that all Members will be able to hear and report promptly to their constituents on this proposed $2.2 billion raid on their constituents' pocketbooks, I will urge that a quorum be present when the message is read.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER laid before the House the following communication from the Clerk of the House of Representatives:

October 19, 1973.

The Honorable CARL ALBERT,
The Speaker, House of Representatives.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 3:03 p.m. on Friday, October 19, 1973, and said to contain a message from the President concerning emergency security assistance for Israel and Cambodia.

With kind regards, I am

Sincerely,

W. PAT JENNINGS,
Clerk, House of Representatives.
By W. RAYMOND COLLEY.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I believe that the request for $2,200,000,000, or $2,400,000,000 is of sufficient interest to the Members of the House that all Members ought to hear it. Therefore, Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. O'NEILL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 543]

Adams	Brown, Ohio	Chisholm
Alexander	Buchanan	Clark
Barrett	Burgener	Clay
Beard	Burke, Calif.	Dellums
Biaggi	Burke, Fla.	Derwinski
Blatnik	Butler	Diggs
Bolling	Carey, N.Y.	Dulski
Brown, Mich.	Casey, Tex.	Foley
Fraser	Mailliard	St Germain
Gettys	Michel, Ill.	Sandman
Green, Oreg.	Mills, Ark.	Saylor
Grover	Mitchell, Md.	Scherle
Guyer	Moorhead, Pa.	Skubitz
Hansen, Wash.	Murphy, Ill.	Slack
Harsha	Myers	Spence
Harvey	Poage	Steele
Johnson, Pa.	Quie	Steelman
Jones, Tenn.	Rees	Stuckey
Keating	Roy	Udall
McKay	Roybal	Van Deerlin
Macdonald	Ryan	Veysey

The SPEAKER. On this rollcall, 371 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

EMERGENCY SECURITY ASSISTANCE FOR ISRAEL AND CAMBODIA—MESSAGE FROM THE PRESIDENT (H. DOC. 93-170)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Foreign Affairs and ordered to be printed.

To the Congress of the United States:

I am today requesting that the Congress authorize emergency security assistance of $2.2 billion for Israel and $200 million for Cambodia. This request is necessary to permit the United States to follow a responsible course of action in two areas where stability is vital if we are to build a global structure of peace.

For more than a quarter of a century, as strategic interests of the major powers have converged there, the Middle East has been a flashpoint for potential world conflict. Since war broke out again on October 6, bringing tragedy to the people of Israel and the Arab nations alike, the United States has been actively engaged in efforts to contribute to a settlement. Our actions there have reflected my belief that we must take those steps which are necessary for maintaining a balance of military capabilities and achieving stability in the area. The request I am submitting today would give us the essential flexibility to continue meeting those responsibilities.

To maintain a balance of forces and thus achieve stability, the United States Government is currently providing military material to Israel to replace combat losses. This is necessary to prevent the emergence of a substantial imbalance resulting from a large-scale resupply of Syria and Egypt by the Soviet Union.

The costs of replacing consumables and lost equipment for the Israeli Armed Forces have been extremely high. Combat activity has been intense, and losses on both sides have been large. During the first 12 days of the conflict, the United States has authorized shipments to Israel of material costing $825 million, including transportation.

Major items now being furnished by the United States to the Israeli forces include conventional munitions of many types, air-to-air and air-to-ground missiles, artillery, crew-served and individual weapons, and a standard range of fighter aircraft ordnance. Additionally, the United States is providing replacements for tanks, aircraft, radios, and other military equipment which have been lost in action.

Thus far, Israel has attempted to obtain the necessary equipment through the use of cash and credit purchases. However, the magnitude of the current conflict coupled with the scale of Soviet supply activities has created needs which exceed Israel's capacity to continue with cash and credit purchases. The alternative to cash and credit sales of United States military materials is for us to provide Israel with grant military assistance as well.

The United States is making every effort to bring this conflict to a very swift and honorable conclusion, measured in days not weeks. But prudent planning also requires us to prepare for a longer struggle. I am therefore requesting that the Congress approve emergency assistance to Israel in the amount of $2.2 billion. If the conflict moderates, or as we fervently hope, is brought to an end very quickly, funds not absolutely required would of course not be expended.

I am also requesting $200 million emergency assistance for Cambodia. As in the case of Israel, additional funds are urgently needed for ammunition and consumable military supplies. The increased requirement results from the larger scale of hostilities and the higher levels of ordnance required by the Cambodian Army and Air Force to defend themselves without American air support.

The end of United States bombing on August 15 was followed by increased communist activity in Cambodia. In the ensuing fight, the Cambodian forces acquitted themselves well. They successfully defended the capital of Phnom Penh and the provincial center of Kampong Cham, as well as the principal supply routes. Although this more intense level of fighting has tapered off somewhat during the current rainy reason, it is virtually certain to resume when the dry season begins about the end of the year.

During the period of heaviest fighting in August and September, ammunition costs for the Cambodian forces were running almost $1 million per day. We anticipate similar average costs for the remainder of this fiscal year. These ammunition requirements, plus minimum equipment replacement, will result in a total funding requirement of $380 million for the current fiscal year, rather than the $180 million previously requested. To fail to provide the $200 million for additional ammunition would deny the Cambodian Armed Forces the ability to defend themselves and their country.

We remain hopeful that the conflict in Cambodia be resolved by a negotiated settlement. A communist military victory and the installation of a government in Phnom Penh which is controlled by Hanoi would gravely threaten the fragile structure of peace established in the Paris agreements.

I am confident that the Congress and the American people will support this request for emergency assistance for these two beleaguered friends. To do less would not only create a dangerous imbalance in these particular arenas but

would also endanger the entire structure of peace in the world.

RICHARD NIXON.

THE WHITE HOUSE, *October 19, 1973.*

USE OF HEALTH MAINTENANCE ORGANIZATIONS CHAMPUS PROGRAM

Mr. LONG of Louisiana. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 603 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 603

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10586) to amend title 10, United States Code, to authorize the use of health maintenance organizations in providing health care. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from Louisiana (Mr. LONG) is recognized for 1 hour.

Mr. LONG of Louisiana. Mr. Speaker, I yield the usual 30 minutes on the minority side to the distinguished gentleman from California (Mr. DEL CLAWSON) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 603 provides for an open rule with 1 hour of general debate on H.R. 10586, a bill to amend title 10, United States Code to authorize the use of health maintenance organizations in providing health care.

H.R. 10586 authorizes dependents of active duty military personnel, and dependents of retired military personnel to utilize health maintenance organizations as an alternative to the health care now provided by the civilian health and medical program of the uniformed services—commonly known as CHAMPUS.

Enactment of this bill is not expected to result in any increased cost to the Federal Government.

Health maintenance organizations—HMO's—are organized systems of health care providing comprehensive services for enrolled members at a fixed-prepaid annual fee. HMO's place great emphasis on preventive services, rehabilitation services, and diagnostic services on an ambulatory basis.

Mr. Speaker, I urge adoption of House Resolution 603 in order that we may discuss and debate H.R. 10586.

Mr. DEL CLAWSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 603 is an open rule with 1 hour of general debate, providing for the consideration of H.R. 10586, authorizing the use of health maintenance organizations as an alternative to the CHAMPUS program.

The purpose of H.R. 10586 is to permit beneficiaries under the CHAMPUS program to utilize health maintenance organizations.

The CHAMPUS program—Civilian health and medical program of the uniformed services—presently is limited to traditional health insurance concepts. This bill would allow the Department of Defense to utilize health maintenance organizations—HMO's—as an alternative to the CHAMPUS program. An HMO is an organized system of health care providing comprehensive services for enrolled members for a fixed prepaid annual fee. The bill would prohibit the Defense Department from entering into a contract which would provide for annual payments by both the beneficiaries and the Government of an amount greater than an estimated annual cost for comparable care provided under the CHAMPUS program.

Dissenting views were filed by Members TREEN, MONTGOMERY, and ARMSTRONG opposing this bill. They note that "prepaid group practice systems are frequently akin to supermarket medicine, with impersonal and uncoordinated care." Further they point out that the Defense Department might be held liable for the quality of the medical care delivered uider the contracts. They oppose passing this bill until HMO's have proved effective.

In September of this year, the House passed a bill, H.R. 7974 from the Interstate and Foreign Commerce Committee to provide funds to assist in setting up HMO's. The present bill, H.R. 10586, is a different piece of legislation reported out by the Armed Services Committee.

Mr. Speaker, regardless of any individual position on the bill, the rule is an open rule and the House, upon its adoption, can work its will.

Mr. TREEN. Mr. Speaker, will the gentleman yield?

Mr. DEL CLAWSON. I yield to the gentleman from Louisiana.

Mr. TREEN. Mr. Speaker, those of us who oppose this legislation are not opposed to the adoption of the rule.

It is a very simple bill, and it should come to the floor and be discussed. We will refrain at this time from making remarks and discussing the proposed legislation. We have no objection to the rule itself.

Mr. DEL CLAWSON. Mr. Speaker, I have no further requests for time.

Mr. LONG of Louisiana. Mr. Speaker, I have no requests for time, and, consequently, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. FISHER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 10586) to amend title 10, United States Code, to authorize the use of health maintenance organi..ations in providing health care.

The SPEAKER. The question is on the motion offered by the gentleman from Texas.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10586, with Mr. ADAMS in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. FISHER) will be recognized for 30 minutes and the gentleman from California (Mr. GUBSER) for 30 minutes.

The Chair now recognizes the gentleman from Texas.

Mr. FISHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a rather simple bill. It simply allows dependents and survivors of active duty military and military retirees and their dependents a free choice to make use of health maintenance organizations—HMO's—as an alternative to the CHAMPUS program.

This bill is supported by the administration. To begin with, I emphasize that the use of HMO's is expected to reduce, not increase, the costs to the Government because inpatient hospital days are expected to be reduced. The bill specifically prohibits the Government from entering into any contract with a HMO where the costs exceed the present average costs to the Government and the beneficiary.

Under the CHAMPUS program, enacted in 1956 and later amended, outpatient benefits are provided for retired members and their dependents and also for the survivors of deceased retired members and their dependents and also for the survivors of deceased retired members and dependents of active duty members. Beneficiaries contribute to the cost under CHAMPUS.

CHAMPUS has been popular and now covers about 6 million persons. Under CHAMPUS the main thrust is in treating ailments after they occur, whereas under the HMO emphasis is on prevention. Unlike the limited coverage provided by CHAMPUS, HMO covers vaccinations, rehabilitation services, diagnostic services, baby care, and other treatments designed to prevent serious illness and hopefully avoid the need of so much normal hospitalization and possibly lingering illnesses.

HMO's are organized systems of health care providing comprehensive services for enrolled members for a fixed, prepaid fee. Because their revenues are fixed, their incentives are naturally to keep patients well for they benefit from patient well days, not sick days.

HMO plans have been rather thoroughly tested by such organizations as the Group Health Cooperative of Puget Sound and the widely acclaimed Kaiser Foundation Health Plan, to mention but two. The Kaiser plan serves more than 2½ million members, and is almost 100 percent self-supporting. It has an investment of $350 million of its own money in hospital and clinicial facilities.

The various programs under HMO have been able to reduce, nationwide, traditional average costs per hospital admission from $594, as with Blue Cross and medicare, to the average cost of only $397 under HMO. In other words, the average hospital admission cost under HMO is about one-third—and in some instances one-half—less than the traditional medicare average.

Under the pending legislation, the Secretary of Defense after consulting with the Secretary of Health, Education, and Welfare, could utilize so-called HMO's in providing a variety of vital services which are not now permitted under the law which limits and restricts the coverage of services under CHAMPUS. Membership under this proposed plan would be voluntary—no compulsion whatever on the individual who voluntarily chooses to participate in lieu of the CHAMPUS program. It provides an alternative at no cost whatever to the Government per beneficiary, and indeed over the long pull it will in all likelihood reduce the Government's cost. And it would give the people who participate the same privilege that has been accorded civil services employees for many years.

In conclusion, if you want to enable a lot of people to save a lot of money and at the same time get more services for their investment, here is your chance. It deserves to be overwhelmingly approved.

Mr. GUBSER. Mr. Chairman, I yield 10 minutes to the gentleman from Louisiana (Mr. TREEN).

Mr. TREEN. Mr. Chairman, I am reluctant to rise and oppose this because of my great regard for the chairman of our subcommittee, the gentleman from Texas (Mr. FISHER). He has labored effectively and quite fairly for this bill. However, I feel constrained to do so for several reasons.

This legislation is controversial, and, I suppose, for the Committee on Armed Services, more controversial than most, inasmuch as there were 14 votes against reporting the bill favorably. I will quickly cover the five reasons why I oppose this legislation.

First of all, I do not think the soundness of the HMO program or concept has been proven in this country. Despite the fact that we have had HMO's for approximately 40 years, only some 2½ to 3 percent of our population has chosen to avail themselves of this type of medical care. It is true that HMO's are not available throughout the country, but according to the report filed by this committee, approximately 20 percent of our population is within the service areas of HMO's. This would mean some 40 million people have HMO's available, and yet only 5 to 7 million people have chosen that type of medical care.

I am concerned about the Department of Defense placing its stamp of approval on a form of medical care, the soundness of which has not been proven. One of the most successful of these plans—and one which will be cited by the proponents of this legislation—is the Kaiser plan in California.

Let me quote to the Members what Dr. Sidney Garfield, one of the founders of the Kaiser plan said recently, and I quote:

> Prepayment makes medical care a right by eliminating fee-for-service, and for years we have been deeply concerned with our relative inability to keep up with the soaring demand that this right produces, and to maintain a level of service satisfactory to us.
>
> It is distressing to realize that elimination of fees can be as much a barrier to early care as the fee itself. The reason is that when we removed the fee, we removed the regulator of flow into the system.

Continuing to quote Dr. Garfield:

> The result is a massive uncontrolled flood of . . . the well, the worried well, the early sick, and the sick into the point of entry—the doctor's appointment—on a first-come, first-served basis that has little relation to priority of need. The impact of this demand overloads the system and, since the well and worried well are a large component of that entry mix, their usurping of doctor time actually acts as a barrier to the entry of the sick.

That is a founder of the Kaiser plan speaking.

So, first of all, I am concerned about the soundness of the HMO concept. Second, while I concur in the right, and defend the right of doctors to join together in groups of this type, and I defend the right of people to elect this type of medical care—that is a basic element of human freedom—I think it is another thing entirely to have Government encourage this type of program through subsidy, either directly or indirectly.

Third, we are dealing here with a population that is much more mobile than the average population of the country. We are dealing with military dependents primarily. These people move around, and in many States of this country HMO's are actually illegal, or there are legal impediments, and in still other areas there are no HMO's at all.

So the Members can see that for a mobile population the idea of contracting for medical services in advance for a given period of time has serious defects.

Fourth, I am concerned about the cost. I respectfully dissent from the chairman of the committee's remarks about cost. I would not be up here if I were fairly well convinced that this legislation would reduce costs, because I think that is an important factor, but I do not think it is going to reduce costs. This bill does not provide an authorization for funds. Indeed the bill provides, as the proponents point out, that under this program the Department of Defense may not spend more than the combined cost of the CHAMPUS program—but that is the point. Under the CHAMPUS program, the Government is paying approximately two-thirds of the costs and the beneficiaries approximately one-third.

Under this bill the Government may pick up the entire cost. We spent in fiscal year 1973, as the Government's part of the CHAMPUS program, $522 million. The beneficiaries spent approximately $266 million, which made a total expenditure of $788 million. Under this bill the Government could pay all of that.

Assistant Secretary McKenzie came before the committee and said in response to a question that he felt the Government would have to pay about 90 percent of the enrollment fee in order to attract a sufficient number of eligibles into this program. Under the bill the Government legally could pay 100 percent. But if it has to pay 90 percent to attract enough people into this program, that would mean, if we took the fiscal year 1973 for illustrative purposes, that instead of the Government paying $522 million, it would pay $709 million, an increase of $187 million.

I know that the proponents will respond that the HMO program is going to cost less. I will be glad to debate that and the statistics on which that assumption is based.

But, let me get to the fifth and final reason why I oppose this bill. This is an entirely new concept for the Department of Defense. Heretofore our dependents of military people and retired people and dependents of deceased retired military people were entitled, under the CHAMPUS program, to select their own doctors and discuss with their own doctors the type of medical care that each person thought he needed, and that the doctor thought would be needed, and then the patient could elect the type of medical care suggested by the doctor. Under the HMO program the Defense Department would contract with the health maintenance organization and the beneficiary would become legally a third-party beneficiary. That is, the Department of Defense would have a contract with the organization, and the beneficiary would find that his entitlement to services are determined by the interpretation of that contract by the Department of Defense and the health maintenance organization.

What is this going to mean? Whenever an eligible under this program elects an HMO program and finds that the services are not adequate, or that he cannot get the doctor he wants, or that he should have hospitalization, but the HMO says he does not need it and he is not going to be given it, then the complaint would come right back to the Department of Defense and right back to us as Members of Congress. It puts us and the Defense Department in a continual supervisory role over the HMO program.

In summary, who wants this program? The American Medical Association took no position. Another organization, small in number but nevertheless an association of physicians, the American Associations of Physicians and Surgeons opposed this bill. The second largest medical organization in America, the Council of Medical Staffs, opposed this bill.

Do the military people want this program? Do the dependents want this program?

Let me refer the Members to the remarks that were made by the chairman of our subcommittee when we began consideration of this legislation. It was reported by him that in 1968 the Department of Defense commissioned the School of Public Health and Administrative Medicine of Columbia University to conduct a study of CHAMPUS. They reported in 1969 and made recommendations concerning the use of HMO's. This was a study commissioned by the Department of Defense, and these were the recommendations (quoting from Chairman Fisher's statement):

"That the Department of Defense conduct a survey to determine whether or

not an interest exists among persons eligible for the CHAMPUS in having offered to them a program of comprehensive care from civilian sources as an alternative to the present CHAMPUS benefits; that if such interest exists, the Department of Defense work out with one or more prepaid group practice plans a method of giving service families a choice between present CHAMPUS benefits and a prepaid group practice program, on an experimental basis; and that a comparative study of the two alternative modes of medical care delivery be conducted throughout the experimental phase." In other words, they recommended a study be made to determine if there was interest, and if there was, then to conduct a program on an experimental basis. In testimony before our subcommittee in response to a question I asked of the DOD witness, he said, no, that no survey had been made by the DOD to determine if there was interest.

Just the other day we voted on this floor, and some of us were opposed to it, to spend $240 million to experiment with HMO's, to provide grants and certain start-up costs incident to starting up HMO's.

We recognized it to be an experimental program.

I say we should postpone this program by voting down this bill. Let us not give the stamp of approval of the Department of Defense on HMO's just yet; let us find out what happens with the experimental program that this House has approved.

The CHAIRMAN. The time of the gentleman from Louisiana has again expired.

Mr. GUBSER. Mr. Chairman, I yield 1 additional minute to the gentleman from Louisiana for the purpose of responding to a question from the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. TREEN. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I was interested in the gentleman's statement that the American Medical Association took no position on this question. I was wondering if that and all other medical associations were given an opportunity to testify, and what if anything was said.

Mr. TREEN. Mr. Chairman, it might be better for someone else to comment on that question. As I understood it this legislation was originally not considered controversial. I do not know that originally notices were sent to them, but they were at a later time. Perhaps the chairman of the subcommittee could answer that.

Mr. FISHER. Mr. Chairman, will the gentleman yield?

Mr. TREEN. I yield to the gentleman from Texas.

Mr. FISHER. Mr. Chairman, in response to the gentleman's inquiry, I will tell him that last year when this identical legislation was before a subcommittee of the Committee on Armed Services, the American Medical Association was contacted and given an opportunity to express an opinion. They did not choose to do so, and expressed themselves as being neutral regarding it.

Mr. DICKINSON. Mr. Chairman, I thank the chairman for his reply.

Mr. FISHER. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. CHARLES H. WILSON of California).

Mr. CHARLES H. WILSON of California. Mr. Chairman, I wish to reply to some of the dissent voiced in opposition to the legislation before us. I refer to the CHAMPUS legislation that would authorize the Defense Department to use the facilities of health maintenance organizations as an alternative to the traditional CHAMPUS program.

The proposal, it seems to me, is not complicated. It would simply permit the Secretary of Defense to utilize HMO's where they exist to provide medical care for the dependents of members of the Armed Forces. That these facilities exist is a fact. They exist for nearly 8 million Americans. These HMO's provide high-quality medical care in comprehensive benefit packages in areas that cover 20 percent of our population.

Yet the opposition would have us believe that there is something untried and experimental about such programs.

In an effort to bolster their dissent the opponents of this reasonable proposal quote—out of context, I might add—Dr. Sidney Garfield, a founder of the Kaiser prepaid group medical practice program. Dr. Garfield is quoted as warning that prepaid group practice tends to create a flood of what he calls the worried-well, the early sick, as well as the really sick into the doctors' offices.

Now, of course, if the opponents had read the rest of Dr. Garfield's article in Scientific American, they would have discovered that what he was advocating was a screening process to screen healthy people out or away from the busy doctors.

Of course, there are lots of well people who are worried. But there are obvious ways to handle such problems. These worried-well persons may need some treatment or some attention other than the attention of a busy internist.

Health maintenance organizations have learned to handle such problems the same as individual fee-for-service physicians have learned their lessons. All Dr. Garfield really was saying was that some screening process is a must if a prepaid group practice plan is to keep itself from being overwhelmed by the worried-well and others who may not really need the doctors' time.

The other side of the coin, so to speak, is that there are an uncounted number of Americans who need medical attention but do not go to a doctor simply because of the possibility of catastrophic costs.

It seems to me that, in the name of humanity, it is better to chance the possibility of having to screen out the worried-well so that we may be sure that we take care of the truly ill.

There is nothing extreme about the CHAMPUS proposal before us. It does not state that the HMO concept is the only concept to be utilized. It simply says that if an HMO exists in the area where the Armed Forces dependents are living, and if the CHAMPUS beneficiaries so choose, they may elect, voluntarily, to participate in the HMO program. What's wrong with that? Is not that a kind of freedom of choice that we so often hear advocated.

I am in favor of giving CHAMPUS beneficaries the choice. It will not cost the Government any more money than the CHAMPUS program now costs because the proposed law is written in such a way as to prevent increased costs.

Such alternate medical care plans are already available to medicare and medicaid beneficiaries. We should see that the rapidly growing HMO program is at least made available to CHAMPUS beneficiaries, if they so desire. That is all the legislation asks.

I would add that there is really no difference in the HMO and the regular military hospital.

The gentleman from Louisiana was suggesting that by utilizing HMO's, if I understood him correctly, the patient would be perhaps losing the opportunity of the individual physician and might not be able to go to a hospital, if he so desired, or might not have the personal attention that he would have if he went to an HMO, as contrasted to a private physician.

I think we should remember that the whole CHAMPUS program is designed to utilize private physicians only in those cases where military hospitals are not available to the individual. If a person goes to a military hospital, he has no choice of physician. He has no choice of going into the operating room and having an operation at the individual's request.

I think this is very similar to what a person would have who was to go to a military hospital, where ordinarily the beneficiary of the military would be going, if one were available to him.

The Defense Department is in complete support of this program. They have determined that it does not require any additional experimentation.

The record of the HMO's that are in practice and have been operating for many years now is certainly convincing. There is no reason why we should have to experiment at all.

I hope we can pass this legislation with the minimum amount of difficulty.

Mr. GUBSER. Mr. Chairman, I yield 5 minutes to the gentleman from Colorado (Mr. ARMSTRONG).

Mr. ARMSTRONG. Mr. Chairman, I rise in opposition to the legislation. I do so with some reluctance, because when I initially heard the concept underlying this proposal, it seemed to me a hopeful one. Certainly there is no field for which innovation is more seriously needed than in controlling the costs of a medical practice. It is obvious to all of us the advances in medical science and technology have been matched by a rapid escalation in costs that threatens health care availability to all Americans.

Unfortunately, however, on closer examination, particularly at the urging of the gentleman from Louisiana, I became convinced that there are serious defects in this legislation. I announce my opposition in this perspective, so that Members will know that I do not oppose the concept, but simply this legislation, which I think is premature.

There are four reasons why I shall vote against this proposal. First, because I think it authenticates a concept which at least in part is still experimental.

Regardless of all that may be said, this is not a well accepted concept of medical practice throughout the United States. It is in its essence an experiment.

Second, there have been inadequate data to substantiate the cost projections. Although I am not prepared to say what the costs will be, I personally believe HMO's will cost more, not less, than conventional medical practice.

Third, this legislation will require the Department of Defense to undertake a supervisory burden which it is ill-equipped to handle; that is, the supervision and administration of HMO contracts.

Finally, as my friend from Louisiana has aptly pointed out, there has been little showing that the beneficiaries of this program are interested in having it adopted.

In the absence of any compelling need, and without a showing of interest by those who are to be served by the HMO programs, it seems to me to be wrong to adopt it at this time.

So, Mr. Chairman, for these reasons I shall vote against it, and I urge the Members of the Committee of the Whole to do the same.

Mr. FISHER. Mr. Chairman, I yield 5 minutes to the gentleman from Mississippi (Mr. MONTGOMERY).

Mr. MONTGOMERY. Mr. Chairman, I would like to thank my subcommittee chairman, the gentleman from Texas (Mr. FISHER) for yielding me this time, and I commend him for being very fair concerning this bill. I say that because I oppose this legislation.

I am sorry that not all of my colleagues could have heard the gentleman from Louisiana (Mr. TREEN) and the gentleman from Colorado (Mr. ARMSTRONG) when they spoke in opposition to this bill. They made some very, very strong points.

Mr. Chairman, I rise in opposition to the bill under consideration which would allow the use of health maintenance organizations as an alternative under the CHAMPUS program. I am afraid if we pass this bill we will only be opening a can of worms that will gnaw away at the presently successful and efficient means of delivering civilian health care for certain dependents of the uniformed services. Furthermore, I feel very strongly that the proposed legislation will lead to increased costs for the Federal Government regardless of the unsubstantiated statements by Department of Defense officials to the contrary. They have no experience on which to base their statements. If it doesn't cost the Government more money, it will in all probability prove to be more expensive to the present beneficiaries of the CHAMPUS program.

The Group Health Association of America, which by the way supports this bill, has admitted in a letter to the House Armed Services Committee that 25 States in the Nation will not allow HMO's or would be restrictive to the development of HMO's. These States are Alabama, Alaska, Arkansas, Georgia, Idaho, Illinois, Indiana, Kentucky, Louisiana, Maine, Michigan, Mississippi, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, South Carolina, South Dakota, Texas, West Virginia, and Wyoming.

Mr. Chairman, considering the fact that military personnel are always being transferred from one section of the Nation to another, I just wonder what would happen when a military person is transferred from an HMO State to a State that does not allow HMO's. I am afraid this situation would prove intolerable and would play havoc with the program.

Would a serviceman stationed in California who had paid for a year's medical care under an HMO and was transferred to a non-HMO State after 3 months be refunded for the balance of the year? As you can see there are all kinds of possibilities for administrative headaches.

Those favoring this bill make the argument, with which I disagree, that the traditional fee-for-service method of health care induces physicians to prescribe unnecessary treatment in order to increase their profits. If we assume the existence of that kind of doctor, there is a similar risk that the doctor will under prescribe because that would increase his profits as a member of a health maintenance organization.

Mr. Chairman, I feel very strongly that we are rushing into an area in which there is very limited experience on which to base a firm conclusion of success. For this reason, I urge my colleagues not to tamper with the successful CHAMPUS program and to defeat this bill.

Mr. DICKINSON. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I yield to the gentleman from Alabama.

Mr. DICKINSON. Mr. Chairman, I wonder if the gentleman knows what the States are in which HMO's have been in practice, and for how long, and what their success has been.

Mr. MONTGOMERY. Mr. Chairman, the main States are California and the State of Washington. They have had HMO's for about 40 years.

Mr. DICKINSON. I will ask further, Mr. Chairman, what degree of success have they had there, if the gentleman knows?

Mr. MONTGOMERY. I think all in all there are 2.5 million people in the country who do use the HMO program. As stated, by the gentleman from Louisiana (Mr. TREEN), one of the founders of the Kaiser program said what concerned him most was that it would get too many people coming into the HMO programs and they would not be able to take care of them as stated on the report.

Mr. DICKINSON. As the gentleman knows, I serve on the subcommittee out of which this legislation comes. I have very grave reservations, also, first as to the health aspects of it and, second, because there is no proof whatsoever of need.

Third, let me say we have already set up a pilot program in the Congress in the sum of $240 million to prove the efficiency and the value of HMO's.

I see no reason at this time for us to get the military involved. Is there any assurance now that those who are subject to coverage under the CHAMPUS program will not be forced somewhere along the line to go to the HMO's and lose their present benefits?

The CHAIRMAN. The time of the gentleman has expired.

Mr. FISHER. Mr. Chairman, I yield the gentleman one additional minute.

Mr. MONTGOMERY. There is no assurance. I believe I told the gentleman there were 2.5 million people in the United States covered. I believe the figure is 6 million.

Mr. FISHER. Will the gentleman yield to me?

Mr. MONTGOMERY. I yield to the chairman of the committee.

Mr. FISHER. The gentleman did say there were 2.5 million people covered by HMO's in this country. Actually there are about 7 million people covered, and those are just in the places where it is being used. It now covers 2.5 million people in the Kaiser foundation alone in their health plan. According to their witness, they are highly pleased with it and strongly recommend the enactment of this legislation.

Mr. TREEN. Mr. Chairman, will the gentleman yield?

Mr. MONTGOMERY. I am glad to yield to the gentleman from Louisiana.

Mr. TREEN. I was very interested in the gentleman's remarks about the fact that the people in this HMO program, in going from an area where there is an HMO to one is which there is not would have problems. They would also have this problem; under this bill the Department of Defense would contract with each individual HMO and, these contracts could be different in different areas. In other words, you could have a different set of medical benefits from one HMO to the next. That is not only possible, but I think it is contemplated by the legislation. So you would have the problem of the military dependent moving from one set of benefits to a different one.

Mr. MONTGOMERY. Plus, 25 States are not eligible under their State laws.

Mr. FISHER. Mr. Chairman, I yield 5 minutes to the gentleman from Missouri (Mr. RANDALL).

Mr. HICKS. Mr. Chairman, will the gentleman yield?

Mr. RANDALL. I yield to the gentleman.

Mr. HICKS. Mr. Chairman, I rise in support of this legislation.

Mr. Chairman, I am in favor of H.R. 10586 which would authorize the CHAMPUS program to utilize health maintenance organizations. I think our armed forces personnel and their dependents ought to have the same freedom of choice in health care that other Federal personnel has. Other Federal employees and the beneficiaries of the Social Security Administration's medicare program and the beneficiaries of the medicaid program are permitted to select health maintenance organizations to provide medical care. Or if they desire they may select the traditional health insurance arrangement.

The opponents of this legislation ap-

parently do not understand that HMO's offer their enrollees a more comprehensive health-care package than other programs at no increased cost to the Federal Government. There is nothing new about HMO's. Prepaid group medical practice plans have been in existence in the United States in various forms for about 40 years. They are self-supporting, highly efficient deliverers of quality medical care to their member enrollees. For example, the Kaiser prepaid group practice plan delivers good medical care to approximately 2½ million enrollees.

All that this legislation would do is to lift the restriction the present law has and permit the Defense Department, after consultation with the Secretary of Health, Education, and Welfare, to enter into agreements with existing HMO's to provide health care to CHAMPUS beneficiaries.

This would not cost the Federal Government any more of the taxpayers' money than it now spends on the CHAMPUS program. That cost restriction is written into this legislation.

There are approximately 6 million persons now covered by the CHAMPUS program and the 1973 fiscal year cost of the program was $522 million.

In reading the report of the Committee on Armed Services which recommends passage of the legislation, I note that HMO's, in some cited cases, have been able to cut hospitalization costs for Medicare beneficiaries under the national average. This indicates to me that HMO's can, and do, provide high quality care at greater economy because of their efficiency of operation.

I note also that the Secretary of Defense, under this legislation, would have authority to contract with HMO's without having to adhere to cost-sharing arrangements prescribed in the existing CHAMPUS law and without regard to the prohibitions on certain types of care such as immunization and well-baby care, prescribed in the present law.

The Civilian Health and Medical Program of the Uniformed Services, the full name of CHAMPUS, should be modernized so that the Defense Department can take advantage of the expanding HMO program. I understand that there are already between 7 and 8 million Americans who are voluntarily enrolled in some form of HMO across the Nation. Our CHAMPUS beneficiaries should have the same opportunity to enroll in HMO's if they desire. That is all the legislation proposes. It is a good proposal and should be approved. I urge my colleagues to vote in favor of H.R. 10586.

Mr. RANDALL. Mr. Chairman, I support H.R. 10586 which would give CHAMPUS beneficiaries, about 6 million of them, a choice of medical care. I will emphasize that thought repeatedly in these remarks. That is all this legislation does—provide a choice for beneficiaries.

A rumor is going around the floor as to the high cost of this program. Actually, it will probably be less than some of the alternatives we have been talking about.

This bill in effect provides that if an HMO organization, which means a health maintenance organization, exists and operates in an area, then the beneficiaries in such area may, if they desire, choose to receive benefits from an HMO. That is all there is to the bill.

The gentleman from Mississippi who just left the well listed 25 States that do not have HMO service. Well, there would be no choice in those areas. I was very glad to observe he did not enumerate some of the States in the Midwest such as Kansas, Missouri, and Iowa. We do have some large military bases in the midlands and CHAMPUS beneficiaries will have a choice there.

Mr. FISHER. Will the gentleman yield?

Mr. RANDALL. I am glad to yield to the distinguished chairman of our subcommittee.

Mr. FISHER. In respect to the fact, as pointed out by the distinguished gentleman from Mississippi, that only 25 States now permit HMO's and 25 do not, let me say this:

I think it should be made clear the reason they are not is because of some technicality in the law where the HMO's have to go through some sort of a corporation procedure to quality to operate in that State. So it is a rather technical thing. I might add that several States in recent years have changed their laws, and several of the States are in the act of changing them.

So it is entirely up to Mississippi and Texas and those States that are not now permitting HMO's to operate to change their law, and make use of the HMO's if they see fit, at any time that their State legislatures may choose.

Mr. RANDALL. I thank our subcommittee chairman, the gentleman from Texas, for his comments.

Mr. Chairman, the law as it now exists does not give CHAMPUS beneficiaries a choice of any kind. Present law provides they must receive their medical care from a fee-for-service physician and be reimbursed for covered benefits by an indemnity insurance program. Of course, we are all aware that all other Federal employees as well as the beneficiaries of the medicare and medicaid programs are now permitted by law to choose to receive their medical care from a prepaid medical group practice plan. Only CHAMPUS—which means civilian health and medical program for the uniformed services—only CHAMPUS beneficiaries are not provided this choice.

Mr. Chairman, I confess to be no great expert on matters concerning HMO's. I did enjoy a conversation a few minutes ago with our colleague from Kansas, Dr. ROY, whom I see is getting ready to participate in this debate. The gentleman can be very convincing as to the merits of the HMO plan in rebuttal of some of the arguments that have been heard on the floor here a few moments ago.

The proposed bill specifically states that no more of the taxpayers' money can be spent to institute this new program. So no matter what rumors you hear it will not cost the Government any more money. Regardless of some of the careless allegations that may have been made, there will be no added cost and in the long run it may very well cost less.

Now, what may not be realized is that the prepaid group medical practice plans have existed in the United States in one form or another not just for a matter of 2, 3, 4, or 5 years, but for 40 long years. Right now these HMO's provide for and serve the needs of about 8 million Americans of all ages. These programs have been self-supporting, and are regarded by knowledgeable persons in the health field as highly efficient programs, and from some small measure of personal experience I can report that they give quality medical care for their enrollees.

I am sure the Members all know about the Kaiser plan out on the west coast. Here in Washington, D.C., there are three such HMO's, the best known of which is the Group Health Association, which dates back to 1937, and which now has about 90,000 enrollees. Mr. Chairman, I neglected to mention that the enrollees in the Kaiser plan number about 2.5 million.

Now is the time for Congress to modernize the CHAMPUS program. Let us make it possible for the members and their dependents to take advantage of this—and, note this—only if they so desire, of the medical care facilities of prepaid practice plans, if those plans are available in the area they reside. Of course, we have all just been exposed to the fact that in some of the States the choice may not be available.

Mr. Chairman, if we enact this legislation it does not mean endorsement for any single kind of medical program. There was an expression of fear or worry awhile ago by someone that we are putting the stamp of approval of the Government on the HMO plan if we pass this bill. This is not true, all we are providing for is freedom of choice. And the obvious question is why should we deny only the beneficiaries of members of the Armed Services this freedom of choice?

The Nation today is spending an estimated $83 billion annually for medical care. There are those who feel—and I am among them—that the American people are not really getting their money's worth. Prepaid group practice plans are one way that the American people can get more for their money. I am convinced on the record of several such prepaid group practice plans, that these HMO's can and do offer high-quality medical care at reasonable cost. In some cases, I have determined, these programs can cut overall costs because of their efficiency of operation and because of greatly reduced hospital utilization.

Mr. Chairman, the opponents of this legislation would have us believe that we would be making guinea pigs out of 6 million members of the Armed Forces and their dependents. Nothing could be farther from the truth. These programs have been in existence many years and the results are well documented.

Mr. Chairman, I urge my colleagues to support H.R. 10586 and to enable CHAMPUS beneficiaries to participate, if they choose, in existing medical care plans that already are available to all other Federal employees.

Mr. GUBSER. Mr. Chairman, I yield 3 minutes to the gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. Mr. Chairman, I rise for

the purpose of asking a question or two. I think the Members recall that our committee, the committee on Interstate and Foreign Commerce, came out with an HMO bill a while back.

The bill we are now considering includes language prohibiting annual payments to a beneficiary which would exceed the estimated average annual cost for comparable care that could be provided under the cost-sharing provisions of CHAMPUS. I do not know what provisions are in CHAMPUS for payments for health care, but this language would imply that any payments which would be permitted under CHAMPUS would also be permitted for an HMO.

The things we sought in the HMO bill was to provide that a premium for an enrollee would not be payed by the Government. The reason for this was that, if we do that, really what we would be doing would be to put the Government in competition with existing health care delivery systems, which would be unfair.

So I am wondering, would this lead to a Federal Government payment of premiums where an enrollee was shifted from the CHAMPUS program to the HMO? This is a question that I think we ought to clear up.

Mr. FISHER. Mr. Chairman, will the gentleman yield?

Mr. NELSEN. I yield to the gentleman from Texas.

Mr. FISHER. I thank the gentleman for yielding.

In response to the question by the gentleman from Minnesota, I think there is some confusion in that area which I recognize, but, as I understand it, we now pay on a contributing basis with the beneficiaries as the Government does under the CHAMPUS program. That sort of thing would be continued, as I understand it, under the HMO, if that service is chosen by those who would have the option to do so. The purpose, as I understand it, of the amendment that was added to the bill after it was sent up to the Congress was to put a ceiling on the total amount that could be spent to be sure that it would not cost any more than it would under the CHAMPUS program. That is the purpose of it.

Mr. NELSEN. I think that is a laudable provision. However, in the deliberations in our committees, we felt that HMOs should be encouraged. However, we did feel that the idea that the premium be paid for by the Government, or part of it, would put the existing medical delivery system at a disadvantage because one would be subsidized and the other would not be. However, we want the HMO to have a chance. I do not know what the ramifications here would lead to, but I just want to call that to the Members' attention, and I hope the understanding is that we do not move in a subsidy direction.

As far as the pre-emption is concerned, some of the States do not permit an HMO. In our bill there was a preemption provision but we struck it in markup and I hope we will hold firm in conference—so it is not in the House bill now. We feel the States ought to make their own decisions on these matters.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GUBSER. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. TREEN).

Mr. TREEN. In connection with the remarks of the gentleman from Minnesota who was just in the well, I wanted to make sure that my understanding and that the understanding of the committee is correct with respect to how much the Federal Government may pay under this program. Is it not true under this bill that the entire cost of the program, that is, the entire enrollment fee may be paid by the Government and that under the CHAMPUS program approximately one-third of the cost of medical care is paid for by the beneficiary and approximately two-thirds by the Government?

Under this bill the limitation is that the Government may not pay more than the total combined cost to the Government and the beneficiary, but there is no restriction on what percentage of that total the Federal Government may pay; is that correct?

Mr. FISHER. I think the legislation speaks for itself. It is quite clear, I think, that it does provide a ceiling over which the total cost cannot be increased. If through the operation of this system we can save the beneficiaries any money, I am sure the gentleman from Louisiana will agree with me that that would be a laudable objective, and that may very well be the result of what we are undertaking here.

Mr. TREEN. Mr. Chairman, if the gentleman will yield further, that may be a laudable objective. I was only trying to clear up the proposition that the Government itself may end up paying a greater percentage of the total medical costs of this program than it did under the present CHAMPUS program.

Mr. FISHER. I think the gentleman's concern is not well founded. When this thing is implemented, if and when it is enacted into law, the Secretary of Defense in collaboration with the Secretary of Health, Education, and Welfare would work out programs and contracts and take into account all these things and make appropriate provisions in those contracts or those arrangements that are worked out to see to it that it does not cost the Government any more money than is now paid under the CHAMPUS program. I think we have a right to assume that they will follow that obligation which stems from the wording of the law we are dealing with here today.

Mr. TREEN. I thank the gentleman. I hope he is correct.

Mr. FISHER. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. LEGGETT), an author of one of the bills.

Mr. LEGGETT. Mr. Chairman, I would like first to commend the chairman of the subcommittee and the chairman of the full committee and those members of the full committee who were enlightened and voted for this legislation and for reporting the bill out in the form in which we have it on the floor today.

I think that this bill is correlative to the legislation which we passed on this floor just a few weeks ago by a vote of 369 to 40, where we agreed we wanted to stimulate at a total Federal cost of about $250 million—the Senate bill is about $800 million and we will have to get together on a hybrid form—but we indicated and very strongly that we wanted to encourage not only Kaiser but also all other doctors in the United States to get together in the form of these HMO's to give better treatment to people.

The gentleman from Louisiana has had some trepidation about this legislation and I think the trepidation is sincere but I do not believe that it is well founded. To begin with, the allegation is made that the soundness of these programs has not been proven. They have been proven in 40 years in California with the Kaiser program and with a great number of other people and organizations around the country. While we have 2.5 million who are subscribers in the State of California and three other Western States, we can see that merely allowing for creation of HMO's does not mean that the HMO's totally dominate the scene.

As far as allowing the program to interrelate with other Federal systems, we have the precedent of Federal employees where the Federal departments are allowed to contract with Kaiser and other health medical organizations for civil servants and for Federal civil service retired people, and I think that is an excellent precedent.

The question is also raised that HMO's allow for over treatment of the well and the worried well. I think that if that is true we run into the same problem with the Veterans' Administration treatment and with the Army and Navy and Air Force hospital treatment, because that is exactly the system they have, and if the Members of the House will consider it just for a moment, that is exactly the system we have. We have in fact through the Capital physician's services a health maintenance organization that we take advantage of.

The statement is made that the Government should not encourage these HMO's. We are not encouraging here just the Kaiser program. We are encouraging every single group of private doctors in the country to get together under the bill we passed a few weeks ago and at the same time dovetail that legislation in with the pending bill.

The statement is made that mobile populations will be confused and hampered by this legislation. That is not true at all because we have 7 million members of group health organizations around the country today who, when they are injured or suffer trauma or malaise outside the group health area of treatment, are treated in private facilities and that bill is then taken care of by the group health organization.

As far as cost, as cited at pages 143 and 144 of the report, we have adequate proof under the social security system that, for the Federal employee health benefits programs, under Blue Cross system, the annual hospital utilization rate is 878 days per 1,000 subscribers.

Under group health program, annual hospital utilization is 418 days per 1,000 subscribers. Under the budget experimentation, the average cost was $594 per

participant, per hospital admission. Under the group health cooperative program, the average cost was $387, substantiating the fact that we save in fact about a third by allowing the Government, and particularly the Department of Defense, to participate if they want to.

This is a "may" situation. This is a "may" bill. They may contract and allow some participation in this program.

The question is raised, is there a demand? I would say that there is, because I receive calls every week in my offices in California from people demanding a better service than they are currently getting, because the existing military hospitals cannot handle the CHAMPUS beneficiaries. They do not like, some of them, to go out into the private arena. They would rather be covered by a type of HMO capability. That is exactly what they are used to in the Air Force hospitals, the Army hospitals, the Navy hospitals, and I think if we want to be fair to these dependents, we will enact this legislation without hesitation.

Mr. Chairman, we have here today a bill which will finalize the action we took 6 weeks ago when we passed legislation to assist in the development of health maintenance organizations. This bill will make the use of those facilities available to the millions of CHAMPUS beneficiaries in the United States who are currently not able to do so under the auspices of that program. It is also very good news for those of us with an interest in saving Federal money, for there is specific provision here that this bill shall not cost us one penny more than we are paying for health care for military beneficiaries; all it does is to allow these people to choose the kind of health care they want. The CHAMPUS budget will continue to cover the costs as it has in the past, with no expansion of it asked or required.

That is just one problem the bill meets. Another is the problem we face with doctors in uniform. We have a severe crunch in military medicine in that we cannot get doctors, our hospitals are overcrowded, and our potential caseload in those hospitals grows every day. We enacted the CHAMPUS bill to allow dependents and retirees to overflow into the private sector, and even that proved inadequate. These dependents and retirees object to being treated outside of military hospitals not because they object to the quality of care in the civilian sector, but because they are used to the type of care where they get all their medical services in one place, and they like it. My own district has a large number of military people, and I can document this from letters I have received. So what we would do here would be simply to make this type of care an option for them in the civilian sector, thus helping to release military medical facilities for the care of the active duty military without abandoning their other patients.

I would like to point out further that we have hospitals that we just built that are being underutilized; we must come up with better ways to utilize them beyond what we currently have available. The House has already recognized the efficacy of the HMO approach by passing the HMO assistance bill by the overwhelming vote of 369 to 40. Additionally, I might point out that the committee reported a bill identical to this one in the 92d Congress, but it was not called up for a vote on the floor. We are not trying to break hard ground with any wild-eyed new proposals here, we are justifying to provide medical care to those to whom we have that obligation at the least possible cost.

Since we seem to keep coming back to cost whenever we talk about medical care, let me point out another very significant point in that regard. Members are, I am sure, acutely aware of the high cost of providing medical care; in that regard HMO's have established a tremendous record in lowering that cost. The hearings on this bill produced the fact that some HMO's have been able to deliver health care services at one-third less cost than the Federal Government is paying through the medicare program. Certainly there is no good reason why we should not be eager to avail ourselves of savings of that magnitude.

Mr. Chairman, in the final analysis this bill does nothing more than to give CHAMPUS beneficiaries medical parity with the rest of the United States; however, desirable side effects of this action abound. It will cost us not one dime more than we are now paying, it introduces flexibility into the medical programs we have available, and it releases badly needed military medical space and manpower to its primary task, that of caring for the active duty military. I strongly recommend that we pass the committee's bill as reported.

Mr. GUBSER. Mr. Chairman, I yield 3 minutes to the chairman of the committee, the gentleman from Texas (Mr. FISHER).

Mr. FISHER. Mr. Chairman, I yield to the gentleman from Michigan (Mr. NEDZI).

Mr. NEDZI. Mr. Chairman, the purpose of the legislation before us is simple enough. It would enable the Defense Department to take advantage, under the CHAMPUS law, of qualified health maintenance organizations in providing Armed Forces beneficiaries with health care. The Defense Department states that such an alternate system would not cost the Federal Government any more money that the present program, which totaled $522 million for fiscal year 1973.

The CHAMPUS law is now written in such a manner as to limit the operation of the program to the health insurance indemnity concepts and methods as traditionally utilized.

The HMO concept, as I understand it, provides for the delivery of direct medical care to the beneficiaries who are enrolled in such programs. A fixed prepaid fee would be paid by the Defense Department for each enrollee. These HMO's, or prepaid group medical practice plans, are organized systems of health care providing comprehensive medical services.

The HMO concept is not new nor is it experimental. There are an estimated 8 million Americans currently enrolled in such programs in several States.

These existing HMO plans provide high quality medical care to their enrollees of all ages. These HMO's are organized in various ways but they all provide their enrollees with a mixture of outpatient and hospital care through a single organization and under a single payment mechanism.

I am particularly attracted to the finding that because HMO revenues are fixed the incentives are to keep patients well because HMO's benefit from healthy patients and not sick ones. I am assured that the cost structure of the prepaid group practice program is designed to prevent illness and to promote prompt recovery.

I have always thought that to some extent it is unfortunate that our traditional medical care system seems to emphasize restoring health when sickness occurs rather than emphasizing the maintaining of health and the prevention of costly illness.

The experience of the Federal employees health benefits program has amply demonstrated that HMO's can reduce the expense of hospitalization while, at the same time, furnishing a broad array of health care benefits on a quality basis.

I am convinced that opening up the CHAMPUS program to permit our Armed Forces' dependents to utilize prepaid group practice plans, if they so desire, is a sound and economically feasible proposal. It is a step in the right direction to bringing higher quality medical care to those who are entitled to participate in this program.

Everything about the changes proposed in the CHAMPUS law makes good sense and I urge my colleagues to support this sensible and potentially cost-saving option for CHAMPUS beneficiaries.

Mr. FISHER. Mr. Chairman, I yield to the distinguished gentleman from Kansas (Mr. ROY).

Mr. ROY. Mr. Chairman, I rise in support of H.R. 10586. As I understand the bill, after closely listening to the debate, it will provide a choice to CHAMPUS beneficiaries of care from either an HMO or the traditional health care systems in the area.

There has been some comment that HMO is not sound.

After many weeks of study in our subcommittee, we concluded that the concept is sound. We have closely examined the many HMO's that care for over 6 million people in this Nation. There is strong evidence that they care for people for a lesser cost because they are an organized system of medical care, and under this system of prepaid, relatively comprehensive benefits, HMO's are able to care for people in appropriate facilities and with appropriate personnel.

I will not take your time to speak to many other points made by the opposition. They have been adequately answered but I think one is particularly important. That is the point that there are a number of states which presently have laws which appear to prohibit HMO's. Many times these laws appear to prohibit HMO's and after a period of time and study are found not to prohibit HMO's.

I want to point out that the laws,

where they exist, were not conceived as laws to prohibit HMO's. They date back to the 1930's, when Blue Shield laws were established for provider insurance programs. Some require, for example, that the Board of Directors be entirely physicians or a majority be physicians. This kind of law was not intended to prohibit HMO's. They were good laws for the purposes of establishing Blue Shield, but not for the purposes of establishing HMO's.

Mr. Chairman, in closing I want to place the emphasis on choice. I think the reason our subcommittee and this House decided by an overwhelming margin to assist in the establishment of HMO's is because we felt that we were introducing an element of competition in the health-care delivery system. I do not think any of us who support HMO legislation conceive that HMO's will become the only system of health care in this country. We want people wherever possible to have a choice and the benefits which ordinarily come from competition in our great free enterprise system to be available to all who seek health care. In order to make these benefits of competition available, we have properly passed a law which permits medicare and medicaid beneficiaries to choose whether to receive their health care from HMO's or from the traditional system.

The bill is one more step to permit freedom of choice of the individuals—in this case CHAMPUS of recipients—whether they purchase health care from HMO's.

Today everyone who pays for their own health care has this choice. I think those who are assisted in their medical care by CHAMPUS should also have a choice.

I want to compliment the gentleman from Texas (Mr. FISHER) and the others on the committee for bringing this bill to the floor.

I would also like to say, this is an enlightened approach by the Defense Department bill.

I urge support of this bill and yield back the balance of my time.

Mr. GUBSER. Mr. Chairman, I yield myself such time as I may consume.

Mr. ANDERSON of Illinois. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from Illinois briefly.

(By unanimous consent, Mr. ANDERSON of Illinois was allowed to speak out of order.)

ANNOUNCEMENT THAT PRESIDENT NIXON WILL TURN OVER TAPES

Mr. ANDERSON of Illinois. Mr. Chairman, I merely want to inform the Members that according to the UPI at 2:28 p.m., President Nixon has agreed to turn over the secret Watergate tapes for judicial review.

Mr. GUBSER. Mr. Chairman, I rise in support of this bill as one of its coauthors.

First, I would like to address myself to some of the points that have been made in good faith by the opponents of this bill. It has been mentioned there were 14 Members in the Armed Services Committee who voiced their opposition. It so happened that I was not present that day, but it is my understanding there was a great lack of information and a great deal of misunderstanding which permeated the committee room.

It is my considered opinion that if a vote were to be held today, there would be considerably less than 14 votes in opposition.

It has been said today that HMO's are bad medicine. The Kaiser plan has been mentioned. I happen to have several thousand constituents who are subscribers to the Kaiser plan. All that I have spoken to unanimously approve it as a very marvelous health care plan and they are very well satisfied.

Representatives of the California Medical Association have come into my office and told me that they have no objection to health maintenance organizations. All they ask is that organized medicine be given a chance to participate in the policymaking.

If the California Medical Association, which is an adjunct of the American Medical Association, is not opposed to HMO's, why are they bad medicine?

The opposition has quoted a former official of the Kaiser plan. I would like to counter that with a statement from a study of the "military medicare" conducted by the Columbia University School of Administrative Medicine and Public Health.

It says, and I paraphrase it in an effort to save time, that the Government has recognized the potential value of prepaid group practice plans, and goes on to say, in effect, that the CHAMPUS program is a likely place to extend the HMO principle. This is from the Columbia University School of Administrative Medicine and Public Health.

Mr. FISHER. Mr. Chairman, will the gentleman yield?

Mr. GUBSER. I yield to the gentleman from Texas.

Mr. FISHER. It should be emphasized that since the Kaiser plan has been referred to by those who have reservations under this, it should be emphasized that the Kaiser spokesman before our committee is strongly in support of this legislation. It should also be emphasized that the Kaiser plan covers 2.5 million voluntary beneficiaries and costs the Federal Government not one dime.

Mr. GUBSER. I thank the gentleman.

The question of whether HMO is good medicine or not is not the point at issue here today. That issue was settled several weeks ago when this House in its wisdom determined that $244 million of the taxpayers' money should be used to subsidize the development of HMO's.

Mr. Chairman, there is no subsidy in this bill. This is not going to cost any more than the CHAMPUS program will already cost. This House has made the decision that HMO's are a worthwhile area to pursue. So that is not the issue before us today.

What is the issue? The issue is: Shall we discriminate against the dependents, the civilian dependents of military personnel, simply because their fathers or their guardians happen to wear the uniform of the United States? All this bill does is to give exactly the same option to the Department of Defense in the care of civilian dependents as it gives to the dependents of the Federal employees.

Why should we discriminate against a person, a civilian, because his parent happens to be in the uniformed services?

This is only a test. It is not an endorsement of health maintenance organizations; it is not mandatory; it does not penalize a patient who transfers from an HMO area to one which is not an HMO area, because he is covered by contract and his HMO must pay for the cost of his care in that non-HMO area. At the very worst, he still is allowed the benefits of the CHAMPUS program.

This bill does not deny him a thing if he transfers; it only adds to his options.

Mr. Chairman, we are not putting the Government into the medical business by this bill. We are in it. It costs $2,200,000,000 a year for military medicine, of which $522 million is the cost of the CHAMPUS program.

This bill could save money, because if we will look at page 4 of the report, we will find that invariably the people who are enrolled in group hospital plans spend less time in the hospital than those who are covered under individual health insurance policies. This could save money.

Basically a health maintenance organization is an organized system of health delivery which renders or arranges for the provision of health services to a defined population on a prepaid basis. The services are delivered through a medical group comprised of qualified personnel in the necessary specialties, who are either directly employed or are in a contractual relationship with the prepaid group practice plan. The advantages to the subscribers of health services are numerous. The emphasis is placed on outpatient preventive care, avoiding costly hospitalization except where necessary.

In prepaid group practice plans we have what can be called one-stop care with a full range of comprehensive services offered in a single setting. Because the plans are prepaid the expense of illness or injury at the time it occurs, when the consumer can least afford it, is avoided.

Mr. Chairman, and members of the committee, this legislation is long overdue. The report on the legislation shows that we are now spending $522 million for the CHAMPUS program. Like health costs generally, coupled with inflation, we can expect even higher costs in the next few years. In providing this option to CHAMPUS beneficiaries an element of cost control is possible. In fact, in the 1967 Report of the President's National Advisory Committee on Health Manpower, it was concluded that prepaid organized systems that provide health care on a direct service basis have been able to give high quality care with maximum economic efficiency. Moreover, a study of enrollment and utilization of health services under the Federal employees health benefits program, conducted under the auspices of the Health Services and Mental Health Administration, prepared by an eminent health economist, George Perrott, shows some fairly dramatic differences between prepaid group practice and indemnity type plans. For example, hospital utilization

is from one-third to one-half that of the other plans. The rate of inpatient surgical procedures are significantly lower. The hearings cite data from the Perrott studies. Page 4 of the report cites some of this supporting data. I suggest to you that the evidence and the experience of these programs over the last 25 years make it a demonstrable fact that a qualified HMO will more than adequately serve the health needs of those eligible CHAMPUS beneficiaries who choose them.

Additional reasons why the military should be interested in the potential of prepaid group practice are the crowded conditions which presently prevail in military outpatient facilities, the limitations on preventive and diagnostic benefits under CHAMPUS—by contrast with their availability to beneficiaries using military facilities—and the utility of the group practice plans as potential yardsticks for measuring the quality of care throughout the program.

We recommend that CHAMPUS embark on a series of steps designed to bring the program abreast of the other Federal programs in its capacity for growth, evolution, and experimentation.

Mr. Chairman, the supporting evidence in favor of this legislation is conclusive. This bill is a modest proposal which can help improve the administration of the CHAMPUS program by the Department of Defense. It deserves the strong support of the House of Representatives.

The CHAIRMAN. The gentleman from California (Mr. GUBSER) has yielded back the balance of his time.

The gentleman from Texas (Mr. FISHER) has 2 minutes remaining.

Mr. FISHER. Mr. Chairman, I yield myself those remaining 2 minutes.

I do that for the purpose of underscoring and emphasizing the point which the gentleman from California (Mr. GUBSER) just made when he said that under the HMO's relative to admissions to the hospital, the time consumed in admissions into the hospital is much less than under the traditional systems which we are generally familiar with and to which many of us are often subjected.

Actually, nationwide, in the millions of instances upon which those statistics are based, it has been found that hospital admissions for individuals run about $594 for the Blue Cross and the medicare people.

Mr. Chairman, do the Members know what it runs under HMO's?

It is one-third less, $387. It runs one-third less than it does for the traditional, ordinary hospital admission. That is because they treat them in a manner that prevents them from having to go to the hospital.

It is a great program, Mr. Chairman, and it should be promptly approved overwhelmingly by this committee.

Before closing, however, Mr. Chairman, I want to tell this committee of the valuable service Mr. DAVID TREEN renders to the Armed Services Committee and to subcommittee No. 2 of that committee, which I have the honor to chair. He always sees that both sides of every question are explored. He has rendered that service to the Members of the House today. I commend him on the excellent presentation.

Nevertheless, I urge your support of H.R. 10586.

Mrs. HOLT. Mr. Chairman, I rise to express my opposition to H.R. 10586 which would authorize the Department of Defense to contract with Health Maintenance Organizations to provide health care to the beneficiaries of the Department's CHAMPUS program for retired servicemen, the dependents of active military personnel, and survivors of deceased active duty and retired servicemen.

CHAMPUS is a good program and I believe that it should be expanded to include preventive medicine; that is, physical examinations and immunizations. I feel that the evidence is less than conclusive that Health Maintenance Organizations will add tangible improvements to the CHAMPUS program. I am concerned that this legislation would put an official Department of Defense stamp of approval on HMO's which at this point are still in the experimental stages. There is also the distinct possibility that the widespread use of prepaid group practice systems will result in impersonal and uncoordinated health care.

There are a number of questions which should be answered concerning Health Maintenance Organizations before opening up CHAMPUS to this mode of health care. Congress recently adopted an authorization bill for HMO experimentation. It would seem to me that it would be more prudent to wait until we can evaluate the results of this experimentation before altering the CHAMPUS program.

All of us are concerned about improvements in the delivery of health care services. However, we must exercise caution that in our efforts to improve the system, we do not destroy existing well-functioning programs.

For these reasons, and the fact that HMO's are currently not available in 25 States, I must oppose the passage of H.R. 10586.

The CHAIRMAN. All time having expired, the Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter 55 of title 10, United States Code, is amended as follows:

(1) By adding the following new section at the end thereof:

"§ 1089. Use of health maintenance organizations

"In carrying out the provisions of section 1079 and 1086 of this title, the Secretary of Defense, after consulting with the Secretary of Health, Education, and Welfare, may contract, under the authority of this section, with health maintenance organizations as identified by the Secretary of Health, Education, and Welfare. The provisions of such a contract may deviate from the cost-sharing arrangements prescribed and the types of health care authorized under sections 1079 and 1086 of this title when the Secretary of Defense determines that such a deviation would serve the purpose of sections 1071 through 1089 of this title. Such a contract, however, may not provide for annual payments per beneficiary, by the Government and a beneficiary, of any amount greater than the estimated average annual cost for comparable amounts of care of similar quality provided under the cost-sharing arrangements prescribed in sections 1079 and 1086 of this title.".

(2) The analysis is amended by adding the following item:

"1089. Use of health maintenance organizations.".

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. ADAMS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 10586) to amend title 10, United States Code, to authorize the use of health maintenance organizations in providing health care, had directed him to report the bill back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. TREEN. Mr. Speaker, I object to the vote on the grounds that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 345, nays 41, not voting 48, as follows:

[Roll No. 544]

YEAS—345

Abdnor	Burke, Mass.	Denholm
Abzug	Burleson, Tex.	Dent
Adams	Burlison, Mo.	Dingell
Addabbo	Burton	Donohue
Anderson, Calif.	Byron	Dorn
Andrews, N.C.	Camp	Drinan
Andrews, N. Dak.	Carey, N.Y.	Duncan
Annunzio	Carney, Ohio	du Pont
Arends	Carter	Eckhardt
Ashley	Cederberg	Edwards, Ala.
Aspin	Chamberlain	Edwards, Calif.
Badillo	Chappell	Eilberg
Bafalis	Chisholm	Erlenborn
Baker	Clancy	Esch
Barrett	Clark	Eshleman
Bauman	Clausen, Don H.	Evans, Colo.
Beard	Clay	Evins, Tenn.
Bell	Cleveland	Fascell
Bennett	Cohen	Findley
Bergland	Collier	Fish
Bevill	Collins, Ill.	Fisher
Biester	Conable	Flood
Bingham	Conte	Ford, William D.
Blackburn	Conyers	Forsythe
Boggs	Corman	Fountain
Boland	Cotter	Fraser
Bowen	Coughlin	Frelinghuysen
Brademas	Cronin	Frenzel
Brasco	Culver	Frey
Bray	Daniel, Dan	Froehlich
Breaux	Daniels, Dominick V.	Fulton
Breckinridge	Danielson	Fuqua
Brinkley	Davis, Ga.	Gaydos
Brooks	Davis, S.C.	Giaimo
Broomfield	Davis, Wis.	Gibbons
Brotzman	de la Garza	Gilman
Brown, Calif.	Delaney	Gonzalez
Broyhill, N.C.	Dellenback	Grasso
Burke, Calif.	Dellums	Gray
		Gubser

Gude	Martin, N.C.	Selberling
Gunter	Mathias, Calif.	Shipley
Guyer	Mathis, Ga.	Shoup
Haley	Matsunaga	Shriver
Hamilton	Mayne	Shuster
Hanley	Mazzoli	Sikes
Hanna	Meeds	Sisk
Hanrahan	Melcher	Skubitz
Hansen, Idaho	Metcalfe	Smith, Iowa
Harrington	Mezvinsky	Smith, N.Y.
Harsha	Michel	Snyder
Hastings	Milford	Staggers
Hawkins	Miller	Stanton,
Hays	Minish	James V.
Hébert	Mink	Stark
Hechler, W. Va.	Minshall, Ohio	Steed
Heckler, Mass.	Mitchell, Md.	Steelman
Heinz	Mitchell, N.Y.	Steiger, Ariz.
Helstoski	Mizell	Steiger, Wis.
Henderson	Moakley	Stephens
Hicks	Mollohan	Stokes
Hillis	Morgan	Stratton
Hinshaw	Mosher	Stubblefield
Hogan	Moss	Stuckey
Holifield	Murphy, N.Y.	Studds
Holtzman	Natcher	Sullivan
Horton	Nedzi	Symington
Hosmer	Nichols	Talcott
Howard	Nix	Taylor, Mo.
Hudnut	Obey	Taylor, N.C.
Hungate	O'Brien	Teague, Calif.
Hunt	O'Hara	Teague, Tex.
Hutchinson	O'Neill	Thompson, N.J.
Ichord	Owens	Thomson, Wis.
Jarman	Passman	Thone
Johnson, Calif.	Patman	Thornton
Johnson, Colo.	Patten	Tiernan
Jones, Ala.	Pepper	Towell, Nev.
Jones, N.C.	Perkins	Ullman
Jones, Okla.	Pettis	Vander Jagt
Jones, Tenn.	Peyser	Vanik
Jordan	Pickle	Vigorito
Karth	Pike	Waggonner
Kastenmeier	Podell	Waldie
Kazen	Preyer	Walsh
Keating	Price, Ill.	Wampler
Kemp	Price, Tex.	Ware
Ketchum	Pritchard	Whalen
King	Railsback	White
Kluczynski	Randall	Whitehurst
Koch	Rangel	Whitten
Kuykendall	Regula	Widnall
Kyros	Reid	Wiggins
Latta	Reuss	Williams
Leggett	Rhodes	Wilson, Bob
Lehman	Riegle	Wilson,
Lent	Rinaldo	Charles H.,
Litton	Roberts	Calif.
Long, La.	Robison, N.Y.	Wilson,
Long, Md.	Rodino	Charles, Tex.
Lujan	Roe	Winn
McClory	Rogers	Wolff
McCloskey	Roncallo, Wyo.	Wright
McCollister	Roncallo, N.Y.	Wyatt
McCormack	Rooney, N.Y.	Wydler
McDade	Rooney, Pa.	Wylie
McEwen	Rose	Wyman
McFall	Rosenthal	Yates
McKinney	Rostenkowski	Yatron
McSpadden	Roush	Young, Alaska
Madden	Roy	Young, Ga.
Madigan	Runnels	Young, Ill.
Mahon	Ruppe	Young, S.C.
Mailliard	Sarasin	Young, Tex.
Mallary	Sarbanes	Zablocki
Mann	Schroeder	Zion
Martin, Nebr.	Sebelius	Zwach

NAYS—41

Archer	Flowers	Moorhead,
Armstrong	Flynt	Calif.
Ashbrook	Ginn	Nelsen
Broyhill, Va.	Goldwater	Parris
Clawson, Del	Goodling	Powell, Ohio
Cochran	Green, Pa.	Quillen
Collins, Tex.	Gross	Rarick
Conlan	Hammer-	Robinson, Va.
Crane	schmidt	Rousselot
Daniel, Robert	Holt	Ruth
W., Jr.	Huber	Satterfield
Dennis	Landgrebe	Symms
Devine	Landrum	Treen
Dickinson	Lott	Young, Fla.
Downing	Montgomery	

NOT VOTING—48

Alexander	Burke, Fla.	Green, Oreg.
Anderson, Ill.	Butler	Griffiths
Biaggi	Casey, Tex.	Grover
Blatnik	Derwinski	Hansen, Wash.
Bolling	Diggs	Harvey
Brown, Mich.	Dulski	Johnson, Pa.
Brown, Ohio	Foley	McKay
Buchanan	Ford, Gerald R.	Macdonald
Burgener	Gettys	Maraziti
Mills, Ark.	Ryan	Stanton,
Moorhead, Pa.	St Germain	J. William
Murphy, Ill.	Sandman	Steele
Myers	Saylor	Udall
Poage	Scherle	Van Deerlin
Quie	Schneebeli	Veysey
Rees	Slack	
Roybal	Spence	

So the bill was passed.

The Clerk announced the following pairs:

Mr. Blatnik with Mr. Gerald R. Ford.

Mrs. Hansen of Washington with Mr. Casey of Texas.

Mr. Moorhead of Pennsylvania with Mr. Foley.

Mr. Macdonald with Mr. Scherle.

Mr. Biaggi with Mr. Saylor.

Mr. Diggs with Mr. Dulski.

Mr. Gettys with Mr. Butler.

Mrs. Green of Oregon with Mr. Myers.

Mr. Slack with Mr. Burke of Florida.

Mrs. Griffiths with Mr. Grover.

Mr. St Germain with Mr. Brown of Ohio.

Mr. Van Deerlin with Mr. Derwinski.

Mr. Murphy of Illinois with Mr. Harvey.

Mr. Udall with Mr. Brown of Michigan.

Mr. Alexander with Mr. Buchanan.

Mr. Mills of Arkansas with Mr. Johnson of Pennsylvania.

Mr. Rees with Mr. Anderson of Illinois.

Mr. Roybal with Mr. Quie.

Mr. Ryan with Mr. Maraziti.

Mr. McKay with Mr. Schneebeli.

Mr. Sandman with Mr. Spence.

Mr. Steele with Mr. J. William Stanton.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERMISSION FOR COMMITTEE ON EDUCATION AND LABOR TO HAVE UNTIL MIDNIGHT TO FILE REPORT ON DRUG ABUSE EDUCATION ACT

Mr. PERKINS. Mr. Speaker, I ask unanimous consent that the Committee on Education and Labor may have until midnight tonight to file a report on the Drug Abuse Education Act.

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

There was no objection.

PRELIMINARY INVESTIGATION TO DETERMINE IF SUFFICIENT GROUNDS EXIST FOR IMPEACHMENT PROCEEDINGS

(Mr. MILFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. MILFORD. Mr. Speaker, I have introduced a House resolution directing our Judiciary Committee to conduct a preliminary investigation, to determine whether or not sufficient grounds exist for this House to consider formal impeachment proceedings against the President of the United States.

According to our Constitution, impeachment proceedings can only be instituted by the House of Representatives. This action cannot be initiated in the Senate or the judicial branch.

Our Nation is in turmoil. This past week, the American people were incensed and the Congress was insulted when the President summarily dismissed an independent prosecutor. Emotions were further aroused when he seized that prosecutor's records and effectively stopped a judicial review of his alleged wrongdoings.

Let it be clearly understood by all, I am not proposing an impeachment proceeding nor am I avoiding one. I am simply saying that a formal impeachment action is a very drastic measure that will gravely affect this Nation. We should know what we are doing before we initiate such an action.

The majority of both the Congress and the American people have an indefinable "gut" feeling that our President has not been totally honest with us in his conduct of national affairs. Some even believe that he has committed gross illegal acts and indiscretions, warranting immediate impeachment. Even his most enthusiastic supporters now have gnawing doubts.

In truth and in fact, none of us really know. The type of investigation that could factually prove or disprove these suspicions, has not been conducted. Furthermore, the very backbone of our Constitution and Bill of Rights dictates that every person has the right to be proven guilty before he is convicted.

The majority of both the Congress and the American people insist that the President is not beyond our laws. I agree. But I also insist that any action against the President must be conducted in accordance with our laws and Constitution. This means that he must have the full rights of any accused person.

In keeping with these basic constitutional rights, one cannot be convicted on the basis of press reports, emotional feelings, editorial opinions, nor highly charged partisan statements issued by headline-seeking politicians. When one fairly discounts these factors, a portion of the case against the President fades away.

On the other hand, there has been substantial and credible evidence to indicate the possibility that the President of the United States may have been involved in illegal, immoral, or unethical activities. If true, these do warrant formal impeachment proceedings.

Again—we are not sure. We do not have the positive and credible evidence that would allow us to make such a decision.

Our sister body, the Senate, has been conducting an investigation that indirectly involved Presidential actions. However, the Senate's primary purpose was to look at our election laws. Furthermore, in the opinion of many people, that investigation evolved into a "TV spectacular" rather than a factual investigation for truth. The Senate has neither the power nor the authority to initiate an impeachment action.

Until this past Saturday, Special Prosecutor Cox had been methodically and properly investigating alleged Presidential indiscretions through our judicial system. If his investigation could have continued, it would have provided this House with a reliable indicator concerning the need for formal impeachment proceedings.

While the dismissal of Mr. Cox indicates the need for the House of Representatives to investigate, this action

alone does not necessarily dictate the need for immediate formal impeachment proceedings.

In defending his actions against Mr. Cox, the President contended that the special prosecutor was his employee and that the employee had refused to obey his command. However, the President's action was contrary to his own word and violates the basic rules of our system of justice.

In effect, the President—who was an accused—fired the "district attorney" and insisted on having direct control over his own prosecutor, his own judge, and his own jury.

Furthermore, the President argued that he cannot be tried in a court of law as long as he is in office. This may be technically correct. I shall not debate that point. Neither will I participate in arguments concerning executive privileges, confidential conversations, and other complex points of law.

On one point, I am sure: The Constitution clearly states that the President can be indicted by the House of Representatives. I am not sure that we should bring an indictment at this point in time.

Our judicial system very wisely uses a grand jury to conduct preliminary investigations of all major criminal allegations. The grand jury investigates significant evidence against an accused and recommends a full trial if that evidence warrants. In my resolution, I am doing exactly the same thing.

In the resolution that I introduced today, we would appoint a proper forum that will have indisputable constitutional power to investigate all serious allegations against the President of the United States. Rather than a formal impeachment proceeding, this special subcommittee will in effect be the "grand jury" of the House of Representatives.

After this subcommittee has done its work—within the specified 30-day period—it will report back to the full House. Afterward, each individual Member will then be able to responsibly make a decision concerning the advisability of holding formal impeachment proceedings.

Mr. Speaker, I request immediate consideration of this resolution, and I ask each of my colleagues to support it.

RESOLUTION TO INVESTIGATE ACTIONS OF PRESIDENT RICHARD M. NIXON

(Mr. SEIBERLING asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, what a terrible day it is when the people of the country fear for the future of its institutions, not from any threat by an external enemy or an internal revolt, but from the actions of the President of the United States. Yet that is the situation we are facing today.

Since Saturday evening's announcement by the White House, my offices in Washington and Akron have received over 750 telephone calls and telegrams about the President's actions. During my service in Congress, no other single event has produced such an incerdible volume of communications from my constituents in a comparable period of time. The reaction indicates the gravity of the situation and the degree of the crisis of confidence in the integrity of the Federal Government.

The common reaction combines shock, fear, and a sense of having been betrayed. Over 90 percent of the communications I have received have been critical of the President. A clear majority have demanded impeachment. The message my constituents have sent to Washington is unmistakable: Americans still demand that their government be administered according to the Constitution and laws of the United States.

As Members of Congress, we are individually and collectively sworn to protect and defend the Constitution. Today, we face an unprecedented series of events which the public perceives—and with good reason—as a threat to that Constitution.

Mr. Speaker, Congress must discharge its constitutional authority to investigate the serious allegations of impeachable conduct by the President of the United States.

With other members of the Judiciary Committee and of the House, I intend today to introduce a resolution calling upon the Judiciary Committee to investigate the President's activities and to determine whether there are grounds for impeachment or other action by the House of Representatives. My resolution does not call for the impeachment of the President. It merely calls for an investigation into the President's activities, including those concerning the Watergate case and related matters.

The actions of this past weekend raise grave questions about the ability of the Justice Department to carry out an impartial investigation of White House involvement in the Watergate case and in other incidents suggesting impropriety and criminal activity by Government officials.

Mr. Speaker, I am today cosponsoring a bill introduced by the distinguished gentleman from Iowa, JOHN C. CULVER, which would create an independent prosecutor. However, even if such an independent prosecutor were created, the same problems might arise which confronted Special Prosecutor Archibald Cox in his efforts to obtain evidence from the White House.

It is in the interest of the public, the President, and the Congress to clear the air in the most expeditious manner possible. I believe that the proper way to accomplish this is for the House Judiciary Committee—pursuant to the powers of the House of Representatives under the impeachment clauses of the Constitution—to initiate at once an investigation to determine whether facts exist which would justify a resolution of impeachment of Richard M. Nixon or other appropriate action.

Mr. Speaker, I include the text of my resolution in the RECORD at this point:

H. RES. 645

Resolved, That the Committee on the Judiciary immediately undertake an investigation of the activities of Richard M. Nixon, President of the United States, including his activities in connection with the so-called Watergate case and related matters, in order to ascertain all facts bearing on the possible commission by Richard M. Nixon of high crimes and misdemeanors under section 4 of article II of the Constitution, and that upon completion of such investigation said Committee report to the House its recommendations with respect thereto, including, if the Committee so determines, a resolution of impeachment.

IMPEACHMENT OF THE PRESIDENT

(Mr. MITCHELL of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MITCHELL of Maryland. Mr. Speaker, my colleagues, there comes a time in every man's life when he must face up to his own integrity, with the hope that his integrity mirrors the integrity of the House and the integrity of the United States of America.

I stand before you this morning agonized, because I do not want—I do not desire to take this quantum step. But, my heart, my conscience, my soul, all that is me, demands that this step be taken. The step is very simple.

I shall introduce today a resolution calling for the impeachment of Richard Milhous Nixon, President of the United States. This is not an easy decision, and it is not a happy decision for me. I love my country as much as any man, woman, or child within the sound of my voice, but the reality is, that this Nation is being wracked by an exquisite agony, and that agony is the result of the President having interposed himself in the judicial process, having placed himself above the law of the land, and having treated the Congress and my countrymen with contempt.

I would urge and entreat the Members' support of my resolution which requires the impeachment of the President, charging him with high crimes and misdemeanors.

Mr. Speaker, a man was dismissed from his job. Another resigned. And this country cries for impeachment of its President. How has this come to pass? How have we come to be here today?

True, the man held no ordinary job. His was the responsibility, by virtue of congressional and Presidential mandate, to investigate one of the most far-reaching scandals this country has ever known.

The resignation of the other man? Well, perhaps he was a friend of the one fired. Or perhaps he was merely a man who realized that the justice for which he thought he had been working, no longer existed.

I am talking about the wielding of arbitrary power. The kind of power which exists in a dictatorship, not in a democracy.

Is this single issue important enough to warrant impeachment? I personally think so. However, the President has provided us with a lengthy list of breaches of trust, of obstructions of justice. Ours is no longer a difficult decision to make. The illegal and secret bombings of Cambodia, the commitment of public funds without the authorization of Congress, the dismantlement of programs upon which the lives of millions of poor, aged,

and handicapped citizens depended, the sanctioning of illegal wiretaps and the ensuing violations of private property. Each of these singly provide sufficient grounds; cumulatively, they spell out an unquestionable course of action.

For nearly 200 years the President of the United States has been to the American people the embodiment of the principles upon which this country was founded. Richard Nixon himself was elected on a platform of law and order. That election has since been rendered tragically farcical. The law has been perverted. No vestige of order exists.

We cannot look at the Constitution of the United States without being conclusively struck by the overwhelming intention of its framers that no man be allowed to put himself above the law. The Constitution reflects this country's fervent rejection of monarchy, of dictatorship. The framers of the Constitution felt that they had laid a governmental framework strong enough to keep any man from taking the law into his own hands. The very stability of our country has been based on the fact that while administrations may change every 4 years, the law remains constant.

Now the very stability of our country is threatened. One man has succeeded in overriding the dictates of the Constitution. He will continue to do so unless we stop him. We, as Members of the House of Representatives, are the only ones who can do this. Know well, fellow colleagues, that if Richard Nixon is allowed to make a mockery of the U.S. Constitution for another 3 years to the point at which it will become meaningless as document and as law, it will be because you failed to act when the mandate was upon you.

IMPEACH THE PRESIDENT

(Mr. BADILLO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BADILLO. Mr. Speaker, I am today cosponsoring the resolution of impeachment against President Nixon authored by the gentleman from California (Mr. WALDIE) and the Democratic study group resolution reestablishing the special Watergate prosecutor independent of the President.

These are basic steps essential to restore order and sanity to our National Government and to reestablish public confidence in our political process. In my judgment, these resolutions are now the most urgent business of the Congress and while a tragic war in the Middle East and urgent social problems here at home demand our attention, the impeachment of Richard Nixon and the continuation of the Watergate investigations and prosecutions must be the highest priority.

It is ironic indeed that the man who campaigned from coast to coast in 1968 on a pledge to restore respect for the law has now become the Nation's No. 1 lawbreaker and obstructer of justice. Let this serve as a lesson to those who are so easily seduced by the glib and easy rhetoric of politics, and who cannot be bothered with determining whether any substance lies behind the slogans.

I find it incredible that the movement within Congress for impeachment is not overwhelming. What the President has done—in its most basic terms—is assume to himself the right and power to determine who shall be prosecuted for serious crimes, what evidence will be made available for such prosecutions, and to whom that evidence will be given. These are not the constitutional prerogatives of a President of the United States. They are the powers of a dictator, or an absolute monarch.

What Richard Nixon has forgotten, or has chosen to ignore, is that regardless of how strong or dominant the Presidency has become since the founding of the Republic, we are still a Nation governed by the rule of law, not by the rule of men. Once men—elected or appointed—are permitted to become a greater power than the law, the very fabric of our political and social life will be destroyed.

Richard Nixon's contempt for the law and for our constitutional system really was apparent long ago, in the conduct of the war in Southeast Asia. I still feel there were more than adequate grounds for impeachment on the basis of the Nixon war policies and, even now, would welcome a broadening of the current impeachment effort to include that ground, although I recognize that many of my colleagues would feel that adding the war issue might be a distraction.

The task of Congress now is to restore decency, honor and justice to our political process. Impeachment is a most serious and drastic measure, but it is the sole mechanism available to us. Richard Nixon's contempt for the American people, for the Congress, for the courts, for his very oath of office, has cut the cord of accommodation and mediation. Whatever upheavals may be caused by the impeachment of the President would not compare with the chaos that would exist were he not brought to justice.

HOUSE OF REPRESENTATIVES SHOULD CONSIDER IMPEACHMENT RESOLUTION

(Mr. MEEDS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MEEDS. Mr. Speaker, I asked for this time to discuss a topic we all have been forced to seriously consider during the recess. I refer, of course, to the impeachment of the President of the United States.

President Nixon, by his actions over the weekend, has defied the courts of the United States. He has defied the desires of the American people that charges of corruption in his administration be fairly investigated. And he has defied the Congress of the United States to do anything about it.

Mr. Speaker, as much as I respect the Presidency and its traditions, I have reluctantly concluded that consideration of an impeachment resolution by the House of Representatives is the only answer. It is the only totally effective remedy yet available if any of the serious charges against the administration are to be thoroughly investigated and it is the only means by which President Nixon can effect to clear his administration of these charges, if they are unjustified.

The American public will not believe an in-house investigation. They will believe, and perhaps rightly so, that an in-house investigation cannot rise above the suspicion of whitewash.

This suspicion was in part encouraged by the performance of the Justice Department in the early stages of the Watergate investigation. After all, creation of a special prosecutor's office itself was to answer these suspicions and avoid further allegations of coverup.

The public's suspicions were confirmed over the weekend when President Nixon fired the special prosecutor and abolished his office. The departure of the top two appointees in the Justice Department only confirms the widespread belief that Archibald Cox was fired for doing his job too well.

Now we have an acting Attorney General who pledges to run the now in-house investigation with vigor. What I would like to know is that if a vigorous investigation was what the White House really wanted, why did not the President keep Archibald Cox on the job?

I respect Mr. Bork's statement and I hope he succeeds in his intentions. But no matter how hard he or the remaining staff tries, they cannot prevent being subverted in their desires if they listen to the President's statements.

We are left with no demonstrably reliable means by which the public can learn if the President was involved in Watergate, whether improper influence was exerted in the ITT antitrust settlement, the raising of dairy support prices, the remodeling of the President's San Clemente home, the issuance of bank charters to Presidential friends, the enrichment of large grain distributors and the activities of Presidential staff members with more zeal than judgment.

It is for these reasons that Congress must take over the investigation for the good of America. And the best way to base this investigation is upon a resolution of impeachment. Impeachment is the means the Founding Fathers of this Nation placed in the Constitution to protect us from dictatorial excesses. The revolution that brought about the existence of the United States resulted from our experiences with kings and royalty. The Constitution deliberately created an elected President under the law to avoid any future would-be kings above the law. Impeachment is the only constitutional remedy to deal with a President who believes himself beyond the law.

I think last weekend's events clearly demonstrate what President Nixon thinks of the law's restraints. He violated an order by the U.S. court of appeals. And he fired and impeded those persons who were bringing out the facts about the worst corruption charges in American history.

Consideration of an impeachment resolution is the best legal position from which a congressional investigation can proceed. Setting up another special

prosecutor or a special committee without an impeachment resolution would only mean more spinning of wheels. Even if guilt was established, the House would then still have to conduct a further investigation before any action on articles of impeachment could be taken.

Secondly, only a proper impeachment investigation would have sufficient legal standing to override Presidential claims of executive privilege. Executive privilege cannot be a defense in the impeachment process. Under this process, the House can require the President to produce any and all materials it feels is necessary and relevant to its inquiry—including those refused to the special prosecutor and the Senate Watergate Committee.

It is an intrusion by the legislative into the executive branch, agreed; but the purpose of impeachment is to allow this intrusion to save the Nation from the excesses of executive power.

I feel that Congress must investigate under the legal standing of an impeachment—rather than create another committee to investigate whether there should be an investigation.

I have similar qualms about creation of a special prosecutor's office by the legislature. It may be an improper intrusion into executive domain simply because it does not have the sound legal basis of an impeachment resolution. And again, there is the inadequacy of trying to investigate the grounds for possible impeachment without having the ability to report an article of impeachment for House action.

I believe the House committee system is precisely adapted for an intensive, fair investigation of these allegations under the legal shelter of a resolution of impeachment. Any such committee should hire Archibald Cox as its special counsel.

Impeachment is a strong word—a word most of us mouth reluctantly and with great sadness. But the tumultuous events of this year and last weekend leave the Congress little choice. I believe Congress must not sidestep, procrastinate or approve cosmetic investigations. It is time to stand up and be counted. It is time to initiate an investigation under a resolution of impeachment to determine whether the Nation should continue under a President who believes himself above the law and its constraints.

INVESTIGATION TO DETERMINE WHETHER GROUNDS EXIST FOR IMPEACHMENT OF THE PRESIDENT

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I have today introduced a resolution calling for an investigation to determine whether grounds exist for the impeachment of the President of the United States.

The thought of subjecting our Nation to the trauma of a Presidential impeachment deeply disturbs me, yet I feel Congress now has no other recourse than to stare that possibility directly in the eye.

It is a prospect which I never thought I would ever have to face. It is a prospect which I hope may still be averted.

But the events of the past weekend mean to me that serious questions which should have been resolved in an orderly manner by the courts now cannot be so resolved in the absence of an independent prosecution.

By his action in ordering the dismissal of Special Prosecutor Archibald Cox, President Richard Nixon has circumvented the process through which the grave allegations against his administration were to have been fairly evaluated in our system of courts.

I do not pretend to know whether this act by the President, of itself, or in concert with previous actions, constitutes an impeachable offense.

I do know, however, that our Constitution clearly holds the House of Representatives responsible for determining whether a President should be impeached—and thus be tried before the Senate on the question of whether he must forfeit his office.

I also know that the people of America want—and deserve—to know the answer to this question—an answer which only the Congress can provide.

The very thought that our President could be, or should should be, impeached is poisonous to the conduct of our Nation's affairs. It dangerously limits the President's abilities to act, creating a form of paralysis which imperils the welfare of the country.

It is my belief that this poisonous attitude is rampant across the land in the minds of well-meaning citizens, and therefore the question of impeachment must be resolved—one way or the other—as quickly as possible.

My resolution proposes simply that an imemdiate investigation be made as to whether grounds exist for impeachment. Such an investigation should first endeavor to define, as precisely as possible, what constitutes an impeachable offense.

Second, there should be a rigorous examination of Mr. Nixon's actions as President to determine whether they fit the definition.

The investigation should not involve—and I wish to stress this—philosophical or political activities by the President which might be at variance with the preferences of a majority of the Members of Congress. The President, indeed, has an electoral mandate, and has a perfect right to disagree with Congress on questions of philosophy and policy. I will defend that right.

Along that line, I think it incumbent upon the House to proceed expeditiously with its consideration of the nomination of Minority Leader GERALD FORD for Vice President. As in the consideration of impeachment, philosophical and political differences should play no part in the decision on Mr. FORD's qualifications to assume the office of Vice President.

I disagree most vehemently with the suggestion that Congressman FORD's nomination should be held "hostage" until such time as President Nixon's situation is resolved.

I believe that, if an examination of Mr. FORD's finances and his past conduct in public office shows no discrepancies, and if Mr. FORD is able to demonstrate a proper grasp of the duties and responsibilities of the office of the Vice Presidency—as well as the Presidency he may someday occupy—he should promptly be confirmed.

In the event that it should become necessary to remove President Nixon from office, I think it would be most unfortunate and most divisive if the Speaker of the House of Representatives, a member of the opposition political party, were to be in line to succeed to the Presidency simply because the Democratic Congress had declined to approve a Republican nominee for Vice President.

In conclusion, I simply wish to say that this is a painful day in my life. I have no desire to play any part, however slight, in bringing about the turmoil and upheaval of a Presidential impeachment. But, I feel that my oath of office requires that I move to force House consideration of that terrifying prospect.

If the President is not subject to impeachment, he deserves nothing less than a declaration by the House that they have so found. If he is subject to impeachment, the people of the country deserve nothing less than House action to bring him to trial before the Senate for a determination as to whether he should be removed from office.

IMPEACHMENT OF THE PRESIDENT OF THE UNITED STATES

(Mr. THOMPSON of New Jersey asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of New Jersey. Mr. Speaker, it is with considerable regret that on this day I have introduced a resolution calling for the impeachment of the President of the United States, Richard M. Nixon.

I have taken this action only after long and careful consideration. It had been my hope that the President would relent and obey the orders of the Federal courts. He has refused to do so and at the moment is before the courts which may make a determination as to whether or not he is in contempt.

My action is predicated not only on the President's handling of the tape question. The resolution cites seven specific charges in the bill of particulars.

Viscount James Bryce reminds us in "The American Commonwealth" that impeachment:

> Is like a one hundred ton gun which needs complex machinery to bring it into position, an enormous charge of powder to fire it, and a large mark to aim at.

There can be no doubt that President Nixon has generated "an enormous charge of powder." Obviously, the President of the United States is a large mark. The founders put the impeachment provisions in the Constitution after careful deliberation. The founders were agreed that:

> The power of impeachment ought to be, like Goliath's sword, kept in the temple and not used but on great occasions.

The tragic fact is that the President, by a long series of actions, has literally demanded that the sword of impeachment be taken from the temple. I believe that no reasonable person will disagree with my feeling that the President's firing of Prosecutor Archibald Cox, Attorney General Richardson, and Assistant Attorney General Ruckelshaus has created "a great occasion."

James Madison told the Virginia Ratification Convention that:

> If the President be connected, in any suspicious manner with any person, and there be ground to believe that he will shelter men he may be impeached.

The President's refusal to make available the tapes and documents which the courts have ordered him to release indicates that the President is sheltering a number of persons who have been part of his administration in that his refusal amounts to the withholding of essential evidence needed in the judicial process. I have, therefore, in the exercise of my oath to support the Constitution no alternative but to introduce a resolution of impeachment. A copy of my resolution including the charges is included.

SPECIAL PROSECUTION CONSERVANCY ACT

(Mr. CULVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CULVER. Mr. Speaker, I am today introducing a bill to reestablish the special Watergate prosecutor independent of control by the President.

This is most emphatically not a partisan proposal. It is a serious effort to redress the evident conflict of interest that deprives the Executive of the capacity to conduct a fair and evenhanded prosecution of those persons other than the President who have been implicated in the Watergate affair. It addresses the fundamental proposition that, in matters of public importance especially, justice must not only be done, but be seen to be done.

In preparing this measure, we have consulted preliminarily with experts in constitutional law. They have advised us that there appears to be adequate justification, at least in the present circumstances, for conferring the appointing authority on the chief judicial officer who supervises the work of the grand juries principally concerned. The relevant legal considerations are set forth in a brief memorandum we have prepared to accompany the bill.

Interestingly enough, we have discovered that Richard M. Nixon is on record essentially in support of our approach. In 1951, while in the U.S. Senate, Mr. Nixon introduced legislation that would have empowered any district judge to appoint an independent special counsel on request of a grand jury. This counsel would have had charge of the investigation and would have had power to sign indictments. The bill I am introducing is narrower, since it is focused only on the Watergate and related prosecutions where there is an established conflict of interest involving the regular prosecution.

I must emphasize that this measure in no way substitutes for or concludes consideration of the entirely separate matter of impeachment. Nor does it take a position upon the agitated question of release of the White House tapes. Deliberation upon those questions may and should go forward in the appropriate forums. No matter how they are resolved, it will still be necessary to restore the evenhanded administration of justice and to conserve the prosecutional resources developed to date. That is the object of my bill.

Mr. Speaker I will include the text of my resolution and a summary of the effect at a later point in the RECORD.

PROPOSED IMPEACHMENT OF THE PRESIDENT

(Mr. FASCELL asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. FASCELL. Mr. Speaker, with millions of Americans, I was stunned and dismayed by the President's actions this weekend.

By directing the Special Prosecutor, Archibald Cox, to cease efforts through the courts to obtain tapes or other Presidential documents, and engineering his firing, the President reneged on the solemn pledges made by the administration to the U.S. Senate and the American people that there would be a truly independent investigation.

The President summarily has destroyed the independence of the criminal investigation and prosecution of suspects and defendants in the Watergate and related cases. He thus makes it appear that there is a continued, determined and calculated effort to defeat the ends of justice by obstructing or hampering it.

The President apparently refuses to fully obey a Federal court order to make available evidence which could assist in establishing the guilt or innocence on grave criminal charges affecting former high Government officials of his administration. By his decision not to seek a decision by the Supreme Court, the President is bound by the district court decision. It remains to be seen whether the district court will accept the so-called "Stennis Proposal" as action in compliance with its order.

The President has precipitated a constitutional confrontation between the three branches of Government unprecedented in our history. As one commentator has pointed out, Mr. Nixon, who has based his refusal to make the disputed tapes available to the courts and the Congress on the principle of "Executive privilege" and the separation of powers, chose a member of the legislative branch to review the executive branch tapes to comply with a court order of the judicial branch. His actions have brought dismay, frustration, and disbelief. He has cast doubt in the minds of millions of Americans on the ability and stability of our democratic institutions. The very heart and soul of our Government is at stake.

Only Congress and the American people can redress these grievances.

The Congress must act swiftly and positively to restore the independence of the criminal investigations and prosecutions and take whatever steps are necessary to assure prompt and orderly disposition of all criminal cases.

I have, therefore, today joined the sponsoring legislation to provide for the appointment of a special Watergate prosecutor independent of the President. The resolution is designed to assure the integrity of the special prosecutor's staff and records, incorporate in statute the guidelines for the special prosecutor's independence, give him independent authority to collect and safeguard evidence and extend the life of the grand jury—scheduled to expire on December 5, 1973—for an additional 6 months.

The Congress must simultaneously proceed to broaden the entire investigation of the Watergate and related incidents to determine if there is an impeachable offense against the President.

Toward this end, I am today also joining in the introduction of a resolution authorizing and directing the House Judiciary Committee to inquire into and investigate the official conduct of Richard M. Nixon to determine whether in the opinion of the committee Mr. Nixon has been guilty of any high crime or misdemeanor which in the contemplation of the Constitution requires the interposition of the constitutional powers of the House of Representatives. The committee is directed to report its finding to the House. And I would hope that the action contemplated in the resolution be initiated at the earliest possible time.

IMPEACHMENT OF THE PRESIDENT

(Mr. McKINNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McKINNEY. Mr. Speaker, we stand in the House of Representatives today at a troubled time in our history. The cries are ringing out throughout the Nation for impeachment of the President of the United States. I do not take these cries lightly. Nor do I underestimate the confusion and the argumentation that will go forth as to whether the President is impeachable or not.

I feel that the basic confidence of the American people in their Government is at stake. I do not think we can get lost in the political or legal arguments of impeachment and do nothing under the excuse of parliamentary time and legal maneuvering.

Mr. Speaker, I would suggest to you that this House, this building, stands for rule by law, not by fiat from any man. That if any officer of the Government subverts or puts himself above the law, or manipulates the law to destroy its credibility and effect, that this House must be concerned about democracy and its survival.

Mr. Speaker, I would make several suggestions today. First, I would suggest that you use the total power of your office and

that of the Senate leader's office on your side of the aisle to pass through these bodies immediately special legislation calling for the reestablishment of a special prosecutor under the power of the Congress of the United States; second, I would request that you set up a committee structure to immediately study all the impeachment resolutions that will be introduced today and to study the legal aspects of the President's actions; third, I would further request that this study be given a very severe time mandate and that these special bodies or committees report back to the general body of the House within the period of 1 month so that the House may either act on impeachment, should that be the proven course, censor, should that be the proven course, or indict for criminal offense, should that be the necessary course.

Mr. Speaker, I would suggest that a cloud hangs over the very beliefs that this building stands for. If we, as the representatives of the people, allow that cloud to remain, I seriously question the future of our Nation as we love and know it.

IMPEACHMENT OF THE PRESIDENT

(Mr. RHODES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RHODES. Mr. Speaker, it is profoundly shocking to have one Member of the House after another come to the well of the House and talk about impeachment of the President of the United States. Almost without exception, each one who did so expressed his regret, and because I have great respect for the Members of this House, I do not doubt the sincerity of those expressions of regret.

However, I do doubt the judgment which impels anyone to speak of impeachment at this particular time in our history, particularly when one examines the Constitution of the United States.

The words of the Constitution are rather plain. It says that impeachment may lie for the commission of high crimes and misdemeanors.

I ask each Member to reflect upon those words and then ask himself if there have been high crimes and misdemeanors committed which would justify impeachment.

It has been said that the President has defied an order of the court. The former Attorney General of the United States not over an hour ago said that this is not true; he has not defied an order of the court. Actually, what the President did was to propose an alternative which would in his mind, and I think in the minds of many of us, have actually complied in the spirit of the order which was issued by the District of Columbia court of appeals. The key members of the Watergate Committee approved of his proposal. The Attorney General of the United States not only approved of it, but had a lot to do with its formulation. The only one who did not approve of it was the special prosecutor, Mr. Cox.

Mr. Speaker, I ask the Members, was Mr. Cox appointed with the idea of setting him up as a fourth branch of the Government who would not have to answer to anybody at all? I do not think that this was the intention of the Executive nor the intention of the Congress when Mr. Cox' office was set up.

Was it a high crime or misdemeanor for the President of the United States to fire Mr. Cox, or to accept the resignation of the Attorney General and the Deputy Attorney General? Of course not, No one has indicated that such was the case. If this were the case, then we would have impeached many Presidents in the past who have from time to time made controversial personnel changes, but there has been no talk of impeachment in those cases.

I am afraid, Mr. Speaker, that those who are talking about impeachment today have been thinking about impeachment for a long time. I do not think that this suddenly came bursting full blown from the brows of the Members on my right. I think there has been a lot of thinking about this; a lot of wishful thinking, I might say. The American people do not deserve this. Our people have had one blow after another for the last several months, and it does not do the Republic or the people of the United States any favor to talk about impeachment at a time like this, with no evidence available to justify impeachment.

I ask, Mr. Speaker, that this talk be stopped immediately, and that we proceed with the business of serving our people and this Republic.

CONGRESS MUST NAME PROSECUTOR

(Mr. BENNETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. BENNETT. Mr. Speaker, we have all been shocked by the firing of Archibald Cox and the resignations of Mr. Richardson and Mr. Ruckelshaus. The Nation still faces many unanswered questions and the answers to those questions still must be found. The precedent for this type of appointment was set during the Teapot Dome Scandal and I feel the precedent is appropriate here.

Under a bill I have introduced the House and Senate would be required to appoint an individual of the highest character and integrity to serve as special prosecutor for the Government of the United States. The selection of the special prosecutor would be required to be made from outside the Government and also be required to be made from among individuals who do not now hold any public elective office.

The appointment of the special prosecutor would be made by a majority vote in each House. Once appointed, the special prosecutor would be indepedent from any department or agency of the United States and would have authority to appoint his own independent staff to assist him with the investigation and prosecution.

I am convinced that this current confidence crisis will escalate still further if the future handling of Watergate is not now conducted in an impartial, unprejudiced manner—free from partisan political controversy. Only by adhering strictly to the traditional American concepts of jurisprudence can we be certain that the further handling of these tragic cases will be conducted in a just and impartial manner.

As to the matter of impeachment, I believe that at this moment the best procedure is to refer the resolutions on this to the Judiciary Committee for prompt and complete consideration and recommendation. A matter of such gravity should be handled with careful deliberation, not in heat and emotion.

I personally believe that the President had the legal power to fire Cox, but that he has acted unconstitutionally in a number of other important matters. He has, for instance, ended programs and projects which the law has directed him to carry out. This is unconstitutional, according to the courts, and I believe this to be so.

I would hope that the President would rectify this situation and that this weakness in his administration can thus be removed from the area of consideration in the impeachment hearings. In saying this I am not referring to impoundment procedures allowable under the deficiency Act; but to the the actual killing of entire programs and projects directed by law. This he cannot constitutionally do.

IMPEACHMENT PROCEEDINGS

(Mr. ADAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ADAMS. Mr. Speaker, as one who has been a former district attorney and who understands that the House sits as an indicting body on the question of issuing articles of impeachment, I had been prepared today to offer a resolution that there be a select committee appointed to consider impeachment. I felt that a select committee would be a better vehicle than the Committee on the Judiciary which already has pending before it the confirmation of a new Vice President.

There being a resolution for impeachment pending, I have examined the precedents and found it could be either called up immediately or referred to the House Committee on the Judiciary or referred to a select committee.

I have been assured by the leadership—and I accept that assurance—on both sides of the aisle that this matter will be referred to the Committee on the Judiciary.

You can call it investigation, you can call it whatever you wish. But when that resolution is heard, and it is going to be heard before the Committee on the Judiciary, then evidence will be taken, I have been assured, as well as procedures established so that the matter of impeachmen can be presented in an orderly fashion to the House with a recommendation either for or against.

I personally feel, as I am sure most Members of the House do, that we do not have the evidence at this point to deter-

mine whether or not articles of impeachment should be drafted, and those articles, once drafted, taken to the Senate for trial. Therefore, I hope the Committee on the Judiciary will proceed immediately—and it is my understanding that they will—so that it can be presented to the House for our considered judgment.

I think there is a grave constitutional crisis, caused by the existing conflict between the executive and the judiciary. The only remaining way to resolve that crisis is through the constitutional process, which puts the responsibility on this House to proceed in an orderly fashion with impeachment proceedings.

IMPEACHMENT PROCEEDINGS

(Mr. McCLORY asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. McCLORY. Mr. Speaker, in the light of recent developments which have culminated in the resignation of the Attorney General and Deputy Attorney General, as well as the dismissal of the special Watergate prosecutor, it is not surprising that serious, and in many respects, irrational attacks have been directed againt the President of the United States.

However, it would be both unwise and unbecoming for this body to take summary action which would brand the President's conduct as amounting to "an impeachable offense."

Mr. Speaker, there is serious doubt on the question of the authority of the Watergate Committee or of the district court to require the production of taped accounts of private and confidential conversations between the President and members of his staff. In the district court, the judge recognized the limitations on ordering any such production of taped conversations by directing that he would first undertake to review the taped conversations—privately—and then determine what part or parts, if any, might appropriately be reported to the grand jury.

The special prosecutor appealed from this ruling, contending that the entire tapes should be surrendered to him—and it is important to observe that the special prosecutor appeal was denied and his appeal dismissed. Indeed, the court of appeals in its opinion, called attention to the significance of conversations which had been held by the special prosecutor, counsel for the President, and the court, in an effort to avoid a needless constitutional adjudication.

There is other qualifying evidence in the opinion, leading to the view that some such compromise as that arranged by counsel for the President and the Attorney General, with the chairman and ranking minority members of the Senate Watergate Committee were consistent with achieving justice without impairing the constitutional separation of powers inherent in this celebrated case.

Mr. Speaker, it would seem entirely appropriate for the House Judiciary Committee to consider the various aspects of the charges and countercharges involving the so-called Watergate case. However, initially, it would seem important for the committee to consider the legal and constitutional grounds upon which such hearings would be warranted. It is my considered opinion that the committee should consider the right of a court or committee of the Congress to order the surrender of confidential and private conversations engaged in by the President of the United States with his staff. Clearly, if the so-called Watergate conversations may be demanded, there would seem to be no end to the demands which the Congress or the courts might make with respect to private White House conversations.

Mr. Speaker, the other legal question involved is whether the President as head of the executive branch of Government, may be denied the right to control the execution or enforcement of the laws. In this connection, the Office of President—and not the President as an individual—is in control of the executive branch. While subject to the laws as an individual, it would not seem possible for some third party—or fourth branch of Government—to possess autonomous authority to proceed against the President. The Constitution does not provide for, and the people have not granted any authority to the so-called special prosecutor to assume the prerogatives of the Congress or to supersede the President in his role as head of the executive branch. At any rate, this presents very sensitive and technical, legal, and constitutional questions.

Mr. Speaker, it is my hope that the House Judiciary Committee or an acceptable subcommittee may review these constitutional and legal questions preliminary to any consideration of charges of wrongdoing or so-called impeachable offenses leveled at the President of the United States.

Mr. Speaker, the stability and effectiveness of the U.S. Government, both in the management of our domestic as well as our foreign affairs are dependent upon a strong governmental system. The strength of our President, as a national as well as an international leader are beyond question. The entire free world looks to our Nation's leadership for an enduring peace, and for the solution of the grave international problems, including improved relations with the People's Republic of China, and an era of détente between the nations of Eastern Europe and the Western free world.

Mr. Speaker, I hope that we can use both patience and judgment in our efforts to meet this critical challenge. Let us hope that an acceptable resolution of the pending court proceedings—similar to that agreed upon in the Senate Watergate hearings—may be reached.

IMPEACHMENT PROCEEDINGS

(Mr. HECHLER of West Virginia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Speaker, article II, section 3 of the Constitution very clearly reads that the President "shall take care that the laws be faithfully executed."

The President has deliberately precipitated a series of events to enable him to remove a special prosecutor whom he has long wanted to remove because that prosecutor's activities were embarrassing to the President personally, although the special prosecutor has attempted to carry out the orderly processes of justice.

Very clearly in this situation President Nixon is obstructing justice. I have, therefore, introduced a resolution of impeachment, and I have also cosponsored resolutions to reestablish by statute the independent office of special prosecutor.

This grave constitutional crisis is not only an issue of the special prosecutor personally but the issue of his office, his papers, and his independence in carrying out an investigation of criminal activities which are apparently reaching too close to the President and the White House. The President seems to be oversensitive to the special prosecutor and has, therefore, sacrified both Mr. Richardson and Mr. Ruckelshaus to stop the prosecutor from doing his duty.

Mr. Speaker, I was most interested in what the gentleman from Ohio (Mr. ASHLEY) related with regard to the background of the impeachment of President Andrew Johnson. That political impeachment has cast an inhibiting cloud over all of our actions today.

The brilliant description that John F. Kennedy wrote in "Profiles of Courage," sank into the consciousness of every American, and has muted and slowed down the requests for impeachment, both by Congress and the Nation.

We do not want to proceed with any political impeachment, such as occurred with Andrew Johnson. Therefore, when the people today demand impeachment they are demanding it in a sober fashion against the background of that unfortunate chapter in American history.

I believe such an impeachment resolution deserves a very thorough inquiry by the Committee on the Judiciary. The President is clearly obstructing justice. Entirely too much emphasis has been placed on "the tapes," when the fundamental issue is whether the President is obstructing justice, placing himself above the law, and refusing to insure that the laws be "faithfully executed."

ON IMPEACHMENT

(Mr. GRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. GRAY. Mr. Speaker, as one who has been subjected to inuendo, smears, and false accusations by members of this administration, I could very easily rise today and say that I immediately would vote to impeach President Nixon; however, my conscience requires that I not take such precipitious action. I have always followed the standard of justice that a person is innocent until proven guilty. Mr. Speaker, the American people are upset over the firing of Special Prosecutor Archibald Cox who was told by the President that he had a free hand in investigating not only Watergate but any other charges of misconduct. As far

as I am concerned, the tapes issue was not the real reason for Mr. Cox's firing. I think this was proven by the turn of events this afternoon. If the President knew last Saturday that he was willing to eventually turn over to the courts the tapes in question as he did today, why then would he go ahead and allow the resignations of Attorney General Richardson and Deputy Attorney General Ruckelshaus in order that Acting Attorney General Bork could go ahead and fire Mr. Cox? For these reasons, I feel that the entire matter of a specal prosecutor should be considered before any thought should be given to impeachment. Accordingly, I support the following resolution in order that all the facts surrounding this dispute can be considered. I am sure every Member of Congress, both Democratic and Republican, would then be in a better position to judge what course of action Members of Congress should take in fulfilling their constitutional responsibilities. The resolution follows:

Resolution directing the Committee on the Judiciary to inquire into and investigate whether grounds exist for the impeachment of Richard M. Nixon

Resolved, That the Committee on the Judiciary shall, as a whole or by any of its subcommittees, inquire into and investigate the official conduct of Richard M. Nixon to determine whether in the opinion of said committee he has been guilty of any high crime or misdemeanor which in the contemplation of the Constitution requires the interposition of the power of the House of Representatives under the Constitution. The Committee on the Judiciary shall report its findings to the House of Representatives, together with such resolutions, articles of impeachment, or other recommendations as it deems proper.

FIRING OF SPECIAL PROSECUTOR

(Mr. YATES asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. YATES. Mr. Speaker, I was outraged to learn last Friday night of President Nixon's peremptory firing of special prosecutor Archibald Cox. It was an out and out violation of the pledges he had given the country when Elliot Richardson was named Attorney General and Mr. Cox was appointed special prosecutor. The impression given the country at that time by Mr. Nixon's statement was that Mr. Cox would be given total independence and cooperation in all his endeavors to investigate and bring to justice those who had committed offenses in or against the Government. Now the President has slammed the door on judicial investigation by his dismissal of Mr. Cox. Can anybody believe that the Department of Justice can or will do an impartial thorough job of the task now assigned to them?

The legislative branch must continue that investigation to seek the truth about all the wrongs committed by Mr. Nixon's appointees and associates. I have cosponsored a resolution, Mr. Speaker, which requests the House Committee on the Judiciary to make that investigation to determine whether an impeachment should be voted against President Nixon. The committee must act expeditiously. The country is now shaken by the actions of Mr. Nixon not only in the Watergate scandals but in so many other curious and potentially scandalous incidents as well. The committee should lay aside its other business and devote itself to this most important question.

I have also joined, Mr. Speaker, as a cosponsor of a resolution seeking the appointment of a special prosecutor to carry on in court the investigation begun by Archibald Cox. That inquiry should not be dependent upon the whims of a President whose administration is being investigated.

Finally, Mr. Speaker, this is not only a question of the disclosure of the tapes. The tapes are only one source of information. That is why the President's proposal of using Senator STENNIS to hear the tapes to check a Presidentially prepared summary is so inadequate. There are documents, letters, records, and so forth, that are also proper subjects for investigation.

The American people deserve to know what their Government has done in the past and is doing now. The present crises in Government will not be alleviated nor will the confidence of the people be restored until that information is forthcoming.

FRIGHTENING EVENTS

(Mr. STOKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STOKES. Mr. Speaker, the resignations of the two highest Justice Department officials and the firing of Special Prosecutor Archibald Cox as well as the ruthless seizure of his offices and files by the FBI are frightening events. The Nation has been shocked to witness such arrogant abuse of governmental power to protect the private interests of one man. Only 2 weeks ago we saw the resignation and virtual guilty plea to tax evasion of the Vice President of the United States. That was a plea contrived in such a way as to insure that the American people would never be able to ascertain the facts which brought about this bizarre event.

Mr. Speaker, I call for the impeachment of the President, the impoundment of all relevant tapes, records, documents and files in the Justice Department and the White House, and the continuation of the special prosecutor in order to completely prosecute all those guilty of crimes, including the President.

The recent actions of Richard Nixon have led me to believe as firmly as I have ever believed in anything, that this country is in mortal danger. I urge all my colleagues to consider with the gravest seriousness the fundamental interests of this Nation in preserving our democratic form of government.

The true honor of the country, its ability to believe in itself, in its laws, in its governmental system, and in its public officials is in danger of being not just damaged, but permanently crippled or destroyed.

Great questions remain concerning the exceptional situation of the resignation and conviction of the second highest official of this Nation, and until these questions about the number and extent of Mr. Agnew's crimes are resolved, publicly for the entire Nation to judge, we must not act on another Nixon appointment to the same position. The American people have a right to know. We cannot entrust to a man so implicated, and who I believe must be impeached, the power to choose the next President of this country. To do so would be foolish and blind, and a betrayal of trust.

Having witnessed the actions of the past few weeks I cannot but wonder if they were not almost designed to overwhelm the American people and induce a state of shellshock rendering them incapable of recognizing the significance of subsequent acts. Each crisis blurs the last and now we have the resignations of two Justice Department officials who in contrast to so many others displayed high principles and concern for the Nation. Such men, apparently, the Nixon administration cannot long endure. This Nation cannot long endure Richard Nixon. We must impeach him now.

The remarkable thing about the events of the last weeks, months and years is not simply that Mr. Nixon has done what he has done, but that this Nation did not see it coming; and that even now we may not be able to imagine what may yet happen in his remaining 39 months.

Impeachment proceedings are no longer premature, they are essential to the future well-being of this Nation. The disruptive nature of such proceedings now pales beside the clear and present danger which Richard Nixon poses to our Nation, our liberties, and our self-respect.

I call for the immediate impoundment by the court, if not by the Congress, of Mr. Cox's files, of the Presidential tapes, and of all documentary evidence and material requested by Mr. Cox in connection with his investigation. Every hour that these materials remain in the possession of an interested and biased party to the investigation, there is great risk of destruction, alteration, and improper disclosure to adversary parties, all of which we have already seen occur.

The only action capable of countering demonstrated Presidential defiance of the Senate and the courts is for all responsible Members of Congress to rise above party concerns and rid ourselves of this Nation's worst President, by impeachment. Furthermore, I call upon all citizens who care about their country to let those who represent you, know of your continued and persistent outrage at the current President's behavior. Let them know you demand impeachment.

Mr. Speaker, my office has been flooded with telegrams, letters and telephone calls from citizens all over this Nation who are outraged at the dictatorial, despotic conduct of Richard Nixon. Every single person, without exception, has urged his impeachment.

Mr. Speaker, at a time like this in our history it is well for all of us to remember the words of someone who said, "Resistance to Tyranny is Obedience to God."

Mr. Speaker, I ask unanimous consent that a copy of the resolution which I intend to file with the House be printed in the RECORD at this point.

H. Res. —

Resolved, That Richard M. Nixon, President of the United States, is impeached of high crimes and misdemeanors.

IMPEACHMENT PROCEEDINGS

(Mr. BINGHAM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BINGHAM. Mr. Speaker, the President has given this House no alternative but to ge ahead with impeachment proceedings. This does not mean we are to take a vote today, tomorrow, or next week, and no one is proposing that. It does mean the Judiciary Committee must proceed expeditiously and responsibly to investigate charges that have been lodged and to make appropriate recommendations to this House.

Mr. Speaker, it has been almost a year and a half since the abortive break-in of the Democratic National Committee's office at the Watergate. In these past months, the scandal, corruption, and crisis have constantly intensified, as wave after wave of shocking new developments have splashed onto the front pages of our newspapers and poured forth from television sets. This unending stream of revelations has left us stunned and waiting for some indication that the flow of scandal will at some point stop, that all the facts will be revealed, and that we can then pause and assess the situation.

The events of October 19 through 23 seemed for a while to shortcircuit the need for that kind of pause and reflection. President Nixon dismissed the Deputy Attorney General and the Watergate special prosecutor, forced the resignation of the Attorney General, and abolished the Watergate Special Prosecution Force, all in the name of a compromise solution to the issue of access to Presidential tapes and documents. The nationwide reaction to this apparent defiance of the courts, the Congress, and the American people was staggering in its vehemence. The letters, telegrams, and telephone calls to my office and many others were full of outrage and insistent calls for impeachment. The reaction apparently so startled the White House that today the President's lawyer announced to Judge John Sirica that the President will, once again, reverse himself and comply with the orders of the Court of Appeals, releasing the subpenaed tapes and documents to Judge Sirical for an in camera inspection.

Many questions remain unanswered. The special prosecutor who obtained the subpena which the President will reluctantly obey is no longer on the job. Who will now press the investigation? Can we really believe that the Justice Department will prosecute those individuals associated with the White House for crimes growing out of Watergate as vigorously as the special prosecutor?

The country demanded a special prosecutor early this year and the President's conduct with respect to the tapes makes me feel that the need for the special prosecutor is more acute now than ever. What will the tapes reveal about the President's and other high officials' involvement in a wide range of illegal activities and their subsequent coverup? These and other critical questions could well lead many of us to once again hold our breaths and wait for another shoe to drop, another revelation, another indictment. However, in good conscience I can no longer wait for the ultimate development in this prolonged crisis before deciding what action should be taken.

I have today joined with many of my colleagues in introducing a resolution directing the Judiciary Committee to inquire into the official conduct of the President to determine whether his removal from office is warranted. I believe this investigation will and should result in the reporting to the full House of Representatives of a resolution to impeach the President.

This call for the initiation of impeachment proceedings is not to be taken lightly. I have refrained from such action for the 17 months since Watergate first entered the political lexicon. Impeachment is not to be used as a weapon of partisanship, or as a means of expressing or resolving political differences. I do not so use it today. Impeachment proceedings, beginning with the investigation of the many charges which have been developed over the past months, are a responsible reaction to the accumulated controversy and political rot which surpass partisan differences. The administration's obstruction of justice and assault on the Constitution and the individual liberties it protects can no longer be tolerated. The patterns of malfeasance and misfeasance, of official deception and belated disclosure, have been repeated so often and stretch so far into the core of the President's government that his resignation or removal from office appears to be the only honorable way to resolve the present crisis and restore the people's faith in government.

The resolution I have introduced today mandates a thorough investigation of all the allegations regarding the President's misconduct in office. Should the Judiciary Committee recommend to the House that articles of impeachment be presented to the full House, as I believe it should, the process would be one not unlike that which we use to initiate criminal proceedings against an ordinary citizen. The House in the case of the President would have a function similar to the grand jury—that is to lay the charges of misconduct. If the House agrees, it will impeach, just as the grand jury indicts. Instead of a regular trial court, in the case of a President, the Senate acts as a court, with the Chief Justice of the Supreme Court presiding. The text of the resolution follows:

Resolved, That the Committee on the Judiciary shall, as a whole or by any of its subcommittees, inquire into and investigate the official conduct of Richard M. Nixon to determine whether in the opinion of said committee he has been guilty of any high crime or misdemeanor which in the contemplation of the Constitution requires the interposition of the powers of the House of Representatives under the Constitution. The Committee on the Judiciary shall report its findings to the House of Representatives, together with such resolutions, articles of impeachment, or other recommendations as it deems proper.

I am supporting this form of resolution because I believe that the Judiciary Committee must be given the discretion to fashion articles of impeachment on the basis of the evidence they receive. Some of my colleagues have made valiant and commendable attempts to list those charges upon which the President should be tried before the Senate, and I am in sympathy with those efforts; however, for myself I prefer to withhold the introduction of such a resolution until all the evidence, including the tapes just turned over to Judge Sirica, have been made available.

The responsibility of the Judiciary Committee to sift through this mass of conflicting data is enormous, but it is one which must be accomplished without unnecessary delay. By giving the Judiciary Committee responsibility to decide, in the first instance which alleged offenses committed by the President warrant impeachment, we will provide the House with a highly scrutinized document, which we may be reasonably certain is free from the errors of passions which lie in hastily conceived charges.

The range of possible charges to be laid against the President is broad. First and foremost, presumably, would be obstruction of justice, through some or all of the following: Participation in the Watergate coverup, including involvement of the CIA, restriction of the Justice Department investigation, frustration and finally abolition of the Office of the Special Prosecutor; seizure of files and other evidence material to investigations by Federal grand juries; offering a high Federal post to the presiding judge at the Ellsberg-Russo trial; and withholding information regarding the Ellsberg breakin from a Federal court. Other possible grounds for impeachment include Mr. Nixon's creation of "the plumbers," a special White House group to engage in covert illegal operations in the United States; abridgement of citizens' first amendment rights by illegal wire-tapping of staff telephones and those of newsmen that disagreed with the administration; the employment of the FBI, IRS, or other Government agencies to "get" political enemies; the ordering of 14 months of secret bombings in neutralist Cambodia and the deception of the American people with respect to it; and finally the receipt of massive campaign contributions in return for favorable action by the Federal Government, for example, with regard to permissible milk prices.

Neither the Judiciary Committee's investigation of the President's conduct, nor the submission of the tapes to Judge Sirica lessen the need for a special prosecutor, independent of the executive branch of the Government, for Watergate related cases. To meet the demands of the American people for full and fair prosecution of Watergate crimes, I have also joined in sponsoring legislation to reestablish the office of Special Prosecutor. This legislation should be a complement to, rather than a substitute for, the Judiciary Committee's investigation. The bill would authorize Judge Sirica to appoint a new special prosecutor and assure the integrity of existing staff and records pending his appointment. It

would also extend the life of the Watergate Grand Jury so that it may complete its investigation, and give the special prosecutor sufficient funding to do the kind of job the American people have a right to expect.

A RESOLUTION OF INQUIRY

(Mr. ASHLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ASHLEY. Mr. Speaker, because President Nixon appears committed to the obstruction of justice and thwarting of the political process, I have today introduced a resolution directing the Committee on the Judiciary to inquire into and report back to the House of Representatives with respect to whether or not there is probable cause of Presidential wrongdoing sufficient to justify impeachment proceedings.

I was interested in the comments of the gentleman from Tennessee (Mr. (KUYKENDALL), Mr. Speaker, because it was just over 100 years ago that my great grandfather James M. Ashley, served in this body, and introduced the impeachment proceedings against President Andrew Johnson. I have studied that action and what led to it and what its consequences were. That resolution of impeachment failed, as it should have, because it was introduced by my great grandfather for purely partisan political reasons.

The same cannot be said, Mr. Speaker, of the resolution that I have offered today nor, I think, of the other resolutions offered by my colleagues. This is not a partisan action on my part or on their part. The truth of the matter is that the President has given us no alternative. There has been a question in all of our minds for months and months as to whether or not with respect to the Watergate situation the President had clean hands or whether he did not, in which case it would be our responsibility to consider impeachment proceedings. This body, very wisely I believe, has taken the view that there must be strong evidence of illegal acts by the President to satisfy the constitutional requirements with regard to impeachment. Instead of moving precipitously against the President, this body has preferred to allow the facts to be developed by the special prosecutor's office headed by Mr. Cox and by the Senate Watergate Committee.

The issue today is in sharper focus. If the President persists in his refusal to turn over the tapes and other evidence in his possession, in defiance of a Federal court order, would such a thwarting of the judicial process be sufficient grounds for impeachment? By firing Archibald Cox and dismantling his independent investigatory unit, is the President guilty of obstruction of justice?

The issue, Mr. Speaker, is whether our Nation is being governed by a rule of law or by a ruler who sets the law as he deems appropriate.

These are the questions that Americans are asking today and I believe it is the responsibility of this House to provide answers.

LEGISLATION ESTABLISHING AN INDEPENDENT OFFICE OF SPECIAL PROSECUTOR

(Mr. MOSS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MOSS. We confront a grave national crisis. Our Constitution, rule of law and our institutions are threatened by Presidential actions of recent days.

The President:

First, appears to be in direct violation of Federal court orders;

Second, he obstructs justice, not delivering relevant evidence of possible criminal acts to the grand jury and Senate Watergate Committee;

Third, he jeopardizes criminal trials of dozens of former administration officials by interfering with functions of the Prosecutor;

Fourth, he breaches public commitments and his own Executive order by discharging Cox.

Fifth, he breaches commitments to the Senate and the people by denying the Prosecutor full authority to contest assertions of "executive privilege," and by countermanding his decisions.

The House has sole constitutional duty to initiate proceedings to consider Presidential impeachment for offenses and breaches of duty. I do not feel the House will shirk its duty.

We must continue investigation and prosecution of Watergate-related crimes jeopardized by Presidential actions. I am introducing a bill to establish an independent office of Special Prosecutor to have exclusive authority for investigating and prosecuting such offenses. It provides that the Prosecutor shall have exclusive authority to conduct proceedings before grand juries, to obtain documentary evidence from Government agencies to determine whether to contest assertion of "Executive privilege," to determine whether to seek immunity for witnesses, and to prosecute any individual or corporation.

The prosecutor will be appointed and may be removed solely by the chief judge of the Court of Appeals for the District of Columbia. Appointment is with advice and consent of the Senate. All records in possession of Cox and his staff on October 21, 1973, will be transferred to the Prosecutor.

We must assure our people this is a government of laws, not of men; that prosecution of persons violating Federal law will not be frustrated by Presidential actions. This legislation is a first step toward restoring public confidence in Government.

IMPEACHMENT PROCEEDINGS

(Mr. DON H. CLAUSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous matter.)

Mr. DON H. CLAUSEN. Mr. Speaker, today is both a dramatic and potentially traumatic day in our Nation's history. Members of Congress are very vocal in expressing their views and the views of many of their constituents who are deeply concerned and frustrated by the President's action over the weekend.

With the President's decision to dismiss Special Prosecutor Archibald Cox and the related resignations of Attorney General Richardson and Deputy Attorney General Ruckleshaus, the country has lost three highly qualified, distinguished, and experienced public servants, and many people are wiring, writing, and calling my office indicating their lack of confidence in President Nixon and calling for his resignation or impeachment. In time of crisis, as always, I firmly believe we in the Congress owe it to ourselves, the American public, and the principles and traditions on which our Government was founded to place matters of this nature in proper perspective.

The resignation of the President, even in the face of serious crisis now confronting the country, remains an uncertainty. Of course, as everyone knows, the Congress has the authority and power to initiate impeachment proceedings, and no one would accuse any Member of Congress of prejudging and convicting the President if the Member were to begin now to study and evaluate the purpose and application of impeachment proceedings. But let us remember a few important factors about impeachment.

First, impeachment is a means of removing the President from office for high crimes, misdemeanors and other reasons, and its infrequent use in the history of our country attests to the grave implications it holds for the political stability of the Nation. It would do us all well to remember, then, that the House of Representatives does not—or at least should not—bring impeachment proceedings against a President of the United States as a result of the deepest partisan differences, no matter how divisive the relations between the President and Congress comes to be. In my view, impeachment of a President can and should only be sought when and if it is clearly determined that the President has committed some crime or, in current parlance, when it is proven that he has in fact placed himself "above the law."

Apart from this issue, the fundamental question that must still be resolved, however, is whether or not the American people will get the full, impartial adjudication of the Watergate matter to which they are clearly entitled. As Mr. Ruckelshaus said yesterday, "the need at this point to see that the trials are carried forward probably outweighs" the President's claim of privilege and protection of confidentiality. Legally valid that the President "get the facts out" as he has promised by making the Watergate-related portions of Presidential tapes available to the courts if justice requires it.

To continue the process of "carrying forward" which Messrs. Richardson, Ruckelshaus, Cox, and millions of Americans deem so important, and to which President Nixon pledged his full support, the Congress has another alternative—it can and should move now to authorize the appointment of a free and independent investigating authority by the courts for gathering the facts and prosecuting the Watergate case, so this tragic chapter

in our history can be brought to its long-awaited end.

As Attorney General Richardson said this morning, the President has not defied any court order or given an indication of doing so. In a legal sense, he apparently has further appeals opportunities available to him and, further, the courts and Judge Sirica, specifically, can consider the possibility of approving the President's compromise offer which he, the President, feels is necessary to uphold the established principles of confidentiality and separation of powers between the three branches of Government.

This compromise offer, as I understand it, included an authenticated summary of the tapes including relevant quotes and was offered to Judge Sirica and the Watergate Select Committee of the Senate.

Senator JOHN STENNIS, who has been described by his colleagues in the Senate and more recently in a radio interview with Senator ERVIN as a man of impeccable integrity and character, has been asked to review and verify the authenticity of the tapes. The decision of the court of appeals itself authorized the preparation of summaries by the District Judge. Verbatim quotes are to be included in the summary.

It is my understanding that Attorney General Richardson played a major role in the preparation of this compromise and advanced it as a means of avoiding a constitutional confrontation and the potential crisis that might develop.

In my view, all of this could have been avoided by turning over these tapes to the courts but obviously the President feels very strongly about precedents and his constitutional obligation to protect the Office of the Presidency and the separation of powers, principle, and tradition.

What is really at stake is confidence, integrity and trust in and of governmental institutions and processes. This must be restored, above all, and restored immediately. The people are, very appropriately, demanding it. We need the earliest possible judicial determination of any verified record. The court has issued a subpena at the request of the grand jury for the tapes and certain documents. If the President fails to respond to the satisfaction of the court, he could be held in contempt of court. This is a matter that must be determined by the court at the earliest possible time.

However, time and public patience are running out. The President and the President alone must satisfactorily explain the reasons for his actions to and redeem himself with the American people. They have a right to expect this type of leadership from any President.

The international crisis in the Middle East, the energy crisis, the economy, the cost of living, and the many other problems facing this Nation demand his and our full attention—free from the burdens of this constitutional crisis.

The electorate gave President Nixon an overwhelming mandate and vote of confidence indicating their faith in him and his policies. Now, however, people have lost faith in him and his administration. I believe his place in history and the well-being of our people is dependent in large part on the restoration of that faith and confidence.

INDEPENDENT PROSECUTOR IS ESSENTIAL

(Mrs. HECKLER of Massachusetts asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. HECKLER of Massachusetts. Mr. Speaker, like millions of Americans, I am shocked and appalled at the President's dismissal of Special Prosecutor Archibald Cox and the elimination of the independent investigator's office. The result has been the loss of three outstanding public officials—Cox, Attorney General Elliot Richardson, and Deputy Attorney General William Ruckelshaus—further weakening the Presidency and harming the entire Nation during one of the most troubled times in our history.

For this reason, I believe it essential that the Congress promptly approve a resolution I am introducing today calling for appointment of a new independent prosecutor to pursue the Watergate affair and allied crimes, with the appointment subject to confirmation by the Senate.

I am relieved that President Nixon agreed today to satisfy the court order by turning over the White House tapes, thus avoiding a constitutional crisis. If he had only done so last week, we could have averted the crisis of the past weekend, the loss of three public officials of well-known integrity, and the resulting damage to public confidence.

This is a Nation of laws and not of men. If the President fails to satisfy the court order to make the White House tapes, or a compromise acceptable to the courts, available, then he will precipitate a constitutional crisis by taking the position that he is above the law.

What little credibility remaining with this administration is further diminished by the loss of three men of excellent reputation. Mr. Richardson and Mr. Ruckelshaus resigned out of conscience and I commend them for it.

I have personally known Mr. Richardson for many years, and while I have not always agreed with him, I respect his ability and integrity.

The actions of the White House during the past few days convince me that now, more than ever, we need a thorough, independent investigation to get to the bottom of these crimes.

THE IMPEACHMENT OF PRESIDENT NIXON

(Mrs. MINK asked and was given permission to address the House for 1 minute and to revise and extend her remarks and include extraneous matter.)

Mrs. MINK. Mr. Speaker, it is with regret that I have concluded that there is only one course of action left for the Congress of the United States to take on behalf of the people of this Nation if our democracy is to survive.

Accordingly I plan to introduce a resolution to impeach the President.

I do not quibble with a President's right to fire his staff. But in this instance President Nixon has gone far beyond the prerogative of merely firing a staff member. He has stepped solidly in between the promised impartial investigation of his own soiled administration and the right of Americans to know the final answer to the question of the President's conduct in office. When the President abolished the office of special prosecutor he abolished impartiality with it. President Nixon has broken the people's trust both in him and in the office of the Presidency. He has in this final act of disregard for justice laid before the people his intentions to obstruct—not to uphold—the laws and the Constitution which he twice swore to uphold as President. I regard this as a high crime against the people of this Nation.

In a country which shuns public controversy, the Congress has been asked repeatedly to hold back action and to offer the President compassion.

But the President no longer deserves this defense. It is up to the Congress to act now to protect the American people from further abuses of power.

This Nation is in need of moral leadership. It obviously cannot expect it from the President. It must be able to expect it from the Congress. If we fail our people in this crisis, we shall have yielded to what is expedient rather than what is just.

For all that has happened, there is nothing left to cheer in this Presidency. From the corruption of public trust of the Vice President, to the obstruction of justice and secret police tactics of the Presidency, there has been a relentless decadence which has sapped the people's confidence in justice as well.

We are a nation of law and morality. And we shall remain that way only if the people, the courts, and the Congress remain true to their pledge of allegiance to country and not allow loyalty to one man obscure this solemn responsibility.

The President's professed dedication to constitutional principle which previously prompted him to refuse to surrender the tapes to the court, suddenly with cries for impeachment from all corners of America ringing in his ears, gave way to the shallow and obvious expediency of saving his own skin.

It is my firm view that the tapes were a clever subterfuge to obscure the real struggle. It is clear to me that the President accomplished his major objective, that of firing the independent prosecutor whose investigation was closing in on the President's own activities.

If our Government based on law is to survive, we must insist on a full and impartial investigation to determine all the facts in the Watergate scandal and related matters bearing on President Nixon's fitness for office. Without an independent special prosecutor within the executive branch, the Congress must now assume this responsibility which can be done only by impeachment proceedings.

During impeachment the Congress has the full and uncontestable right to the

highest and best evidence. It can initiate and conduct its own inquiry. The refusal of the Executive to supply requested information can in itself become grounds for impeachment, and it is in this context that we must proceed. Given President Nixon's repeated efforts to block the disclosure of relevant data, together with his attempts to obstruct the orderly process of justice by firing Mr. Cox, it has now been demonstrated that we can expect no reliable solution to the problem unless Congress acts.

I believe we must proceed with the impeachment of President Nixon so that the American people can finally know that justice has prevailed.

IMPORTED FIRE ANTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from South Carolina (Mr. YOUNG) is recognized for 60 minutes.

Mr. YOUNG of South Carolina. Mr. Speaker, the imported fire ants, samples of which I hold in these bottles in my hand, are a hazard to the health and safety of any person or animal living in an area which they infest. They concentrate in mounds in open fields and forests.

Members of my staff have counted 200 of these mounds in a 5-acre field in South Carolina. One of my constituents, an employee of the South Carolina Public Service Authority, stepped off his truck into a fire ant bed, and before he could undress, he had 156 bites. An employee of the State highway department has holes and rotten places on his legs from fire ant bites. One farmer has lost more than 100 pigs at birth due to the fire ants' swarming. Young cattle have been killed and there is even one case of a full-grown bull being fatally attacked.

Doctors have reported an unusually high number of cases where treatment for these bites was required in my district. There have been more complaints about fire ants this year than ever before, and I have literally hundreds of pleas for help.

What makes all of this so tragic, Mr. Speaker, is that the help is available. Help could be given. This help, however, is blocked by a ridiculous ruling from the Environmental Protection Agency. The chemical pesticide, Mirex, can and does eliminate the fire ant. Because of the biology and life cycle of the imported fire ant and the composition of Mirex bait, there are two periods in the year in which treatment can be effectively made—from about March 15 to May 15—and from about September 1 to November 15. The bait is most likely to attract ants after the end of August since the colonies will by then have grown large enough to have continuous foraging activities. Scientists from the Department of Agriculture and from State universities agree that the only effective and practicable method of distributing this poison is by airplane. Ground broadcast application will not work and the cost of even such partial treatment is four times as high as aerial application. The Environmental Protection Agency permits the aerial application of Mirex except on or near rivers, streams, lakes, ponds, and other aquatic areas, and also—this is where we find fault—it prohibits the aerial application of Mirex in coastal counties or parishes.

The Environmental Protection Agency admits that troublesome concentrations of Mirex have not been demonstrated in the aquatic environment and is prohibiting such aerial application only because the Administrator says:

> I am naturally reluctant to permit distribution of Mirex bait in a manner that might contaminate estuaries and lakes and streams.

The U.S. Department of Agriculture, the State departments of agriculture in the affected areas, the State universities knowledgeable in this area, and I, all believe that the environment will be equally well protected if the Agency's orders were amended to delete the reference to coastal counties. This would still prohibit the treatment of estuaries, rivers, streams, lakes, swamps, ponds, heavily forested areas, and other aquatic areas; thus the protection of the aquatic environment which was the rationale for the Agency's prohibition of aerial application in coastal counties would not be impaired. At the same time, people living in coastal counties and in areas remote from estuaries would receive the benefit of the imported fire ant cooperative control program.

There are presently 72 infested coastal counties containing 8 million people in a land area of 37 million acres. Protection of estuaries from contamination is a function of distance and topography, not political boundries. Some coastal counties contain areas as far as 80 miles from the coast, while some noncoastal counties contain areas only 5 miles from the coast. Compare Baldwin County, Ala., a coastal county, with Washington County, Fla., a noncoastal county. Contour maps and aerial photographs show that most of the 72 infested coastal counties have significant upland areas identical to those in noncoastal counties. A good example is Horry County, S.C. This area is infested by the imported fire ant—735,000 acres of infestation and this acreage grows each year that treatment is disallowed. This infested area is, in virtually every respect, identical to an upland area in a noncoastal county. There is a high percentage of rich, heavily farmed area with no direct drainage whatsoever into the estuaries. Further, a major highway, U.S. 17, runs above the coastline and it would be highly improbable for there to be any movement of Mirex bait into the estuary from aerial treatment on the inland side of this highway. The Environmental Protection Agency might have good arguments that it would be inadvisable to have aerial application too close to the estuary, but areas far removed therefrom could and should be so treated with no significant risks of contamination. An examination of a contour map would show that the sensitive area to be avoided in this county is really the Waccamaw River which originates in North Carolina.

Yet the danger of contamination is as great in noncoastal counties in North Carolina, as it is on the South Carolina coast. In such noncoastal counties, the river would be protected not by an artificial coastal county prohibition, but rather by the prohibition of aerial treatment upriver. We seek the same treatment for coastal counties.

I have been using Horry County as an example because I am, of course, most familiar with it. Some counties come within 5 miles of the coastline yet do not actually touch the coast so spraying is allowed, while in Horry County, we are not even allowed to spray 43 miles from the coast. Everyone knows that I am for preserving the environment in every way possible, but the EPA is using political boundaries—county lines—and the only justification I can see for this is because it is easier on them to do it this way rather than to judge cases on the basis of their individual facts and merits. All of the other 72 coastal counties with fireant infestation deserve the same treatment.

Earlier this summer my office sought, along with the Horry County Agricultural Extension Agent, Clemson University, and the U.S. Department of Agriculture, a special exemption for Horry County to permit the aerial spraying of Mirex bait in 90,000 of the 735,000 infested acres. The closest approach to the coastline was 8 miles. The plan had been worked out with careful coordination from the EPA. The Department of Agriculture has proposed a close monitoring program. Every effort to compromise and cooperate in good faith has been made. Shortly before the August recess, two officials of the Environmental Protection Agency sat in my office and gave me the green light—the goahead that some kind of aerial spraying in Horry County would be allowed so long as the proposed plan would stay away from aquatic areas. Clemson University was notified, the county was notified—the Mirex was purchased and the planes were hired—yet in mid-September, the Agency went back on its commitment, given by its agents in my office. EPA wants to await the results of a public hearing which was scheduled this spring, then rescheduled this summer, then rescheduled for late summer, then rescheduled for fall, now rescheduled for winter before modifying its existing orders relating to Mirex.

Mr. Speaker, EPA has bamboozled many good and decent people who look to them for help into missing this year's opportunity to control the fire ant. These people will have to live with the fire ant for another year. I do not think we in the Congress should permit EPA to go through this same process once again.

Last week I introduced legislation to require the Administrator of the Environmental Protection Agency to modify his Mirex orders, to delete the prohibition of aerial application within coastal counties or parishes and yet at the same time to permit such applications by using the same standards applicable to the noncoastal counties. H.R. 11039 would not tamper with EPA's tentative, unsupported, determination that Mirex might, in some cases, be potentially harmful to aquatic organisms. What it would do is require EPA to quit letting arbitrary, artificial, political boundaries from determining the environmental policy of the United States.

These ants are a health hazard—they are injurious to livestock, people, and farms. We cannot stand by and watch them damage our people just because some Washington bureaucrats apparently have no intention of being bothered with this serious problem. If the Environmental Protection Agency is unwilling to be responsive to the needs of our people, then it is Congress' responsibility to act.

Mr. SYMMS. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of South Carolina. I would be glad to yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Speaker, I thank the gentleman for yielding, and I appreciate the gentleman's efforts in bringing this information before the House.

I will ask the gentleman, is there any way we could get those fire ants turned loose down at the EPA offices?

Mr. YOUNG of South Carolina. Mr. Speaker, I would like to respectfully submit to the gentleman from Idaho that they would not let me bring them up here alive. I agree that would have been a very appropriate place to put them. The only way I could bring them here would be to bring them in formaldehyde.

Mr. Speaker, I thank the gentleman for his question.

We are very concerned about this problem, and yet we seem to get no real response from these folks. We feel the best way to do it is to bring it to the attention of this Congress, because we feel the final law of this land rests with this body.

Mr. Speaker, these mounds are some 2 feet high, and these fire ants are very tenacious as they attack not only animals but human beings in our area. We feel very strongly that something needs to be done immediately to stop this epidemic in the coastal counties of this area.

Mr. DAVIS of South Carolina. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of South Carolina. I would be glad to yield to my colleague, the gentleman from South Carolina.

Mr. DAVIS of South Carolina. Mr. Speaker, I join my distinguished colleague from South Carolina, in asking the Congress to grant some form of relief from the growing and very serious problem of fire ant infestation.

As is well known, the chemical agent Mirex is one of the best proven killers of fire ants. Mirex, in order to be effective against this pest, needs to be spread over a wide area. Airborne distribution is the only feasible way of doing this, but the Environmental Protection Agency has prohibited aerial application of Mirex in the coastal counties of the Nation and, in particular, the First District of South Carolina, regardless of ecological safety measures taken in advance and regardless of the distance from the coastline of the proposed spraying.

That is a pretty arbitrary ruling by the Environental Protection Agency. It specifically forbids aerial spraying of Mirex. And it further sets forth restrictions against ground use that pretty effectively curtail use of the chemical at all.

Time and again, complaints have been voiced to EPA officials concerning this arbitrary policy, but in true bureaucratic fashion the EPA has turned a deaf ear on these complaints and has steadfastly refused to modify its policy.

The EPA had promised to hold public hearings on the fire ant problem, but they have delayed the hearings for months now. I have in my files some of these hearing notifications, and the files go back over a year. Time and again, the EPA has delayed the hearings. Time and time again, the people affected by the spread of fire ants have been thwarted by the EPA in their attempts to tell their side of the story.

I have a suspicion that at least part of the reason for this lackadaisical attitude on the part of the Environmental Protection Agency is that officials there have a generally hazy view of what the fire ant problem is all about.

Undersecretary of Agriculture J. Phil Campbell, for instance, said in a meeting in the Longworth Building in May that—and I use his words now—"the problem is mainly that of a people pest and is not damaging economically."

That kind of statement shows a general unfamiliarity with the fire ant. Of course it is a "people pest," as anyone who was ever bitten by the fire ant will be quick to tell you. But it is a very major economic problem also. It is so "damaging economically" that 50 farmers in and around Colleton County in South Carolina, which is part of my district, were distressed enough to come to a meeting on the fire ant problem. They sure thought the fire ant was "damaging economically" and they were there to find out what could be done to solve the problem. My files are absolutely bulging with letters from people concerned with the infestations of fire ants in their fields and pastures and forests. My files are filled with requests for immediate help in fighting this so-called people pest.

Just how serious is the problem? Let me quote from a letter of a cattleman in Charleston County, S.C.

> I have a cattle ranch on Highway 17, and the fire ants are about to run us crazy. For a long time, the government had a program of spraying Mirex from airplanes which kept the ants well under control and almost had them eradicated. However, in the last two or three years, that program has been stopped, and the fire ants have really taken over the pastures. The only treatment we know is to take buckets of mirex and treat with a spoon each individual mound. I am sure you can see the impossibility of this practice.

This cattleman and others in the First District of South Carolina have told me of the death of calves and, in some instances, full-grown steers, from multiple bites of the fire ant. Others tell of the serious injury to their livestock by what one government official describes in an off-hand manner as being a "people pest."

Any ant which can kill a full-grown cow is a pretty awesome insect. For those here today who are unfamiliar with the fire ant, let me describe to you how they operate. Fire ants build nests of dirt above the ground. They resemble a few shovelsful of dirt piled up. If you take a stick or something and just scrape off some of the dirt, you will behold literally millions of rather smallish red ants swarming in the nest.

When an animal steps into a nest like this, the ants simply swarm all over it. They inflict very painful bites, which effectively destroy tissue and cause infection. An animal can die of shock from the multiple bites, or it can die of infection or a combination of the two factors. In any event, an animal can die.

Human beings are not immune, either. If you can imagine an adult beef steer being killed by a swarm of fire ants, it is easy to imagine what they could do to a toddler who accidentally wandered into a nest. As far as humans are concerned, I have a letter in my files about a young woman in the Charleston area. The letter comes from her mother and tells about an incident early this year:

> In April, while in her yard, one fire ant stung her on her toe. She was instantly on fire and had what the medical people call a massive reaction. Only the fact that a neighbor could get her to a doctor, we believe, saved her life. Now we understand, if she is stung again, she would have less than five minutes to get medical help. Her doctor has provided her with a small kit to give herself medication, in the hope that if she is stung, she can ward off a reaction long enough to get to a hospital.

I think that letter from a constituent does more than anything I could say to place the fire ant problem in its proper perspective. The fire ant certainly is more than a "people pest." It is a people killer in some cases. It is a livestock killer. And in that light, it can wreak economic havoc.

I just wish some of the Agriculture Department and Environmental Protection Agency decisionmakers would get out from behind their desks here in Washington and travel to the First District of South Carolina to get a firsthand look at the severity of the fire ant problem.

They would see entire fields and pastures dotted with fire ant beds. They would see forest land which is unsafe to walk through for the same reasons. They would see surburban lawns with fire ant nests.

The people do not know what to do. On a recent trip in my district, I was shown a large fire ant bed in a lady's front yard. She knew what it was but not what to do about it. She had not been advised by the Agriculture Department or the EPA about Mirex. She was of the opinion that gasoline might work on the nest. It would not. The ants simply burrow underground and come to the surface some distance away, where they build a new nest.

Surely this situation has got to be rectified. Fire ants are an increasing problem in my district as well as other portions of South Carolina. Coastal areas are not the only places affected. And South Carolina is not the only Southern State affected.

We have got to have a totally effective program to eradicate the fire ant, and that includes a program which can be used in the coastal areas in the Southeast. If we do not have such a program, we will simply be wasting money on a half-hearted effort.

To quote a source in State government in South Carolina:

> The EPA has literally tied our hands as far as eradication of fire ants is concerned, and control programs are also likely to be affected.

The Environmental Protection Agency has, to be sure, recently issued an order allowing limiting air spraying of Mirex in six Southeastern States this fall. The order is similar to one in the early part of the year, but the order permits Mirex by aerial spraying only on fields near small streams and farm ponds which are not shown in U.S. Geological Survey maps with a scale of 1:24,000.

The order bars this spraying from coastal counties, even counties which have only a small portion of their borders touching the ocean and others which touch not at all but have a stream running into a river.

So, when the ant is driven from the interior land areas by the Mirex spraying, they are, in all likelihood, going to migrate into the coastal areas, where they are already in residence in great numbers.

Many of the farmers in the coastal areas of my district, already contending with large fire ant colonies, cannot fight such a handicap any longer, and they certainly will not know what to do with even more of the insects.

Some sort of realistic compromise is in order here, and it must come pretty soon. I understand the environmental concerns relating to Mirex, but I would point out that no one has definitely proven any ecological disasters in the past due to aerial spraying of this pesticide. I am of the opinion that some measures must be implemented immediately in the coastal areas of the Southeast, and if the Environmental Protection Agency is not ready to take them, then the Congress must.

The environment we are protecting, after all, includes animals and human beings affected by the fire ant.

If the EPA will not get off dead center on this question, I feel Congress must do it for the EPA. Let us work out some acceptable formula with the EPA so that the coastal areas can get some relief, but let us not just continue to turn a deaf ear to the complaints we are hearing from these areas.

And if the EPA wants no part of this problem, then I say the Congress must be prepared to go its own way. We are speaking of people with a problem here, the very same people who elect us to office and who expect us to help them and work for them.

I join with my colleague from South Carolina in supporting legislation which will lay down new ground rules for battling the fire ant. And I would urge all of my colleagues to do likewise.

Mr. YOUNG of South Carolina. Mr. Speaker, I wish to thank the gentleman from South Carolina (Mr. DAVIS) for his comments.

I would like to conclude by recognizing the gentleman from Pennsylvania (Mr. GOODLING).

Mr. GOODLING. Mr. Speaker, I thank the gentleman for giving me this time. I wish to rise in support of what the gentleman is saying.

While I do not have a fire ant problem in my district, just this morning the gentleman from Idaho (Mr. SYMMS) told EPA some things that they did not like to hear.

I think it is time EPA gets somebody into its organization who knows something about the practical application of pesticides. Apparently they have no one down there who does.

Our argument this morning was on banning the use of DDT to control tussock moths and gypsy moths which we have throughout the entire country.

We hear a great deal about conserving, conserving, conserving. Our environmentalists say nothing but conserve, conserve, conserve. Yet we have lost millions of acres of trees which we desperately need today for lumber, and in spite of that they refuse to allow us to use DDT.

So I compliment the gentleman for bringing this to the attention of this House.

Mr. YOUNG of South Carolina. I would like to thank the gentleman from Pennsylvania. I could not agree with him more about the moths.

I am glad to yield now to the gentleman from Idaho (Mr. SYMMS).

Mr. SYMMS. I would like to congratulate the gentleman for bringing this matter before the House.

We have had the same problem with regard to coyotes eating up sheep in the western part of the United States. We want to preserve the coyotes, but we do not want to destroy the sheep.

We have the same problem with timber, as the gentleman from Pennsylvania (Mr. GOODLING), mentioned. We could go on and on and on with many other items.

If there has even been a time in our history when we need to have common sense with regard to the conservation of our natural resources, now is the time.

Many of the decisions coming out of the bureaucratic arm of our Government overrule the professionals in the other branches of the Government who want to make the right decisions in this regard.

I point out that the Forest Service has skilled technicians who are capable of making proper decisions, but they are not allowed to use their professional abilities to seek out the tools that they should use simply because the Environmental Protection Agency's irrational and irresponsible decisions have been coming out of that organization with regard to the use of DDT and many other pesticides and rodenticides which are very clearly defined under the proper act.

However, the EPA has new authority and becomes a very activist agency. We cannot afford that at this time in our history.

I commend the gentleman from South Carolina for bringing this matter before the House today.

Mr. YOUNG of South Carolina. I would like to thank the gentleman from Idaho for his remarks.

I believe we need to be practical here. One of the things we need to point out is that the Myrex used to destroy the fire ants is a pellet form of insecticide which is put out for use. Ants carry that Myrex into the ants hills inside and in turn it is given to the queen fire ant. When the queen ants eats this Myrex, it in turn destroys the queen.

We have the method here. What concerned us throughout this whole matter is that the method is in hand. Yet the EPA allows us to treat within 5 miles of the coast in a county whose boundary does not touch the coast. Yet they prohibit us from treating 43 miles inland. That is unreal because we have such a desperate need to rid this area of the epidemic of fire ants which we have in our area.

ELECTION CAMPAIGN ESPIONAGE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DON H. CLAUSEN) is recognized for 20 minutes.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise today to introduce legislation that I believe would make a significant contribution in the area of election campaign reform and which I further believe is consistent with the inherent responsibility of the Congress to insure open and free elections in this country.

I am a politician and I am proud of my profession. Throughout my 17 years in elected public office at both the local and national levels of goverment, I have witnessed with increasing frequency and momentum the steady downgrading and maligning of this honorable profession.

More important than our individual and collective reputations, however, has been a corresponding loss of public faith and confidence in both our governmental and political processes in this country.

Watergate and related episodes, as we are aware, have pointed up some facets of political campaigning that have shocked and surprised not only the general public, but many of us in elected positions as well, who—naively or not—believed we knew everything there was to know about practical politics. Granted, I have read and heard about political "dirty tricks" practically all my life and, as I look back now, I recall that many people passed them off as inevitable and even humorous political pranks. And, further we have all heard of individual cases of political bribery and extortion and many of us in this body have known some of the principals involved. But, they were always "isolated cases" and many of us assumed they represented little more than that tiny handful of mis-

guided people in politics who "make us all look bad."

Out of the Watergate revelations, however, has come a term that has come into increasing usage in describing recent political election activities. That term is "political espionage" which I would describe as the "practice of political spying or the use of political spies to obtain information about and/or disrupt the plans and activities of other political candidates or committees." If nothing else, Watergate has caused me to look into and reflect upon just how valid and widespread "political espionage" has become in American election campaigns, particularly in Presidential campaigns. It has caused me to question, for instance, whether massive vote frauds in the 1960 Presidential election in fact resulted in the wrong person being "elected" President of the United States. After all, massive frauds in five populous States do not just happen. And I wonder, now, having reflected on the 1972 Presidential election and others, how many able, qualified, and deserving candidates for Federal elective office may have been defeated or driven out of the race solely because of political espionage and the dirty tricks which can and often do result?

Sooner or later every concerned American and every Member of this body will have to ask himself the question. "Is this what we want in our political process?" If we are to continue to pride ourselves on having "free and open elections" in this country, how much longer can or should we be expected to tolerate political spying? Quite frankly, I find the term "political espionage" repugnant and repulsive when equated to free and open elections.

I believe I speak for many Members of this body when I say that political espionage has no place in American politics and that legislation to deal with it is an idea whose time has come.

There is no question in my mind that public trust and confidence in government, in politics, and in politicians has reached a new low in American history. As elected officials, we have a choice. We can either sit by, do nothing, and witness a further deterioration in public confidence in our system of government which has the potential of destroying it, or we can face the issue and take positive and constructive actions that will help restore trust, faith, and confidence in this country. The choice is ours. The responsibility to act and take the initiative is ours.

Thus far in this first session of the 93d Congress we have witnessed the introduction of bill after bill intended to strengthen campaign financing in one way or another. Certainly, this is a matter of genuine concern to the American people, to those of us who are faced with the awesome prospects of raising thousands and thousands of dollars every 2 years to get reelected, and to those who challenge us every 2 years and must do likewise. To my knowledge, however, not a single piece of legislation has been introduced thus far to deal with political espionage or spying.

Today, Mr. Speaker, I am introducing such a bill, known as the Election Campaign Espionage Act of 1973. Specifically, my bill serves a three-fold purpose:

First. It would prohibit any employee or volunteer working on behalf of one candidate or political committee to provide any service to another candidate or committee with the intent of interfering with any election or campaign activity of such other candidate or political committee.

Second. It would prohibit the use of contributions or any campaign funds for the above purpose, or to aid in the commission of any other offense already prohibited by State or Federal law such as wiretapping, electronic surveillance, burglary, breaking and entering, and so forth.

Third. It establishes as a felony any attempt on the part of an employee or volunteer working in a political campaign to intentionally or deliberately conceal any known or suspected violation of this act or any provision of the Federal Election Campaign Act of 1971 dealing with campaign financing and the reporting thereof.

Section 1 of the bill addresses itself to the fundamental technique of political spying—that of "planting" people representing one candidate or committee into the headquarters or campaign of an opponent for the express purpose of gathering information and/or interfering with the election. Developing the specific language in this section was difficult but I believe it is both specific and comprehensive enough to make its meaning and intent unmistakable.

For the purpose of this section, an "employee" is defined as any individual volunteering a portion or all of his time on behalf of any candidate or political committee excluding any individual having the status of independent contractor with respect to such candidate or committee.

Section 2 of the bill goes one step further by prohibiting the use of contributions or any campaign funds for the "planting" of political operatives or for any other illegal purpose. One of the lessons learned from the Watergate break-in and related acts of political espionage was the astonishing realization that thousands of dollars worth of campaign funds were spent to purchase equipment for illegal purposes. Thus, while the acts of breaking and entering, burglary and "bugging" were unlawful, purchasing the equipment was not, provided it was reported in accordance with existing campaign financing laws. So, this provision of the bill attempts to close that glaring loophole as well.

Section 3 of the bill makes it a felony to conceal or "coverup" known or suspected violations of this act. Throughout the Watergate hearings, I was struck by the fact that, apparently, countless individuals who may have been involved directly with the "dirty tricks" that went on—were nevertheless aware that such activities had been conceived, planned, and carried out. In researching this point a little further, I also learned that the Congress had failed to include a "concealment" provision in enacting the Federal Election Campaign Act of 1971 as it relates to the recording and reporting of campaign finances. In my judgment, this is a "door" that must be closed. Had we had such provisions in effect in 1972, I venture to say the Watergate "whistle" would have been blown a lot earlier than was actually the case. In considering this or any future campaign reform legislation, I believe the Congress must include safeguards against coverups by spelling out provisions which prohibit the deliberate or intentional concealment of unlawful campaign acts.

On the question of punishment upon conviction of any of the three offenses established in this legislation, I have specified a maximum $10,000 fine or imprisonment for not more than 10 years.

In offering this legislation for consideration I realize full well that it is not the comprehensive election reform "package" that is needed to repair the ailing body politic in this country. I am also aware and sensitive to the fact that we in the Congress must avoid what some have described as "an orgy of reform" or "band-aid reform" or reform which takes on the appearance of change just for the sake of change.

In the wake of Watergate and the ongoing hearings by the Senate Select Committee on Presidential Campaign Activities, it no doubt will be the view of some that we should wait until the committee has completed its hearings and deliberations on needed campaign reform legislation so that we might have a better understanding of what the problem is and the benefit of the committee's findings and recommendations. With respect to a comprehensive reform approach, I agree with this contention. On the question of political espionage and spying, however, I for one do not feel constrained in the least. On the contrary, I believe it is absolutely essential that this or a similar measure not only be included in any comprehensive campaign reform "package" that may be forthcoming, but that the Congress act swiftly to end political espionage before next year's election campaigns get underway.

Therefore, it is with this conviction and this sense of urgency that I offer this legislation now. I would hope that extensive and broad-based hearings into the question of political spying could be initiated soon and that the House will take the lead and exert the necessary leadership in this much-needed area of campaign reform.

Lest there be any misunderstanding, this legislation is neither intended as nor does it constitute criticism of this or any other administration. Rather, it is a reflection and a commentary on political campaigning in this country over many years. The fundamental reform embodied in this legislation goes

far beyond Watergate and the need for it did not originate with Watergate. Watergate was merely the catalyst.

I am told that a nationwide poll some 15 years ago showed that 80 percent of the American people thought government could and should be trusted—but, that in the intervening years, that percentage has declined to the point that, today, only 1 in 2 Americans places much trust or confidence in the integrity of public office holders. Certainly, we in Congress and in government cannot restore this massive erosion of public faith overnight, or through the enactment of laws alone. But, we must begin somewhere and we must begin soon.

I am convinced that if we, as Federal legislators, can demonstrate to the American people by word, by deed, and by personal example that we are worthy and deserving of their trust and that we have truly engaged in the kind of political soul searching that is essential in these trying times, we can indeed turn the tide and restore public confidence in government.

In the coming days, I will be contacting all of my colleagues on both sides of the aisle urging cosponsorship and favorable consideration of the Election Campaign Espionage Act and their support for it. In addition, I will be asking the committee to which this bill is assigned to hold hearings promptly and I am hopeful that it will be so considered.

This question of campaign reforms is, without a doubt, one of the most compelling challenges facing the 93d Congress, and I am both confident and optimitic that we will rise to the occasion by enacting this or comparable legislation which will help bring political espionage in America to its much deserved end.

THE CASE OF ZELIK GAFONOVICH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RONCALLO) is recognized for 2 minutes.

Mr. RONCALLO of New York. Mr. Speaker, the right to emigrate is a universal human right which the Soviet Union agreed to honor, but, regretfully, does not. Emigration from the Soviet Union is very restricted.

Therefore, friends in Israel of Zelik Gafonovich and freedom-loving people everywhere have reason to be concerned about his fate.

Except for one synagogue, this 24-year-old Jew from Vilna can find almost no evidence in his city of the thriving, intensive cultural and spiritual life which once earned for it the name Jerusalem of Lithuania. At present, Soviet Jewish youth in increasing numbers feel that there is no future for Jewish life in the Soviet Union. They want to live in Israel, and are ready to face whatever danger lies ahead there.

Almost 2 years ago, Gafonovich applied to OVIR—passport office—for an emigration permit to Israel. It was denied, and since that time the Soviet authorities have subjected him to harassment and punishment.

On February 21, 1973, 2 days before the defense of his thesis, Gafonovich was summarily expelled from the Technical Institute. He had been a good student and had incurred no reprimands. Yet his expulsion was demanded by the chairman of the Lithuanian KGB—secret police—and carried out by the institute administration without delay.

Also, the telephone in the family's apartment was disconnected because the family had received personal calls from Israel. Court action by Sarah Gafonovich against the director of the Vilna City Telephone Network was dismissed. Zelik sent letters of protest to the Soviet authorities demanding the reconnection of the telephone.

Zelik's apartment has been searched many times. It is feared that the KGB will find some pretext for arresting him and that he will be imprisoned.

Congress must pass the Mills-Vanik bill and help open the gates of emigration from the Soviet Union.

PRESIDENT NIXON AND THE WATERGATE TAPES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Hampshire (Mr. CLEVELAND) is recognized for 5 minutes.

Mr. CLEVELAND. Mr. Speaker, I asked for this special order because I am deeply concerned as to the manner in which this body appeared disposed to respond to recent developments involving the Watergate tapes, the firing of the special prosecutor, and the resignation of the Attorney General and his deputy.

I outlined some of my thoughts on the subject in a statement I issued in response to numerous requests much earlier today and which I am inserting in the RECORD following these remarks.

Many of the 1-minute speeches which were delivered here since this morning—including calls for impeachment—reflected a disturbing inclination to prejudgment.

The Congress, which so often has been accused both rightly and wrongly of inaction, today seemed moved to overreact and to do so in ill-conceived haste.

The Vice President requested this body for an action which well could have had the effect of initiating impeachment proceedings against him. It would be ironic indeed if this body, so recently reluctant to respond to that request on grounds court action was in progress, now dismissed all caution in this instance. Yet the courts are manifestly at work on matters which would bear on the subject of impeachment.

I have recently reread John Kennedy's Profiles in Courage treatment of the popular passions over the impeachment of Andrew Johnson, and find disturbing parallels in the emotions evident in this body earlier today.

Naturally, I am pleased that the President has seen fit to release the tapes, as I myself urged this morning. Another of the more operative of my observations concerns the difficulty in making a definitive statement that will not be at once overtaken by events.

Many questions remain unresolved by the President's decision concerning the tapes, and in view of them I maintain my support for a congressional investigation or an inquiry by an impartial body established by the Congress. Hopefully it would be conducted in a calm and thoughtful manner in keeping with the momentous responsibilities we bear.

Watergate and its ramifications require that we find the facts and face the facts—with fairness and fortitude. The times demand it. We should not overreact, nor should we act precipitously as we deal with complex and critical problems which test our very capacity for self-government.

The statement follows:

CLEVELAND STATEMENT ON WATERGATE INVESTIGATION

The events of the past weekend have been deeply disturbing to me in view of my repeatedly stated support for thorough and impartial investigation and prosecution of all implicated in criminal activity. I regret the resignations of the Attorney General and his deputy and their reasons for resigning. It is difficult if not impossible to speak definitively on a fast moving and complex situation which is still developing.

As to the question of the Watergate tapes, it has yet to be determined whether the compromise offered by the President's attorneys represents a reasonable compliance with Judge Sirica's order acceptable to the courts. This will be resolved in further court action, which in turn may shed further light on the President's grounds for dismissing Mr. Cox.

While recognizing a president's need to protect the confidentiality surrounding certain activities of his office, I believe the higher interests of the office and the nation now dictate release of the tapes as required by the courts.

I regard talk of impeachment as premature, in that final court determinations bearing on the possible grounds for impeachment have yet to be made. I'm also afraid it will give Congress a tempting excuse not to act promptly on the Ford nomination. Although action on impeachment may be premature, I would support a Congressional inquiry or the establishment by Congress of an independent investigatory unit, or both.

MILITARY INVOLVEMENT IN MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. MARAZITI) is recognized for 5 minutes.

Mr. MARAZITI. Mr. Speaker, in times of war, events move swiftly. No one knows what at any moment will trigger the military involvement of the United States in another tragic war.

The stage is set for another "Vietnam."

Therefore, it behooves us to act at once to take precautions and prevent our military involvement in the Mideast holocaust.

I do not object to the sale of military equipment to Israel. However, I do, ve-

hemently, object and deplore the delivery of the equipment into Israel and the combat zone by American planes and transport and the use of American military personnel to unload the equipment in Israel or the combat zone.

The Defense Department has announced that American Air Force Reservists are participating in an airlift directly to Israel and approximately fifty—50—American military personnel are on the ground in Tel Aviv unloading U.S. military supplies.

This action cannot and should not be tolerated by Congress.

I call on the President to forthwith cease and desist in the use of American personnel—military or civilian—and the use of American transport to deliver and unload military supplies directly into Israel or the combat zone.

OUR COMMITMENT TO THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. COHEN) is recognized for 5 minutes.

Mr. COHEN. Mr. Speaker, from the beginning, I have deplored the outbreak of hostilities in the Middle East and have earnestly hoped that a peace would be negotiated in that area. Consequently, I welcomed with relief the news early Monday morning that a cease-fire resolution, unanimously agreed to by the United Nations Security Council, had been accepted by at least two of the principal combatants, Israel and Egypt, ending 14 days of untold terror and hardship for all. Today, I find it impossible to express my disappointment that after only a few hours the cease-fire has completely crumbled and the carnage is continuing unabated.

In determining the U.S. response to this situation, we must remember that Israeli intelligence had knowledge of the inevitability of conflict because of the arms buildup in the nations surrounding her. However, the Israelis exercised restraint in not attacking first and thereby gaining a tactical advantage. This restraint, proof of Israel's desire to seek a solution to the Mideast impasse by means other than all-out war, has cost her greatly in terms of men and materiel. Therefore, I have strongly supported the Nixon's administration's decision to replace weapons lost by the Israelis, and, in view of the renewed hostilities, I believe it is imperative that the United States continue this policy.

I applaud the continuing efforts by the President, Secretary of State Kissenger, the United Nations, and the Congress to effect a lasting peace in this troubled area of the world. As of last week, 12 resolutions had been introduced to the Congress reemphasizing the need for a prompt response to this crisis. These resolutions are proof that congressional support of the President's action in the Middle East remains steadfast. More important, however, is a statute enacted by the 91st Congress which authorizes the President to transfer to Israel by credit sale such arms as may be needed to enable Israel to defend herself. I plan to direct my energies to the implementation of this law.

In my opinion, before we can achieve a semblance of lasting peace in the area, there must exist a balance of power from which to negotiate by force of words not arms. Maintaining this balance is the commitment we must pursue.

THE WAR IN THE MIDDLE EAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 5 minutes.

Mr. DRINAN. Mr. Speaker, I spoke and wrote about the sad and tragic happenings in the Middle East on many occasions during the past 2 weeks. Today I have the hope that at least a cease-fire has occurred and that hopefully some type of lasting peace may now be worked out.

It is still indeed dreadful to think of the enormous casualties and the personal tragedies which have come to some 12,000 Israeli soldiers west of Suez in Egypt and another body of many thousands of Israeli soldiers deep in Syria far beyond the Golan Heights only a few miles from Damascus.

Everyone thinks with sorrow of how Soviet Jews in Kiev, Moscow, and Leningrad must feel with respect to the postponement of the enactment of the trade bill with the Jackson-Vanik amendment.

About the only bright spots in the entire picture of Israel's fourth war in 25 years is the fact that the United States has lived up to its commitments and that the United States during the first 12 days of the conflict authorized shipments to Israel of material costing $825 million. We are told by the Pentagon that the shipments to Israel by the United States equaled the fantastic outpouring of military hardware by the Soviets for Egypt and Syria.

It should be noted that much of the equipment sent by the United States during the war will be paid for by Israel and that all previous U.S. military equipment sent to Israel was paid for by that nation and not received on a grant or gift basis. New legislation is necessary for Israel to receive military equipment on a direct-grant basis.

I think at this particular time it will be helpful if we review first, the consistent foreign policy of America toward Israel as enunciated by the Congress, second, the vast amount of aid to the Arab States given by the United States over the past 20 years and third, the new perils which Israel will confront in the months and years ahead.

I. CONSISTENT CONGRESSIONAL INTENT TO ASSIST ISRAEL

From the very day of the establishment of Israel in 1948 by the United Nations, the Congress of the United States has consistently authorized assistance to this small nation. I have often wondered whether it would not be better if the mutual assistance agreements between Israel and the United States were not reduced to a treaty or a clear executive agreement. I raised this point with officials in Israel on more than one occasion. They took the position that this was the problem of the United States and that they had every confidence that they could continue to rely upon the bipartisan policy of aiding Israel which has always been an unchallenged feature of American law.

In 1949 Congress made it clear that Israel was eligible to receive military assistance from the United States under the provisions of the Mutual Defense Assistance Act. Similarly on December 7, 1951, Congress gave aid for refugee and relief projects under the terms of the Economic Assistance Agreement.

During the 1950's and 1960's Israel was able to purchase those items necessary for its defense from the United States. After the Six-Day War in 1967 Congress made it overwhelmingly clear in section 651 of the Foreign Assistance Act that it was a policy of the United States to provide Israel with an adequate deterrent force. The language of this section reads as follows:

> It is the sense of Congress that the President should take such steps as may be necessary . . . to negotiate an agreement with the government of Israel providing for the sale by the United States of such number of supersonic planes as may be necessary to provide Israel with an adequate deterrent force capable of preventing future Arab aggression by off-setting sophisticated weapons received by the Arab states and to replace losses suffered by Israel in the 1967 conflict.

On October 7, 1970, the Congress once again made American intentions toward Israel very clear. In section 501 of the Armed Forces Appropriation Authorization Act the Congress set forth these words:

> The Congress views with grave concern the deepening involvement of the Soviet Union in the Middle East and the clear and present danger to world peace resulting from such involvement which cannot be ignored by the United States. In order to restore and maintain the military balance in the Middle East, by furnishing to Israel the means of providing for its own security, the President is authorized to transfer to Israel, by sale, credit sale, or guaranty, such aircraft, and equipment appropriate to use, maintain, and protect such aircraft, as may be necessary to counteract any past, present, or future increased military assistance provided to other countries of the Middle East. Any such sale, credit sale, or guaranty shall be made on terms and conditions not less favorable than those extended to other countries which receive the same or similar types of aircraft and equipment . . .

The authority for sales provided by this section 501 was further extended to December 31, 1973. On February 7, 1972, the Congress clarified and updated its policy with these words:

> It is the sense of Congress that (1) the President should continue to press forward urgently with his efforts to negotiate with the Soviet Union and other powers a limitation on arms shipments to the Middle East, (2) the President should be supported in

his position that arms will be made available and credits provided to Israel and other friendly states, to the extent that the President determines such assistance to be needed in order to meet threats to the security and independence of such states, and (3) if the authorization provided in the Foreign Military Sales Act, as amended, should prove to be insufficient to effectuate this stated policy, the President should promptly submit to the Congress requests for an appropriate supplementary authorization and appropriation.

It should be pointed out that when President Nixon on October 19, 1973, urged the Congress to appropriate $2.2 billion for Israel he was carrying out his legal obligation pursuant to section 3 quoted above wherein it is provided that, should the President find the authorization for the sale of military equipment to Israel to be "insufficient," the "President should promptly submit to the Congress requests for an appropriate supplementary authorization."

It should also be pointed out, however, that the $2.2 billion for Israel proposed by President Nixon is the largest grant ever urged by any President for the military needs of Israel. President Nixon noted that he is "requesting that the Congress approve emergency security assistance to Israel in the amount of $2.2 billion." The President noted that if the conflict moderates or is brought to an end very quickly "funds not absolutely required would of course not be expended."

It is most significant that the total amount of grants—not loans or credits—to Israel during all of the years from 1946 to 1972 came only to a total of $420 million.

II. STATISTICS ON AID TO THE ARAB NATIONS AND TO ISRAEL DURING THE PAST 25 YEARS

Many Americans appear to feel that the U.S. Government has given very vast sums to Israel during the 25 years of its existence. As noted above, however, Israel has received only $420 million compared to at least $2.7 billion granted outright by the United States to the Arab States during the years 1946 to 1972.

During the past several years the Arab States have, of course, also received at least $6 billion in miltary equipment from Russia and other Communist states. This massive acquisition of military hardware by the 10 Arab States began when Czechoslovakia in 1955 first sent arms to Egypt.

Israel, in order to be prepared against a possible onslaught from its fantastically well equipped neighbors, has expended vast sums on its defense. In 1972 41 percent of Israel's total budget went for defense purposes. In that same year, 1972, 26 percent of the total gross national product of Israel was expended for military purposes.

Since Israel receives virtually nothing for its own defense from other governments the Israeli people have taxed themselves to an incredible extent. In 1972 the tax on an annual salary of $5,000 was 50 percent; the tax in that same year on a salary of $10,000 was 63 percent.

The external debt of Israel continues to mount in a very dangerous way. The external debt mounted from $2.1 billion in 1970 to $4.1 billion in 1973. This means that Israel continues to have the highest per capita foreign currency debt in the world. In 1972 the service charge on the external debt of Israel amounted to $687 million.

In 1972 Israel had the burden—although a happy one—of resettling 31,652 Soviet Jews who came to Israel on a permanent basis.

U.S. military aid to Arab nations in the decade between 1961 and 1971 included the sum of $221 million for Jordan, and $172 million to Saudi Arabia.

In early June 1973 I protested the then recently announced plans of the United States to sell between 24 and 30 sophisticated F–4 Phantom fighter-bombers to Saudi Arabia. In June the State Department indicated that it would require Saudi Arabia to make a pledge that if it received these planes it would not use them against Israel.

Under congressional questioning, however, Under Secretary of State Joseph Sisco conceded that there was no way that the United States could guarantee that these aircraft would not be used against Israel.

In addition to the extensive military aid which Arab nations receive from the United States during the past several years, these Arab countries received in the years 1961 to 1971 at least $3.8 billion worth of military equipment from the USSR.

Shocking as it may appear, in the year 1972 the United States sold to Saudi Arabia $306 million worth of arms.

In the light of the foregoing facts it is clear that the aid given to several Arab States has far exceeded that given to Israel. In fact Israel has received only one-seventh of all of the vast amount of American money extended to the enemies of Israel. Consequently the $2.2 billion proposed by the Nixon administration for Israel would be merely an extension of the policy of "even-handedness" which the Nixon administration has mentioned on many occasions as one of the principles embraced by the Nixon administration in its dealings with the Middle East.

III. THE PROBLEMS AND DIFFICULTIES AHEAD FOR ISRAEL

Those who are opposed to any assistance for Israel regularly bring up the question of the Palestinian refugees. Although no one pretends that enough has been done to resettle these individuals, it is overwhelmingly significant that the United States in the past 22 years has given $525,224,592 for the relief of these unfortunate persons. This sum constitutes 65.7% of the UNRWA income. All of the Arab States have given some $23 million, or about 3 percent of the total income over the past 22 years of the 2 million Palestinian refugees.

Little Israel has given almost $4 million to the Palestinian refugees while Russia has contributed not a single ruble.

Just as Russia orchestrated the past agonizing war in the Middle East, so also has Russia victimized the Palestinian refugees and permitted Arab rulers to exploit the unfortunate situation of these individuals.

On October 21, 1973, as some of the most savage fighting in the Sinai and in Syria was going on, a constituent phoned me and identified himself as a person of Arab ancestry. He revealed to me that his grandmother lived in Damascus and demanded to know how I could justify Israeli hostilities against that city. I did everything within my power to make clear to this man that I deplored the hostilities and felt just as much anguish of soul for every Arab casualty as for every Israeli casualty. I indicated to this caller that I had personally viewed in June 1972 the incredibly squalid living conditions of Palestinian Arabs in and around Bethlehem. I pointed out, however, that these people of Arab origin were being exploited by the rulers of the countries where they resided and that these rulers in turn were being exploited by the Soviet Union. I indicated that I was not in agreement with Dr. Henry Kissinger's statement with regard to the Soviet Union's action in the 1973 war. In the early days of that war Secretary Kissinger commented:

If you compare their (the Russians') conduct in this crisis to their conduct in 1967, one has to say that Soviet Union behavior has been less provocative, less incendiary, and less geared to military threats than in the previous crisis.

I would rather be included to agree with Mr. Seymour Graubard, the national chairman of the Anti-Defamation League of B'nai Brith, who charged that the Soviet Union was coordinating the entire war with an aim to control Middle East oil supplies in order to gain "an energy stranglehold more effective than armies of occupation."

I am not certain that I was entirely persuasive to my constituent who called, but the fact of his grandmother's residence in Damascus made a profound impression upon me and deepened enormously my conviction and my hope that the war of October 1973 in the Middle East simply must become the war that will end all wars in that vast region of the Earth.

As the debate emerges in the Nation with respect to the granting of the $2.2 billion to Israel, many American citizens, sincerely troubled about the possibility of another Vietnam-type war in the Middle East, will object that the United States should remain neutral with respect to the disputes among nations in the Middle East. From the foregoing very clear declarations of congressional intent toward Israel it should be very clear that successive administrations are not operating on some vague Tonkin Gulf resolution, but rather on a carefully articulated bipartisan policy enunciated by the Congress over a long period of time.

Senator Eugene McCarthy, the original founder of the protest against the war in Vietnam, wrote very persuasively a few days ago about the total difference between the quagmire in Southeast Asia

and the battle for the preservation of the territorial integrity of Israel. Senator McCarthy wrote as follows:

The historical record amply demonstrates that any sign of America's equivocation in the Middle East is an inducement to Arab adventurism.

These inducements have come from an odd coalition in our country. Equating their own special interests with the national interest, some oil companies have sought to blame Israel for an energy shortage having nothing to do with the existence of Israel and very little to do with our support for it. At the same time, some in the liberal community have foolishly adopted the facile anti-Israel rhetoric of Third World politics. From whatever source, calls for American neutrality in the Middle East offend every sense of justice and international morality.

It is very unfortunate in my judgment that President Nixon has combined his request for $2.2 billion to Israel with a request for $200 million for military assistance to Cambodia. Many people, including myself, will reject the request of the President for $200 million for additional ammunition for the Cambodian armed forces. The President notes that since the end of the U.S. bombing on August 15, there has been an increase of Communist activity in Cambodia. The President feels that the Cambodian forces which, in his view, have successfully defended the capital of Phnom Penh as well as the principal supply routes, should be given military equipment so that they will be able to defend themselves against the fighting which will in all probability be resumed after the current rainy season.

It is unfortunate that the President has linked the request of aid for Israel and Cambodia because, as appropriately the President himself has pointed out, the recommendation of assistance for Israel is entirely new, since Israel has obtained all of its military equipment up to this time "through the use of cash and credit purchases."

It is to be hoped that the Christian churches in America and elsewhere will finally be able to understand the problems that Israel has confronted in the wars of 1949, 1956, 1967 and 1973. Unfortunately the National Council of Churches, a body which represents most Protestant denominations, in its statement on October 15, 1973, did not see the realities of the Middle East situation. The National Council of Churches statement called for an embargo on military assistance to Israel and in fact did not even point out that Syria and Egypt were the aggressors on October 6, 1973.

Despite this unfortunate statement I see everywhere Christian and religious spokesmen who understand as never before the situation in which Israel finds itself.

During the recent past I recommended that the Vatican give diplomatic recognition to Israel. As is well known the Holy See has formal diplomatic relations with more than 70 nations of the earth. The absence of diplomatic relations, as is the case of the United States, cannot be said to bring any harm to a nation but it was my judgment that "all Christians owe reparations to the Jewish people because of all of the afflictions they have suffered at the hands of Christians." I recommended that the Holy See take the occasion of the 25th anniversary of the establishment of Israel as the occasion for the establishment of diplomatic relations between the Vatican and Israel.

In the days and weeks ahead I think that it is very important that the diplomatic efforts of the U.S.S.R. and the United States to bring about peace in the Middle East should not go beyond inducing the parties into direct and open negotiations. It seems to me that no peace terms, either provisionally or permanently, should be imposed by outside third parties. Similarly any attempt to enforce a cease fire should not result in granting a reward to Egypt or Syria because they initiated the attack on Yom Kippur.

Every effort must be made to reassert and re-emphasize the fact that Israel has never asked for American troops to fight in the Middle East and that she never will require or ask that American military personnel come to assist Israel. To raise such a possibility simply flies in the fact of every reality and every fact of history in the 25 year history of Israel.

Mrs. Golda Meir, the Prime Minister of Israel stated the essence of the conflict in the Middle East in these beautiful words on October 13, 1973:

We did not ask for the war of 1967. It was forced on us . . . no sooner was the war over then the Israeli government asked the heads of the Arab states: Now let us sit down, as equals and negotiate a peace treaty. And the answer came back from Khartoum,—no recognition, no negotiation, no peace.

Mrs. Meir summed up the struggle simply but eloquently in these words:

We are a small people, surrounded by enemies, but we have decided to live.

I am happy to say that 224 Members of the United States House of Representatives have sponsored a resolution supporting the administration's decision to supply Israel with aircraft and arms. As one of the cosponsors of this resolution I am happy to have this clear and cogent reaffirmation of the traditional strong support guaranteed by the Congress through so many years for the support of Israel. The resolution condemns Egypt and Syria as aggressors in the war and accuses the Soviet Union of supplying the Arab States by a "massive airlift of sophisticated military equipment."

I close these comments on Israel by quoting in full House Resolution 616 of the 93d Congress:

Whereas the people of the United States deplore the outbreak of hostilities in the Middle East and earnestly hope that peace may be negotiated in that area; and

Whereas the President is supporting a strong and secure Israel as essential to the interests of the United States; and

Whereas the armed forces of Egypt and Syria launched an attack against Israel shattering the 1967 cease-fire; and

Whereas Israel refrained from acting preemptively in its own defense; and

Whereas the Soviet Union, having heavily armed the Arab countries with the equipment needed to start this war; is continuing a massive airlift of sophisticated military equipment to Egypt and Syria; and

Whereas Public Law 91-441 authorizes the President to transfer to Israel by credit sale such arms as may be needed to enable Israel to defend itself: Now, therefore, be it

Resolved, That it is the sense of the House that the President, acting in accordance with the announced policy of the United States Government to maintain Israel's deterrent strength, and under existing authority should continue to transfer to Israel the Phantom aircraft and other equipment in the quantities needed by Israel to repel the attack and to offset the military equipment and supplies furnished to the Arab States by the Soviet Union.

SOUTH AFRICAN POPULATION REMOVAL SCHEME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. DIGGS) is recognized for 5 minutes.

Mr. DIGGS. Mr. Speaker, I would like to bring to the attention of my colleagues the situation in South Africa in which thousands of people are being disqualified, uprooted, and resettled in areas designated purely on the basis of race. This resettlement process is in accordance with the Group Areas Act and is implemented by the Minister of Planning whose decision cannot be appealed. The policy includes initiating "growth points" for racial groups provided with insufficient funds, and the eradication of "black spots" in white areas by removing Africans to barren "homelands." I must point out that these policies are in flagrant violation of articles 55 and 56 of the United Nations charter in which all state members of the United Nations pledge to "take joint and separate action in cooperation with" the United Nations to promote "universal respect for and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion." I wish to submit a 1973 report on "Population Removal Schemes" by the South African Institute of Race Relations for the benefit of my colleagues.

POPULATION REMOVAL SCHEMES

(By Frank Joffe)

INTRODUCTORY NOTE

The removal of large numbers of people from their homes, and their resettlement in new townships or in rural areas, some of which are many hundreds of kilometers distant, has been a constant feature in the implementation of Government policy.

It has never been clear precisely how many individuals have been involved in removal schemes of various sorts, nor is it clear how many may yet be affected. However, the numbers are large, and the final figures will number millions rather than thousands.

The following collation of official material is nowhere near complete, as will be indicated in various places. However, it does serve to clarify the situation as it now stands, as well as giving a basis from which estimates may be extracted in order to arrive at some indication of the numbers affected by removal policies. In most cases, the reason for the lack of inclusion of relevant information is simply that the particular information is not available. In some instances the Minister concerned has refused to provide information in reply to Parliamentary questions. The figures that are used, however, are all taken either from the official reports of relevant Government departments, or from answers to questions put in the House of Assembly.

The different racial groups are affected largely by distinct policy implementations, under the provisions of different Acts of Parliament. In many cases, however, sections of more than one group are affected in by a single scheme. This is especially true of proclamations under the Group Areas Act.

GROUP AREAS

Broad policy

Over and above the implementation of the Group Areas Act in the segregation of the different race groups in specific towns, certain policy considerations have governed the proclamation of group areas in entire districts. Government policy has been stated at various times since 1966, in the Reports of the Department of Planning as well as by relevant Ministers.

In the Cape Province two boundaries have been designated, resulting in the division of the southern part of the territory into three areas: the area east of the line from Aliwal North to Fort Beaufort and thence along the Kat and Fish Rivers to the sea; the area west of the line joining Colesberg and Humansdorp; and the section between these two areas. These areas are referred to as the Eastern Cape, the Western Cape, and the Cape Midlands. The Cape Province north of the Orange River is referred to as the Northern Cape.

In the application of the Group Areas Act, it has been the official policy to restrict, as far as possible, the proclamation of Coloured and Indian group areas in the Eastern Cape in an attempt to ensure the settlement of these groups in the Western Cape. The labour policy has also been based on the principle of employment preference for the Coloured group in the Western Cape and Cape Midlands, and the African group in the Eastern Cape.

In Natal, a similar division has been drawn between those areas north of the Tugela River (Zululand), and the remainder of the Province. Group area proclamations have been geared to the gradual removal of the entire Coloured and Indian populations living north of the Tugela (except for the descendants of John Dunn).

There are no Indian group areas in the Orange Free State, and in this province Coloured areas have been confined to predetermined "growth points".

In the Transvaal it is convenient to distinguish between the Witwatersrand, the Vaal Triangle, Pretoria and Johannesburg (the PWV region), and the remaining areas. The arbitrary division into East and West Transvaal, using Pretoria as a reference point, is made for ease of identification.

The concept of "growth points" has also been applied to group area proclamation policy in the Transvaal. Rather than entrench the defacto Coloured and Indian inhabitants in the smaller towns, a policy of proclaiming group areas for these groups at specific local centres is apparently being applied. The entire populations of the outlying areas will eventually be required to vacate their homes, and move to the nearest "growth point". As yet, however, some ambiguity exists, since group areas have already been proclaimed in the Transvaal in some towns *not* designated as growth points. The promise has also been made repeatedly that these group areas will not be arbitrarily deproclaimed, but that they will not be developed beyond their present needs. However, the situation of the relevant groups in these towns is anything but secure.

In all, 1,325 group areas of different types had been proclaimed up to 30 June 1971. It has been officially estimated that while 1,648 White families had been moved or would be moved in terms of group area proclamations, no fewer than 111,991 Coloured, Indian and Chinese families were affected. Thus it is immediately obvious that the implementation of this policy has resulted in the minimum of upheaval for the White population group at the expense of the other groups, of which something in the region of 500,000 people have had to vacate their homes.

NUMBERS AFFECTED BY GROUP AREA PROCLAMATIONS

From the inception of the Group Areas Act to 31 December 1972, 1,513 White families, 44,885 Coloured families, 27,694 Indian families and 71 Chinese families had been moved as a result of the application of the Act.

Official estimates of the numbers still to be moved in terms of group area proclamations as at the same date were 135 White families, 27,538 Coloured families, 10,641 Indian families, and 1,162 Chinese families. The figures for each province are given below:

	White	Colored	Indian	Chinese
Number of families moved to Dec. 31, 1972:				
Transvaal	414	7,579	7,375	.....
Natal	780	1,519	19,154	.....
Orange Free State	.....	1,017	.....	.....
Cape	319	34,770	1,165	71
Number of families moved during 1972:				
Transvaal	2	423	795	.....
Natal	68	61	389	.....
Orange Free State	.....	118	.....	.....
Cape	10	3,495	216	3
Number of families still to be moved at Dec. 31, 1972:				
Transvaal	29	2,099	2,399	725
Natal	80	2,730	6,977	25
Orange Free State	.....	1,753	7	1
Cape	26	20,956	1,258	411

GROWTH POINTS

Growth points in decentralised areas have been established, and at certain of these, the employment of Indian and Coloured labour is being encouraged. It is to be expected, then, that the development of these areas will take precedence and that group areas proclaimed in these centres will be developed further. It has been stated that the development of group areas in other centres will be discouraged.

In the 1971 White Paper on the Report of the Inter-Departmental committee on the Decentralisation of Industries, the following growth points for Indians and Coloured were mentioned:

Coloured

Bloemfontein, Meilbron, Kimberley, De Aar. Beaufort West, Upington, Mossel Bay/George/Knysna, Oudtshoorn.

Indian

Stanger, Verulam, Tongaat.

The Department of Planning had mentioned prior to this, that rather than declare group areas in each outlying town, Coloured and Indian groups would be encouraged to settle in "self-supporting" communities in specific focal areas. Even some group areas already declared were to be limited only to those already resident there, and development was to be discouraged.

It would appear to be the intention of the Government to establish a Coloured growth point for the Western Cape region, to the North of Cape Town, at Faure, and to the South-East at the Firgrove—Macassar complex.

The situation at this stage remains very unclear. In order to decentralise industry, development is encouraged in certain areas, and the labour supply in these areas must be assured. However no final statement has been made by either the "Growth Points Committee" or the Commission of Enquiry into the Decentralisation of Industry. Further complications arise out of the stated plan to develop rural Coloured communities. Whatever the final decision on these policies may be, it is certain that over and above the hundreds of thousands of people who have had to move from their homes as a result of the implementation of the Group Areas Act, many more will yet have to move if any of the decentralisation and growth point plans are to be carried out, and if schemes for the regional grouping of Coloured and Asian people are to be promoted.

REMOVAL OF AFRICANS

While the application of the Group Areas Act has been responsible for the removal of mainly Indian and Coloured families from their original homes, the African people have been affected more seriously by the implementation of the policy of consolidating the homelands.

Black spot removals

In the report of the Tomlinson Commission it was estimated that 188,660 morgen of land should be purchased in order to accommodate Africans from "Black Spots". These were farms owned by Africans but situated in predominantly White rural areas.

Official estimates made in 1961, of the area of these "Black Spots" before removal schemes began were:

Natal 48,390 morgen comprising 210 separate areas.

Transvaal 55,000 morgen comprising 55 separate areas.

Cape 62,022 morgen comprising 63 separate areas.

Orange Free State 7,787 morgen comprising 4 separate areas.

Total 173,199 morgen comprising 332 separate areas.

When the rounding-off of badly situated African areas was taken into account as well, the total area to be cleared was estimated at 728,537 morgen, including 469 "Black Spots".

By July 1961, 16 "Black Spots" measuring 15,255 morgen had been cleared in the Transvaal, and another 16 measuring 4,398 morgen had been cleared in the Cape Province.

Since the inception of the policy of "Black Spot" removals however, plans for the consolidation of the homelands have been altered, and are still in a state of flux. Thus it is not known how many people may eventually be required to move.

In addition to the clearing of "Black Spot" enclaves in White areas, certain removals have been made in the process of homeland consolidation, mainly in order to round off the boundaries.

The tables below give the official figures for the clearing of "Black Spots" and boundary consolidation:

Up to	1963	1964	1965	1966	1967	1968	1969	1970
Land area cleared: [1]								
Natal	2,367	1,118	465	97	4,432	1,990	1,046	2,837
Transvaal	39,746	1,280	761	7,580	7,113	489	3,801	1,558
Cape	49,813	622	31,023	16,222	1,560	3,373	2,014	3,005
Orange Free State	Nil	704	Nil	176	Nil	Nil	Nil	3,384
Total	91,926	3,725	32,249	24,076	13,105	5,852	6,861	10,784

Up to	1963	1964	1965	1966	1967	1968	1969	1970
Number of Africans removed: [2]								
Zulu	24,579	1,100	358	52	600	1,325	1,623	452
Tswana	11,677	3,455	4,060	725	600	225	1,565	150
Lebowa	.....	.....	.....	.....	.....	.....	.....	8
Ciskei	.....	.....	.....	.....	.....	.....	.....	160
N. Sotho	14,170	.....	.....	95	400	310	6,602	.....
Xhosa	697	22	310	16	150	230	304	.....
Total	51,123	4,577	4,728	888	1,750	2,090	10,094	770

[1] Areas for the years up to and including 1968 are given in morgen, while those for 1969 and 1970 are in hectares.

[2] Figures up to and including 1965 represent the number of individuals involved, while figures for the remaining years are for the number of families removed.

In a reply to a question in the House of Parliament, the Minister gave the estimated total number of persons removed from "Black Spots", small scheduled areas and outlying parts of other scheduled areas since 1948, as 175,788.

By the end of 1971, it was indicated that 63,255 ha. of "Black Spot" land remained to be cleared, while 196,530 ha. of poorly situated scheduled land would have to be vacated. Since then, however, the position has changed with the publication of official plans for the partial consolidation of the various homelands.

The Minister of Bantu Administration stated in February 1972 that an estimated 300,000 Africans in Natal still had to be resettled. However, the Natal Agricultural Union estimate, based on the subsequently proposed partial consolidation, was that 343,000 Africans, 8,400 Indians, 2,500 Coloured persons and 6,157 Whites would be involved in resettlement. Figures for the other homelands are not available.

REMOVAL OF SQUATTERS

The official figure given, at the end of 1962, for the number of persons resident as squatters in White rural areas was 109,882, of whom 40,763 had been resettled. In addition 3,433 labour tenants were described as "redundant", and 1,620 of these had been resettled in homeland areas.

The following are the figures of the Department of Bantu Administration, showing the resettlement of people in terms of the Native Trust and Land Act of 1936:

1962	42,383
1963	15,897
1964	6,859
1965	1,358
1966	16,236
1967	3,345
1968	23,730
1969	44,089
1970	21,177

Thus, more than 175,000 people have been removed from White rural areas as being resident illegally, or redundant in terms of labour requirements. Others are likely to be required to move.

In recent years, an attempt has been made to phase out the labour tenant system, and thus labour tenants have become increasingly subject to removals. It was estimated in 1971, that possibly 400,000 Africans were affected by this "phasing out" of labour tenants on farms of Whites in Natal alone.

In answer to a question in the Assembly, the Minister of Bantu Administration said that at the end of 1970 there were 2,996 registered labour tenants in the Transvaal, and 24,589 in Natal. (These figures exclude their dependents.) There were none in the other provinces.

REMOVALS FROM URBAN AREAS

In February 1971, the Minister of Bantu Administration gave the following figures for the number of Africans removed from urban areas in 1970:

	Men	Women	Total
Witwatersrand	23,267	1,528	24,795
Cape Peninsula	191	35	226
Pretoria	3,551	498	4,049
Durban	2,695	2,071	4,766
Port Elizabeth	13	2	15
Total	29,717	4,134	33,851

In 1969 the numbers were marginally lower, except in the case of Pretoria. The totals then were:

Men	30,238
Women	3,019
Total	33,257

It is not possible to estimate how many Africans have actually been required to vacate the urban areas as a result of the implementation of "pass law" legislation. The above figures indicate only the numbers physically removed during the particular year.

THE GAS BUBBLE—X

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, San Antonio, Austin, and other Texas cities that rely on Coastal States Gas Co. for their fuel supply have been undergoing curtailment for months, because Coastal sold more gas than it could deliver.

Up until this time, the situation has been held in reasonably good check. Nobody has suffered any great catastrophe, although industrial plants have been closed, and although electricity use has been cut back. Austin can live without streetlights for awhile, and so can San Antonio, but there is definitely a limit on how much gas supplies can be curtailed before very serious damage is done. We have been hurt, but not mortally.

This relatively happy state of affairs might not last much longer, thanks to a little-known aspect of Coastal's business practices.

Coastal made several deals, not long ago, wherein they sold actual gas reserves. These reserves were supposed to have been developed for customers like Austin and San Antonio, which had contracts calling on Coastal to deliver certain amounts of gas. In other words, Coastal promised San Antonio and other customers to develop reserves sufficient to deliver a certain amount of gas. Then it took those same reserves and sold them. San Antonio gets a lot of nothing, for which it has paid about $200 million, Coastal gets millions in illicit profits, and the new customers get the gas that San Antonio paid to have developed.

These new contracts are known as diversion contracts. They call on Coastal to divert from its customers the gas that comes from the reserves that the new customers bought from Coastal. In all, these contracts will take away from the Coastal system serving Texas about 25 percent of its total supply. This is supposed to happen on November 1.

Today, Coastal should be delivering about 1.8 billion cubic feet of gas per day in Texas. It actually is capable of delivering only about 1.4 billion cubic feet a day. After the diversion contracts go into effect, that will drop to less than a billion cubic feet a day. That is less than the amount that is estimated to be required for human use needs in the system served by Coastal's Texas subsidiary. If the diversion contracts go into effect, and those Texas customers have no alternate fuel available for electrical generation and industrial needs, Coastal's Texas customers will be in the dark and without jobs. Those whose homes depend on electricity for heat and cooking would be without heat or power. If Coastal had devised some means of destroying the Texas communities they serve, the company could not have come up with a better idea than the diversion contracts.

But there is no need for this threat to exist. I believe that the diversion contracts are illegal.

San Antonio and other customers have asked the Texas Railroad Commission to set aside the diversion contracts, and I hope that it will do so. But there is no assurance that this will be done before the fateful day of November 1.

I have accordingly recommended that the Texas attorney general seek an injunction to prohibit the diversion contracts from being enforced until Coastal's victims are able to determine their rights and exercise their appeals to the administrative agencies and the courts. If the contracts go into effect, Coastal's Texas customers will be irreparably damaged—and some would face absolute disaster.

Whatever the outcome of this, I think that everyone should know what Coastal has done here. It has told one customer that it will furnish gas, if that customer will pay to develop the necessary reserves. Then, with the reserves in hand—paid for by the customer, it went to someone else and sold the reserves to them—leaving the first customer with empty pockets and empty pipelines.

The diversion contracts are sheer thievery. Coastal, and Oscar Wyatt, who dreamed up the whole scheme, should never be allowed to get away with this. If the diversion contracts are allowed to go into force, there is not a community in America that can feel it has a valid contract with its gas supplier. America can afford only one Oscar Wyatt—if even that. His breed has no place in business, or anywhere else.

I hope that Coastal's customers can obtain justice, and that means retaining the gas they have bought and paid for. It also means that some way, some day, Coastal will have to pay for every dime of the hundreds of millions of dollars' worth of damage this pack of thieves has inflicted on millions of innocent people.

CPA AT DSA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, I wish to continue with my attempt to prevent any confusion similar to that experienced by us last Congress. We soon shall consider on the floor again proposals for a Consumer Protection Agency to advocate the interests of consumers in Federal decisionmaking.

As you know, I have been introducing into the RECORD letters I have received from Federal agencies which are subject to a CPA's advocacy rights as proposed in the bills now before a Government operations subcommittee on which I serve. These agencies were asked to list their 1972 proceedings and activities that would be subject to CPA action and to delineate them by the various categories set forth in the bills.

I have already inserted material from five small agencies—the Cost of Living Council, and four of the banking regulatory agencies. Today, I would like to call your attention to the proceedings and activities of another small agency, the Defense Supply Agency, which would be

subject to the CPA's powers under the bills.

The bills are H.R. 14 by Congressman ROSENTHAL, H.R. 21 by Congressmen HOLIFIELD, HORTON, and others, and H.R. 564 by Congressman BROWN of Ohio and myself.

The major difference between the bills is that H.R. 14 and H.R. 21 would allow the CPA to appeal to the courts the final decisions of other agencies. The Fuqua-Brown bill would not grant such an unprecedented power to a nonregulatory agency. In addition, with regard to the DSA, only the Fuqua-Brown bill would exempt from CPA's jurisdiction the national security functions of any agency. Therefore, at least as far as procurement of goods and services for military purposes, the DSA would not be covered by H.R. 564.

On the critical question of giving the CPA court appeal power, the Rosenthal and Holifield-Horton bills would grant such a far-reaching right to the CPA wherever anyone else had such a right. Under both of these bills, it would be up to the CPA's sole discretion to determine if there were sufficient consumer interest to intervene fully in an agency proceeding, and, having so intervened, it would have an unchallengeable right to appeal the decision arising out of such proceeding. Under both bills, as well, the CPA could appeal decisions arising out of proceedings in which the CPA never appeared, although the court may deny such an appeal if it makes certain unlikely findings. As mentioned, the Fuqua-Brown bill would not allow the CPA to appeal to the courts any final decision of its brother agencies.

With this in mind, it is worthy to note that there were at least 863,000 actual appealable decisions made by the DSA in 1972. I say "actual decisions" because, under the two bills which would allow appeal, a refusal to act—inaction—is also appealable by the CPA.

Counting the estimated 40,000 to 60,000 actual appealable decisions listed by the Cost of Living Council and the several thousand noted by the banking agencies, the DSA information puts the tally of potentially appealable decisions annually by the CPA at almost the million mark—for five small agencies, alone.

This, of course, is not to say that the CPA would find sufficient consumer interest in all or most of these decisions to want to participate in them or appeal them. The technical legal power to do so is all that we can judge now, a power not found in the Fuqua-Brown bill.

Mr. Speaker, for the important reasons already stated, I insert in the RECORD information from the Defense Supply Agency which shows that Agency's 1972 proceedings and activities which would be subject to the CPA's advocacy powers as proposed in the various bills now in subcommittee.

DEFENSE SUPPLY AGENCY,
Alexandria, Va., September 26, 1973.

Hon. DON FUQUA,
House of Representatives,
Washington, D.C.

DEAR MR. FUQUA: This is in reply to your letter of 7 September 1973 asking about the activities of this Agency as they relate to H.R. 1421, and 564, 93d Congress, bills to create an independent Consumer Protection Agency.

Before considering your specific questions, I believe it would be helpful to provide a brief statement of the general functions and responsibilities of the Defense Supply Agency (DSA). This Agency is responsible for the procurement, storage and distribution of assigned items for use by the military services. DSA also administers most contracts awarded by the military services and conducts the DoD Contract Compliance Program (Executive Order 11246, as amended) and Industrial Security Program. Other major functions are: Property disposal (including the sale of Department of Defense surplus personal property); cataloging; management of idle industrial plant equipment; and administration of the Defense Documentation Center.

Post exchanges and commissary stores are resale activities operated by the military services rather than by DSA. We do, of course, purchase many of the subsistence items that are sold through the commissary stores. However, the determination of the items that will be sold in the commissaries and the preparation of specifications that are used are the responsibility of the military services. Also, the inspection of such items is performed by Department of Agriculture and military service veterinary personnel. With respect to items sold by post exchanges, DSA furnishes a portion of their milk requirements, as well as some standard military uniform items procured by this Agency. Clothing items are normally sold through clothing stores operated by the military services.

None of the activities conducted by this Agency are subject to the procedures of 5 U.S.C. 553, 554, 556, and 557. There are, however, some activities conducted by this Agency which involve hearings and decisions based on the record. These are:

a. Appeals to the Armed Services Board of Contract Appeals (ASBCA) involving disputes arising under contracts awarded or administered by this Agency (Armed Services Procurement Regulation Appendix A);

b. Proposals to impose sanctions on a contractor for failure to comply with the Equal Opportunity requirements of Executive Order 11246, as amended; and

c. Proposals to debar a contractor because of criminal conduct or other action which reflects adversely on the contractor's integrity as it relates to the performance of Defense contracts (ASPR 1-604).

In addition to the proceedings listed above, the following Agency activities, although not involving hearings, may be of interest to you:

a. Pre-award surveys designed to determine whether a proposed contractor has the necessary facilities and technical and financial ability to perform a Defense contract satisfactorily (ASPR Appendix K).

b. Inspection of products for the purpose of assuring that items delivered meet contract specifications. As mentioned above, this does not include the inspection of some subsistence items for troop issue or commissary resale.

c. Suspension of contractors suspected of criminal conduct in the performance of Defense contracts (ASPR 1-605). This is a temporary measure designed to protect the interests of the Government pending further investigation of a contractor's activities.

d. Protests by bidders or contractors to the Comptroller General (GAO). With the above comments in mind, the answers to your specific questions are set forth below:

Since none of the DSA activities are subject to the rulemaking, adjudication, and hearing provisions of the Administrative Procedures Act, Questions 1, 2, 3, and 4 are answered, "None".

Question 5 relates to proceedings on the record after an opportunity for hearing. As indicated above, for the Agency this includes appeals to the Armed Services Board of Contract Appeals, proposals to impose sanctions against a Defense contractor for violation of the Equal Opportunity clause, and debarments. For DSA in Calendar Year 1972 there were 184 appeals filed with the ASBCA and two debarments were initiated by the Agency.

With respect to Question 6, see general discussion above.

In view of the nature of the functions and responsibilities assigned to this Agency, it is not feasible to list all the final actions which could have been appealed to the Courts during 1972. The following information, however, may be helpful to you in connection with Question 7. During Calendar Year 1972 this Agency awarded approximately 774,000 procurement contracts and 89,000 sales contracts. Any bidder whose bid was not accepted, as well as any contractor who was dissatisfied with a decision of the ASBCA, could have brought a court action to test the validity of the action taken concerning him. As a matter of information, only nine court actions involving the award or administration of DSA contracts were filed in calendar year 1972.

Sincerely,

D. H. RICHARDS,
Major General, U.S.A.,
Deputy Director.

GO AHEAD WITH IMPEACHMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

Ms. ABZUG. Mr. Speaker, President Nixon's last-minute agreement to turn over to Judge Sirica the nine tapes and supporting documents requested by Special Prosecutor Archibald Cox is a victory of the American people, but the issues requiring consideration of impeachment by the House Judiciary Committee remain as urgent as ever.

In the last few days, Americans all over the country, of all political beliefs, from plain citizens and members of the AFL–CIO, to law professors and the president of the American Bar Association, spoke out passionately in defense of the Constitution and the rule of law, which the President was challenging.

The President's attempt at total defiance of the courts has been turned aside. Under the storm of protests and rising demands for his impeachment, Mr. Nixon has been forced to back down. My office alone received hundreds of phone calls and telegrams calling for impeachment.

Sweet as this victory is, we must not overlook what Mr. Nixon has gotten away with. Special Prosecutor Archibald Cox remains ousted, and his office abolished. The Justice Department remains beheaded, its integrity shattered. The special files gathered by the Cox investigators remain in custody of the President's puppets.

The Congress must demand the immediate reinstatement of Mr. Cox and the reestablishment of the special prosecutor office, which was created as a solemn commitment to the U.S. Senate. If the President fails to do this, Judge Sirica has the authority to name Mr. Cox as counsel to the grand jury and to subpena all the files, and I urge him to do so.

In addition to introducing a bill of impeachment earlier today charging the President with seven separate violations of the Constitution over a period of time, I am also cosponsoring a bill to establish

a special prosecutor that will be truly independent of manipulation by the President.

I am gratified that leaders of the House Judiciary Committee have indicated they will continue with their plans to inquire into the impeachment issue. The American people cannot feel confidence in government so long as a President who has exhibited such contempt for the Constitution and the judicial process throughout his tenure remains in office.

The articles of impeachment I introduced earlier today against President Nixon accuse him of separate violations of this Constitution and the law over a long period of time.

The articles cover charges of unlawful conduct in connection with the President's defiance of the court order on the tapes, his dismissal of Special Prosecutor Cox and seizure of his files, his establishment of a personal secret police within the White House that engaged in burglaries, wiretaps, espionage and perjury, his obstruction of justice in the Ellsberg-Russo case, violations of campaign fund laws, his impounding of funds appropriated by Congress, and his authorization of the secret bombing of Cambodia.

In addition, there remain unanswered questions about Mr. Nixon's involvement in the Watergate coverup, in the ITT scandal, the milk deal, the mysterious Howard Hughes contribution of $100,000 to Mr. Nixon's closest friend, Bebe Rebozo, as well as mounting evidence of Presidential wrongdoing in connection with payment of taxes and misuse of taxpayers' money to improve his personal property at Key Biscayne and San Clemente. All these are issues into which a House Judiciary inquiry must look very closely.

It is tragic that President Nixon should have precipitated this national crisis over the tapes in the midst of an international crisis. While the people of Israel were fighting for the survival of their nation, their strongest supporters, the American people, were forced to turn their attention to the survival of their democratic institutions of law.

I welcome this administration's support for Israel and its efforts to achieve a peaceful settlement of the Middle East war. It is evident, however, that the President was attempting to use our justified concern over the outcome of this war to mute criticism of his shocking defiance of the court and his firing of the special prosecutor. This is a familiar tactic of the President, who habitually invokes "national security" as a blanket rationalization for his unlawful acts and violations of civil liberties.

Just how far along the President thought he was in his bid for one-man rule was evident in a report by New York Times columnist Anthony Lewis about the statement made by the President's chief adviser on civilian affairs, General Haig. This military man called Assistant Attorney General William Ruckelshaus and asked him to do what the Attorney General had refused to do, to fire Mr. Cox. When Mr. Ruckelshaus also refused, according to Mr. Lewis, General Haig said, "This is an order from your Commander in Chief." No wonder that news commentators said that Washington, D.C., this past weekend smelled of an attempted coup d'etat.

Only the vigilance of the Congress, the courts and the American people can keep our democratic rights safe. They are certainly not safe in the hands of President Nixon.

Text of resolution follows:

HOUSE RESOLUTION —

Resolved by the House of Representatives, that

Whereas, there is substantial evidence of President Richard M. Nixon's violation of his oath of office, the Constitution and laws of the United States and his lawful usurpation of power,

Resolved, that President Richard M. Nixon be impeached for high crimes and misdemeanors under Article 2, Section 4 of the Constitution of the United States,

Resolved, that the articles agreed to by this House, as contained in this resolution, be exhibited in the name of the House and of all the people of the United States, against Richard M. Nixon, President of the United States, in maintenance of the impeachment against him of high crime and misdemeanors in office, and be carried to the Senate by the managers appointed to conduct the said impeachment on the part of this House.

Articles exhibited by the House of Representatives of the United States, in the name of themselves and all the people of the United States, against Richard M. Nixon, President of the United States, charging him with high crimes and misdemeanors in office.

ARTICLE I

That said Richard M. Nixon, President of the United States, unmindful of his oath of office and contrary of the Constitution and laws of the United States, has defied an order of the United States Court of Appeals for the District of Columbia Circuit to produce for inspection of the court certain tapes, documents and other materials requested by Special Prosecutor Archibald Cox.

ARTICLE II

That said Richard M. Nixon, President of the United States, unmindful of his oath of office and contrary of the Constitution and laws of the United States, has dismissed Special Prosecutor Cox, abolished his office and seized control of files and evidence that are material to investigations by federal grand juries, in violation of his commitment to the United States Senate, upon which confirmation of Elliot Richardson as United States Attorney General was based, that the Special Prosecutor would have full and independent authority to carry out investigations and to utilize the judicial process.

ARTICLE III

That said Richard M. Nixon, President of the United States, unmindful of his oath of office and contrary to the Constitution and laws of the United States, has invaded the First Amendment rights of citizens of the United States by establishing within the White House a personal secret police, operating outside the restraints of the law, which engaged in criminal acts including burglaries, wiretaps, espionage and perjury.

ARTICLE IV

That said Richard M. Nixon, President of the United States, unmindful of his oath of office and contrary of the Constitution and laws of the United States, has participated together with a principal aide in the obstruction of justice by offering a high federal post to the presiding judge during the Ellsberg-Russo trial and, for a prolonged period, withholding from the federal court knowledge of the burglary of the office of one of the defendant's psychiatrist.

ARTICLE V

That said Richard M. Nixon, President of the United States, unmindful of his oath of office and contrary of the Constitution and laws of the United States, was either fully aware of or criminally negligent about violations of federal law in the collection and illegal use of campaign funds to ensure his reelection in November, 1972.

ARTICLE VI

That said Richard M. Nixon, President of the United States, unmindful of his oath of office and contrary of the Constitution and laws of the United States, did impound and refuse to spend more than $40 billion in funds for domestic programs affecting the health, safety and welfare of the American people, which were appropriated by the Congress in legislation signed into law by said President.

ARTICLE VII

That said Richard M. Nixon, President of the United States, unmindful of his oath of office and contrary of the Constitution and laws of the United States, has usurped the war-making and appropriation powers of the Congress as set forth in Article I, Section 8 of said Constitution by authorizing the secret bombing of neutral Cambodia and falsification of official reports about military actions in Cambodia, and by deliberately concealing the bombing from Congress and the people of the United States.

WE MUST GUARD AGAINST DIVISIVENESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arizona (Mr. UDALL) is recognized for 5 minutes.

Mr. UDALL. Mr. Speaker, the American people are stunned and unbelieving. Staggered by the previous disclosures of 1973, they have held on thinking that sooner or later the hearings, investigations and trials would conclude and the truth would be out and justice would be done.

Now they reel from another body blow: Elliot Richardson, Archibald Cox, William Ruckelshaus—the three men whose presence guaranteed complete disclosure and fearless pursuit of all the facts—have been forced out by the President.

The calls and telegrams to my office confirm what everyone knows: Confidence in our Government and its leaders sinks to record lows. What is worse, no end is in sight.

While the President adamantly digs in to "tough it out," large numbers of Representatives openly call for impeachment and even moderate and conservative Members of the House begin to seriously weigh the need for such proceedings. And if the President and the courts keep on their respective courses, here is the agony the country could face in the coming weeks and months:

The vice presidential nomination of GERALD FORD is held hostage pending court suits and impeachment proceedings;

The House may actually be forced to vote in impeachment of a President—only the second time in this Nation's history;

Judge Sirica refuses to dismiss the tapes case and holds a President in contempt; appeals follow and the Supreme Court must ultimately decide;

The Senate refuses to confirm a new Attorney General unless a new prosecutor is appointed or a law is passed establishing an independent prosecutor's office;

The evidence compiled against the President and his associates is seized by the Justice Department amid charges that it will be destroyed or tampered with;

The Watergate grand jury expires as legislation to extend its life is vetoed or embroiled with other issues.

Surely the people of this country deserve better than this from their Congress and their President. There is, I suggest, a better way. But it will require sacrifice and restraint and magnanimity on the part of all of us—and most especially from Richard Nixon. It will require that we all stop maneuvering for partisan advantage and uttering loud ultimatums against each other. The Congress must give something basic and the President must respond.

I propose:

First. The Democratic Congress give up any effort, apparent or real, to reverse the election of 1972 and somehow parlay the Agnew tragedy into a Democratic President. GERALD FORD is a member of the party that won that election. He is a man of integrity whom Richard Nixon has picked as the person to carry out his foreign and domestic policies in the event he ceases to be President. The Congress should expeditiously complete its investigation of the Ford nomination, and finding no irregularities, as I expect will be the case, confirm the nomination.

Second. When Mr. FORD has been confirmed, Mr. Nixon should resign. The President is a proud and often stubborn man, whose Presidency is not without solid achievements. To step aside will be difficult for him, but I believe he loves his country and has the greatness to make this ultimate political sacrifice so the Nation he has led can have some semblance of unity once again.

I would hope that the major national Republican leaders might now ponder whether they cannot best serve their country and their party by urging President Nixon to step aside.

This proposal—and only this proposal—offers any prompt and conclusive way out of the jungle in which this great country finds itself. We would all do well—our President especially—to remember the ordeal of another President, Lyndon B. Johnson, who found himself to be the symbol of disunity, and who had the greatness to move aside. In his speech of March 31, 1968, he said:

> The ultimate strength of our country and our cause will lie not in powerful weapons or infinite resources or boundless wealth, but will lie in the unity of our people . . .
>
> And in these times as in times before, it is true that a house divided against itself by the spirit of faction, of party, of region, of race, is a house that cannot stand.
>
> There is division in the American house now. There is divisiveness among us all tonight. And holding the trust that is mine, as President of all the people, I cannot disregard the peril to the progress of the American people and the hope and the prospect of peace for all peoples.
>
> So, I would ask all Americans, whatever their personal interests or concerns, to guard against divisiveness and all its ugly consequences.

PRESIDENT RELEASES TAPES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. RIEGLE), is recognized for 10 minutes.

(Mr. RIEGLE asked and was given permission to revise and extend his remarks and include extraneous material.)

Mr. RIEGLE. Mr. Speaker, I wish I were not rising so late in the day when so few people are in the Chamber, but that is the way the procedures work here. But I think it is important to comment, if to no one else, at least to the people who are in this Chamber now, on the announcement that we had a few minutes ago that the President changed his mind and decided to release the nine tapes to Judge Sirica relating to the Watergate case.

Mr. HUNT. Mr. Speaker, will the gentleman yield at that point?

Mr. RIEGLE. I will yield a little later, but I will not at this time.

Mr. HUNT. Mr. Speaker, I want to get an audience for the gentleman.

Mr. RIEGLE. I will not yield to the gentleman at this time.

CALL OF THE HOUSE

Mr. HUNT. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. The Chair will count. Evidently a quorum is not present.

Without objection, a call of the House will be ordered.

There was no objection.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 545]

Alexander	Gray	Rees
Anderson, Ill.	Green, Oreg.	Reid
Ashley	Grover	Roberts
Biaggi	Hanley	Rose
Blatnik	Hanna	Roybal
Bolling	Hanrahan	Runnels
Brasco	Hansen, Wash.	Ruppe
Broomfield	Harsha	Ryan
Brown, Mich.	Harvey	St Germain
Brown, Ohio	Hébert	Sandman
Buchanan	Holifield	Saylor
Burgener	Horton	Scherle
Burke, Fla.	Ichord	Schneebeli
Butler	Johnson, Pa.	Shipley
Carey, N.Y.	Jones, Tenn.	Skubitz
Casey, Tex.	King	Slack
Chamberlain	Landrum	Spence
Chisholm	Lujan	Stanton, J. William
Clark	McClory	Stanton, James V.
Conlan	McKay	Steed
Conyers	Macdonald	Steele
Delaney	Mallary	Steiger, Ariz.
Dent	Mathis, Ga.	Stephens
Derwinski	Melcher	Stuckey
Dickinson	Michel	Teague, Tex.
Diggs	Mills, Ark.	Tiernan
Dulski	Moorhead, Pa.	Udall
Esch	Moss	Van Deerlin
Evins, Tenn.	Murphy, Ill.	Veysey
Findley	Murphy, N.Y.	Widnall
Fish	Myers	Wilson, Charles H., Calif.
Foley	O'Neill	Zion
Ford, Gerald R.	Parris	
Fraser	Patman	
Fulton	Pepper	
Gettys	Poage	
Goldwater	Powell, Ohio	
	Quie	

The SPEAKER. On the rollcall 327 Members have recorded their presence by electronic device, a quorum.

By uanimous consent, further proceedings under the call were dispensed with.

PERSONAL ANNOUNCEMENT

Mr. PEPPER. Mr. Speaker, I entered the Chamber at the time the announcement was being made. I should like for the RECORD to show that I am present.

PERSONAL ANNOUNCEMENT

Mr. CAREY of New York. Mr. Speaker, I was detained and was unable to reach the Chamber in time to record my presence on the last rollcall.

PERSONAL ANNOUNCEMENT

Mr. HANLEY. Mr. Speaker, I also was unable to reach the Chamber in time to record my presence on the last rollcall.

PRESIDENT RELEASES TAPES

The SPEAKER. The gentleman from Michigan (Mr. RIEGLE), has 9 minutes remaining.

Mr. RIEGLE. Thank you, Mr. Speaker.

I am flattered by this wonderful turnout at this late hour to hear what I have to say in this special order.

The gentleman from New Jersey, my friend of long standing, JOHN HUNT called this quorum call. As to the circumstances, I had risen to speak on a 10-minute special order, JOHN asked me to yield, and I declined to yield at that point. He then moved a call of the House.

I would not want the gentleman from New Jersey to think I would not yield to him at the end of my remarks, because certainly I would.

I prefer not to yield until such time as I complete my statement. Then I will yield first to the gentleman from New Jersey.

So, Mr. Speaker, the reason I took a special order today was to respond to the announcement of a few moments ago that the President apparently changed his mind and decided to release the nine tapes in question under the appeals court order to Judge Sirica.

At this time it is not clear whether the information that the White House will release goes beyond just the tapes and gets to very profoundly important question of the documents and the relevant memoranda and White House logs which Special Prosecutor Cox spoke about and which he indicated quite clearly had been denied him up to this point.

I believe several points ought to be considered right now before any more time passes. No. 1, it seems to me that what the President has said by this action is that the special prosecutor was right in insisting that the tapes be turned over; namely, that the President comply with the court order.

Apparently, on reflection, the President has decided that the special prosecutor was right. That represents a gain and one that is useful.

I believe now it is fundamentally important the the President likewise act to reinstate the special prosecutor. What he has in effect said is that the special prosecutor was right from the beginning.

I hear some snickers in the chamber. I hear some snickers here. I think that is unfortunate, because there is one thing that the American people want today. It is not a partisan question. I believe they want the facts and they want the truth.

They want to find out who is guilty and who is innocent.

It seems to me that we all have a right to have that done, and that was the purpose for a special prosecutor. There were very few Members in this Chamber on either side of the aisle who objected to the establishment of a special prosecutor when this thing began. As a matter of fact, there was a very strong sentiment that there was a clear need for a special prosecutor. There still is.

There is just as much need for a special prosecutor today. I think we all know that the Watergate part of the story is probably the smaller part of the story now. I assume that most Members have seen the story on the wire that the trial of Maurice Stans and John Mitchell in New York had to be postponed today, because the White House is withholding evidence. That has nothing to do with Watergate. That is the Vesco case.

Are we going to proceed to allow the courts to work to find out who is guilty and who is innocent? Or are we not? That is a question which the President has not answered.

So, Mr. Speaker, I think what is appropriate now is that the President, in light of the fact that he has admitted today that he was wrong—he admitted it by turning over the tapes—ought to reinstate his special prosecutor, and he ought to do it today before any time is lost or any records are lost or misplaced, or what have you.

I believe this House ought to express itself on that point, and I hope that all the Members in the House will express themselves on that point. If there is some good reason why the special prosecutor should not be reinstated. I would like to have the Members rise later and explain what that reason might be.

I think, secondly, the question of the supporting memoranda and documents and the White House logs is absolutely vital. In other words, their submission, turning those over to the courts, is every bit as important as the tapes themselves, because when I heard our former colleague and friend, Mel Laird, speak on "Meet the Press" on Sunday, he finished the question as to whether the supporting documents would be turned over by saying,

Well, the tapes themselves are a more complete record.

Well, they are a more complete record if they are in their origial form. I suppose they are, but there is no way we can know that now. Many people in the country ask that question, I think quite properly. The only way to know if the tapes have been altered is by checking them against the memorandums and supporting documents and the White House logs that were prepared at exactly the same time.

So it is essential that they be turned over. As a matter of fact, if we had to do without one or the other, they probably are more useful than the tapes.

So what is the President's position in that area?

Finally, as I said before, the Watergate situation, I think, today is the smaller part of this whole thing. I think the White House would like to make that be the issue, because that sort of gets over into the area of political sabotage, and most people in the country take a dim view of politics and they tend to give that less weight.

But we are talking about a whole pattern of criminal activity. We are talking about special deals, about enemy lists, about favors, about money changing hands with no accurate records. We are talking about special audits by the Internal Revenue Service and a number of other things.

I do not honestly believe that there is a single Member in this chamber in either party who believes that this Government should operate that way. I know that in the 6 years I spent here in the House as a Member of the Republican Party, I never at one time heard one Republican colleague of mine advocate a police state under any kind of a President. Never once did I hear that. And I do not think they advocate that today, and I know that Members of the Democratic Party do not advocate that.

However, that has been the pattern, and it must be cleaned up, and the American people have a right to have it cleaned up. That is why we had a special prosecutor.

And so we have seen the President, through what seems to be a very clever maneuver, a very tricky maneuver, say, "No, you cannot have the tapes," and then we have the prosecutor do what he should do, and he says, "Mr. President, I cannot comply because that violates the court order."

So then the President fires the prosecutor and then promptly takes his advice.

Let us not be fooled by this. The American people are not going to be fooled by this.

I think what is at stake here is whether this chamber and we, as a Congress, really mean anything. When we talk about "law and order," that has got to mean law and order for everybody, and I think we have to be as quick to dismiss people and to punish people in either party if they commit offenses and break the law.

There cannot be two sets of rules. If we let the President or ourselves or any public officeholder commit crimes and get away with it and say they have special powers, we are doing the wrong thing. We are saying to every potential criminal in this country, dope addicts and muggers and others, that if you have the raw power to commit whatever crime you want to, you can get away with it. That is what we say when we allow that kind of a precedent.

Does the President live by a different set of rules? I hope not, because he should be the premier example of obeying the law.

Laws have been broken in a dozen cases here. You know them better than I do. I do not have to cite them. The milk deal, the Vesco and the ITT deal, and all the rest of the things. Who knows what the true facts are? But are we to say we do not have the right to know that a cover-up can go on by means of a diversion of a special prosecutor who gets booted out because he was doing exactly what he should be doing, namely, tracking down the facts?

I want to know who is guilty and who is innocent. I will be the first person into this well, the first person into this well, to congratulate the President of the United States if after a full and unhindered independent investigation he is cleared of all wrongdoing. I will be the first person into this well to congratulate him and pledge my support for the remainder of his term.

But if the coverup goes on, we will destroy our country and destroy the meaning of this Congress and destroy both political parties. We can do it if you want to. We can do it out of loyalty to an individual, but I think that is wrong.

Mr. BRECKINRIDGE. Mr. Speaker, I rise in support of the remarks of the gentleman from Michigan (Mr. RIEGLE) and while welcoming the reported action of the President in releasing the Watergate tapes to Judge Sirica, I deny that this action puts an end to the matter or meets the exigencies of the constitutional crisis imposed upon America by the President's action in denying the independent investigation and prosecution called for under the rule of law.

Mr. Speaker, today I joined with the gentleman from Iowa (Mr. CULVER) and others, in introducing the Special Prosecutors Conservancy Act of 1973 for the purpose of securing inviolate the constitutionally ordained separation of powers and checks and balances inherent in our form of government, and the maintenance of the independence of the judiciary in the administration of justice.

The statement of the Honorable Chesterfield H. Smith, president of the American Bar Association, as it appears in today's New York Times has set forth below, makes clear the fact that—

There can be no menace to our security from within and none from without more lethal to our liberties at home and fatal to our influence abroad than this defiant flouting of laws and courts.

The article follows:

THE CONSTITUTIONAL CRISIS

(By Chesterfield H. Smith)

CHICAGO.—As the President of the American Bar Association, I urge in the strongest terms that appropriate action be taken promptly by the courts, and if necessary by Congress, to repel the attacks which are presently being made on the justice system and the rule of law as we have known it in this country.

The American Bar Association last spring called for the appointment of an independent prosecutor with responsibility for the investigation and prosecution of the Watergate affair. The A.B.A. position was based upon its Standards for Criminal Justice, which provide that a prosecuting officer should have no conflict of interest or the appearance of a conflict of interest. Thus, under the standards, it would be improper for an investigation of the President himself, of the office of the President, or of the executive branch of the Federal Government to be conducted by a prosecutor subject to the direction and control of the President.

Based upon assurances made publicly by high officers of the Administration, the A.B.A. was most hopeful that Archibald Cox would be allowed to pursue justice in all aspects of his investigation without control by those whom he was charged with investigating.

Now, the President, by declaring an intention, and by taking overt action, to abort the established processes of justice, has instituted an intolerable assault upon the

courts, our first line of defense against tyranny and arbitrary power. The abandonment, by Presidential fiat, of the time-tested procedures to insure the equitable distribution of justice constitutes a clear and present danger of compelling significance.

The substitution, again by Presidential fiat, of a makeshift device—unilaterally improved and conferring upon one individual functioning in secret the power to test evidence—may well be acceptable for a Congressional investigation, but to also insist that it be utilized by the courts in criminal proceedings is an assault of wholly unprecedented dimension on the very heart of the administration of justice. The absolute gravity of the situation demands the most resolute course on the part of the courts and, if necessary, Congress.

There can be no menace to our security from within and none from without more lethal to our liberties at home and fatal to our influence abroad than this defiant flouting of laws and courts. I express my hope and confidence that the judicial and legislative forces of this nation will act swiftly and decisively to repeal and correct this damaging incursion by the President upon the system of justice, and therefore upon our basic liberties.

I hope also that the President will change his course and cease what I believe to be an unprecedented flouting of the rule of law. I also believe that the Congress should, as its first priority, re-establish the office of the Special Prosecutor and make it independent.

The people of this country will never believe that justice has been done until such time as the independent prosecutor is permitted to go into all aspects of Watergate without limitations or control imposed on him by those whom he has reason to believe are possible participants. At the same time, it is clearly proper that those who are being investigated by the Special Prosecutor present their objections to his conduct to the courts for a determination as to whether such conduct is legally permissible.

I pledge to see that the A.B.A. assist the United States District Court for the District of Columbia and any other Federal court in the discharge of its duties and responsibilities in this constitutional crisis.

I applaud the acton of three great lawyers, Elliot Richardson, William Ruckelshaus and Archibald Cox, who have emphasized to the nation that they are lawyers who honor the tradition of the legal profession and that they are lawyers who properly and without hesitation put ethics and professional honor above public office.

The question of impeachment must, Mr. Speaker, in the final analysis, find its resolution in the judicial system and the investigatory processes of the House. The Special Prosecution Conservancy Act of 1973 is the sine qua non to the re-establishment of the balance of power and integrity of our system of government. I urge its early passage.

THE EVENTS OF THE DAY

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. BROWN) is recognized for 5 minutes.

Mr. BROWN of California. Mr. Speaker, I will be happy to yield to the gentleman from New Jersey (Mr. HUNT).

Mr. HUNT. I rise for the purpose of clarification. Considering the fact that my colleague from Michigan did not see fit to carry out what he said he would do; namely, let me answer him.

I want the RECORD to reflect why I called a quorum.

The gentleman from Michigan in his initial address made some facetious remarks that there was no one in this House again to hear an important message, as usual. I do not want the RECORD to be sanitized when he gets through as to the reason why I called that quorum. I am certain the President of the United States will be most happy to accept the gentleman from Michigan's apology when he gets ready to make it, which I doubt he ever will.

Mr. BROWN of California. Mr. Speaker, I had intended to make a few remarks about the events of the day myself, but in view of the circumstances which have developed, I would merely like to request unanimous consent to revise and extend my remarks.

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

There was no objection.

Mr. BROWN of California. Mr. Speaker, today I have joined in the introduction of two measures designed to bring about consideration by this House of articles of impeachment of the President of the United States. It is not merely Richard Nixon I seek to impeach, but an entire style of politics, an approach to the use of power which takes the attitude that the end is so virtuous—namely the election of Richard Nixon to office—that any means necessary to that end is legitimate no matter what laws are broken, what institutions are corrupted, or what reputations are sullied.

Lest anyone mistakenly believe that the events popularly known as Watergate are somehow peculiar to the period of the 1972 election and the excesses of persons involved in what they viewed as a holy crusade to save the country from the fate of a McGovern Presidency, one can readily find similar examples in each of Mr. Nixon's past major campaigns. Not only that, but many of the very campaign aides who demonstrated so well their talent for using any means necessary to elect Richard Nixon a decade ago or a quarter century ago have been carried with him up to the present. Mr. Nixon cannot dissociate himself from the actions of his aides in the White House and the Committee to Reelect the President when he knew only too well what these men were prepared to do to elect him.

In 1946 when Mr. Nixon first ran for public office, it was against veteran Congressman Jerry Voorhis, named "first in integrity" among Members of the House of Representatives by the Washington newsmen. As a member of the House Committee on Un-American Activities he had even authored the Voorhis Act which was bitterly assailed by the Communist Party publication People's Daily World.

Nevertheless, Mr. Nixon, following the advice of his public relations adviser, Murray Chotiner, accused Voorhis of being a dupe of the Communists and of "consistently voting for the Moscow-PAC-Henry Wallace" line in Congress. In the same fashion as the anonymous phone calls in the New Hampshire primary that were used to sabotage the Muskie campaign, Mr. Voorhis' candidacy was subjected to anonymous phone calls to voters who were told that he was a Communist.

With Murray Chotiner as his campaign manager in his 1950 campaign for the U.S. Senate, Mr. Nixon depicted his opponent U.S. Representative Helen Gahagen Douglas as the "Pink Lady," distributing over a half million flyers printed on pink paper which purported to demonstrate that she had voted the same way as the New York Congressman Vito Marcantonio who was outspoken in his Communist sympathies. The flyer, of course, did not mention that a majority of the Democrats in this body had voted the same way and that Richard Nixon himself had done likewise on many occasions.

During the course of the Watergate investigation, not surprisingly, we have learned that Mr. Chotiner was responsible for corrupting the journalistic coverage of the 1972 campaign by his use of paid spies who masqueraded as legitimate news reporters while preparing reports on the Democratic campaigns to be read by White House officials the next morning.

Moving closer to the present, we come to Mr. Nixon's losing 1962 campaign for Governor of California. During that campaign he honed techniques that were to prove useful 10 years later. Among these was the use of a $70,000 phony mailing. California Democrats received a large post card from the nonexistent "Committee for the Preservation of the Democratic Party." Purporting to be a poll, the card's "questions" were instead used to put across a Nixon campaign message that the Democratic Governor was a captive of extremists. In addition, this phony Democratic committee solicited contributions from the Democratic voters to "preserve our Democratic processes."

The State's official Democratic Party went to court and a State judge ruled against the Nixon campaign committee and its campaign manager, one H. R. Haldeman. It held that:

> In truth and in fact, such funds were solicited for the use, benefit and furtherance of the candidacy of Richard M. Nixon.

The judge found that the phony post-card poll "was reviewed, amended and finally approved by Mr. Nixon personally." The judgment was never appealed.

It is not surprising that extensive use was made of phony mailings in 1972 by Nixon campaign worker Donald Segretti. Responsible for payments to Mr. Segretti and for recommending approval of his activities to H. R. Haldeman, was former Presidential Appointments Secretary Dwight L. Chapin. Mr. Chapin is also famous as a result of John Dean's testimony that it was Chapin who proposed getting some thugs to discourage a lone demonstrator in Lafayette Park. And when one examines the list of Mr. Nixon's paid campaign aides in the 1962 gubernatorial campaign he finds, in addition to H. R. Haldeman, Dwight L. Chapin plus Herbert Kalmbach and Ronald Ziegler. Other men who participated in the Nixon campaign that year were Maurice Stans, John Ehrlichman, and Murray Chotiner.

Mr. Speaker, those of us in this body from California remember only too well these and similar facets of Richard Nixon's willingness and the willingness of the men with which he surrounds himself to use whatever means they see

as necessary to obtain and hold political power. Watergate is not an aberration. It is merely 1946, 1950, and 1962 on a grander scale. It is also a demonstration of what happens when a person such as Richard Nixon has at his fingertips the powers of the executive branch of the Government.

The investigations of the Watergate Committee and the Special Prosecutor have been only too successful in revealing for all to see the extremes to which Mr. Nixon and his aides are willing to resort. It was for this reason that Richard Nixon found he had to end the work of the special prosecutor and it is for this reason that Richard Nixon must be impeached.

RESOLUTION OF INQUIRY INTO THE QUESTION OF IMPEACHMENT

The SPEAKER. Under a previous order of the House, the gentleman from Utah (Mr. OWENS) is recognized for 10 minutes.

Mr. OWENS. Mr. Speaker, in the past 5 days, we have witnessed events unprecedented in American history. On Friday, the President failed to appeal from a decision directing him to produce for judicial inspection tapes, notes and other memoranda which had been subpenaed by the special prosecutor. Instead, he announced arbitrarily a so-called compromise and demanded that everyone—the courts, the Senate Watergate Committee, and the special prosecutor—accept it. The special prosecutor, with good reason, refused to abide by the President's attempt to settle unilaterally the suit for the tapes.

The summaries of the tapes which the President proposed to supply would not be sufficient to enable the grand jury to reach an informed decision as to the necessity of indicting individuals under investigation. The summaries would not be admissible as evidence in court, in any trials which come out of the grand jury investigation. Finally, and perhaps most importantly, the President ordered the special prosecutor not to seek court orders for any further records of Presidential conversations, papers or records.

On Saturday the President forced the resignation of the Attorney General Elliot Richardson, and the Deputy Attorney General William Ruskelshaus, who in good conscience could not carry out the President's order to dismiss Mr. Cox and thereby destroy the independent status of the special prosecutor's office. Such independent status was and is essential to reestablish the integrity of the executive branch and the rule of law.

After forcing the resignation of the only uncompromised men in the Justice Department, the President ordered the special prosecutor's office and files sealed and placed under FBI guard. Those are the tactics of a dictator, a man who fears independence and the orderly and impartial pursuit of justice.

This afternoon, incredibly, the President announced that he would comply fully with the court of appeals' order to produce the tapes. This seemingly erratic action raises the gravest questions about the President's motives in dismissing Mr. Cox. If the President's sole concern had been preserving the confidentiality of the tapes, why was he willing to go to such extraordinary lengths last week to preserve that confidentiality, and then reverse his decision 5 days later? His action certainly lends credence to the argument that the confrontation with the special prosecutor was planned in order to create a pretext for his removal.

I believe that the President had the special prosecutor fired, not because of any impropriety on the prosecutor's part, but because Mr. Cox exercised the very qualities of independence which his task demanded. His firing leads me to the conclusion that the President feared the revelations and actions which could come from the special prosecutor's investigations into a host of improprieties involving the White House and the President himself.

Those improprieties include the following:

On July 25, 1970, the President personally approved the "Huston Plan" for domestic political surveillance by such methods as breaking and entering, wiretapping, and military spying on civilians.

The President usurped the warmaking powers of Congress by the bombing of neutral Cambodia and deliberately concealing the bombing from Congress.

The President established within the White House a secret police, the so-called "Plumbers," who operated outside the law, engaging in criminal acts including burglary and perjury.

The President compromised Judge Byrne by offering him the post of FBI director while the judge was trying the Ellsberg case.

The White House directed the settlement of the ITT antitrust case at a time when ITT was making a substantial contribution to the Republican Party.

The milk support prices were raised after the dairymen made a substantial contribution to the President's reelection campaign.

The President has engaged in a pattern of practice seeking to cover-up crimes related to the Watergate break-in, including early attempts to limit the scope of the Watergate investigation, use of campaign contributions to buy the silence of Watergate conspirators, and, most recently, the firing of the special prosecutor.

The gift of his Vice Presidential papers, for which the President received a substantial tax break, raises questions that he has used the IRS improperly for his personal enrichment.

The financing and tax implications of the purchases of the San Clemente and Key Biscayne residences of the President are of doubtful propriety.

This list, as well as the conduct of the Watergate investigation prior to the creation of the special prosecutor's office and other incidents, clearly demonstrates the need for a prosecutor who is independent of the White House and the entire executive branch.

Of greatest emergency this afternoon is the necessity of protecting the files and evidence already gathered by the special prosecutor and assuring an independent prosecution of this investigation. Consequently, I have today cosponsored a bill which would reestablish the special prosecutors' office as a branch of the judiciary.

This bill would authorize Chief Judge Sirica to appoint a new special prosecutor, who could then be removed only by Judge Sirica or his successor chief judge. It would provide funding for the prosecutor's staff, and direct the FBI to provide him with such investigations and material as he may require. It would also extend the life of the Watergate grand jury, now due to expire on December 5, for 6 months, and for longer periods if Judge Sirica found further extensions to be necessary. Finally, the bill encourages Judge Sirica to disqualify himself from judging any cases brought by the special prosecutor whom he appointed.

I have also cosponsored a resolution calling for the establishment of an investigation into the necessity of impeachment, as I promised last Sunday morning. I am here inserting that statement and the resolution for the RECORD.

There is a danger that any move in the direction of impeachment will be seen as an attempt by Democrats to replace the Republican President with a Democratic Speaker of the House. The Democrats do not seek such an advantage. Nor can my party even appear to wish such an eventuality. This issue transcends all partisan concerns, and to allow such an appearance could raise such partisan feelings as to make an objective inquiry into a possible impeachment completely impossible. For that reason, I believe that the House must expedite the hearings and consideration of GERALD FORD to be Vice President. If, for some reason, he is not confirmed, then provision must be made tc place a Republican next in line of succession in the event that the President should be impeached. This could be done by our election of a Republican, of Presidential capabilities, as temporary Speaker of the House.

Above all, Mr. Speaker, we must have the courage to assert the proper role of the House of Representatives at this time of grave constitutional crisis. If we will proceed vigorously, in a manner completely free from partisan objectives, we can be sure the country will support us in our attempts to make a rational judgment about the continuation of Richard Nixon as President of the United States.

The items follow:

STATEMENT FROM REPRESENTATIVE WAYNE OWENS

The President's erratic actions of the last two days are unsupportable, in my opinion, by any theory of executive privilege. He has allowed and would allow persons of his own choice to hear the disputed tape recordings, yet has refused definitive court orders that they be secretly heard by impartial judges who would protect the confidentiality of noncriminal matters.

I have concluded that the President was less

than honest when he said that he wanted all the facts to come out, because he has destroyed the only chance that the judicial process could bring out the truth by removing the only uncompromised men in the Justice Department.

This leaves a very reluctant Houses of Representatives no alternative to commencing impeachment proceedings immediately. I hope and pray we have the courage to face up to that responsibility in a sober, judicious manner, completely free of partisanship or political overtones.

RESOLUTION

Resolved, That the Committee on the Judiciary immediately undertake an investigation of the activities of Richard Nixon, President of the United States, to ascertain all facts bearing on the possible commission by him of high Crimes and Misdemeanors under section 4 of Article II of the Constitution, and that upon completion of such investigation said Committee report to the House its recommendations with respect thereto, including, if the Committee so determines, a resolution of impeachment.

THE PRESIDENT AND ARCHIBALD COX

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. PODELL) is recognized for 10 minutes.

Mr. PODELL. Mr. Speaker, the action of President Nixon in dismissing Special Prosecutor Archibald Cox and closing down his office is perhaps the greatest outrage against the public ever worked by a President on the American people.

Piling crisis upon crisis, virtually all of them swirling about his own conduct of the presidency and his own campaign for reelection, the President has now committed the ultimate indiscretion of a leader. He has broken faith with the people, with the Congress and with the courts.

Pressed for some shred of credibility some months ago, the President appointed an "independent" prosecutor who would be unhindered in his search for the truth in the Watergate scandal, the coverup, election law violations and other matters. Now, like a bad sport, he wants to take his marbles and go home. He wants to change the rules in the middle of the game. He would change the Constitution and then do away with due process.

There is no more deadly action he could take in a nation that has revered its constitutional democracy. He would do away with the even distribution of justice. This recent move of the President amounts to transferring the crisis of confidence the people have felt about the man, to a crisis of confidence about the office, and the Government.

This Nation works because the people believe that government works toward evenhanded justice for all, through due process and without favoritism by the administration, the Justice Department or the courts. It is this usurping of constitutional privilege and power on top of demonstrated dirty tricks and crime in the quest for more power that brings this matter before the House today.

Previously Presidential actions were akin to this most recent outrage, but this is nonetheless shocking.

When the late J. Edgar Hoover would not lend the FBI to the White House as political operatives, the White House set up its own special investigative unit—the Plumbers—who then proceeded to violate the private and civil rights of those who had incurred the administration's wrath. And the Plumbers broke practically every law on the books in the process. Guided from the White House, they used, and were used, by deceit, misrepresentation, half truths and a feeling they were above the law of the land while they were working out of the White House.

As Prosecutor Cox moved with due process closer to the truths about this most corrupt of administrations, he was summarily dismissed, his record impounded, and his investigation set back to where it was 6 months ago.

Mr. Speaker, we are here today considering this matter of impeachment because it was thrust on us by an administration indifferent to the structures of the Constitution and the requirements of a civilized society.

Let us act accordingly.

IMPEACHMENT PROCEEDINGS

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON. Mr. Speaker, this past weekend's events, where the President fired his special prosecutor and precipitated the resignation of his Attorney General and Deputy Attorney General, were the latest in a chain of events that has raised grave doubts about the propriety of President Nixon remaining in office.

Over the months there have been numerous allegations of criminal wrongdoing extending to the highest levels of the White House. Now he has broken his promise that these charges would be pursued by a Special Prosecutor to wherever they lead.

These activities have rightly generated an unprecedented public outrage and demands that the President be removed from office. Under the Constitution, the House of Representatives has the responsibility for initiating impeachment proceedings. This resolution, that is being introduced by 61 of my colleagues and myself, directs the Judiciary Committee to begin its investigation to determine if grounds exist for impeachment.

It is imperative that this inquiry begin immediately. Only by a proper and thorough investigation can this matter be resolved in the fair matter dictated by the Constitution.

Following is a list of 61 Members cosponsoring this legislation.

LIST OF COSPONSORS

Abzug, Anderson, G., Aspin, Bergland, Bingham, Brasco, Brown, G., Burton, Boland, Brademas, Chisholm, Culver, Conyers.

Dellums, Drinan, Eckhardt, Edwards, Evans, Fascell, Fauntroy, Foley, Ford, W., Fraser, Giaimo, Grasso, Green, Harrington, Hawkins, Helstoski, Hicks.

Howard, Jordan, Karth, McCormack, Mazzoli, Metcalfe, Mezvinsky, Mink, Moakley, Mollohan, Moorhead, (PA), Murphy, J., Nedzi, Obey, O'Hara, O'Neill, Pepper.

Podell, Rees, Rooney, Fred, Roybal, Schroeder, Seiberling, Stark, Studds, Symington, Tiernan, Thompson, Udall, Yates, Young, A.

Resolution, directing the Committee on the Judiciary to inquire into and investigate whether grounds exist for the impeachment of Richard M. Nixon

Resolved, That the Committee on the Judiciary shall, as a whole or by any of its subcommittees, inquire into and investigate the official conduct of Richard M. Nixon to determine whether in the opinion of said committee he has been guilty of any high crime or misdemeanor which in the contemplation of the Constitution requires the interposition of the powers of the House of Representatives under the Constitution. The Committee on the Judiciary shall report its findings to the House of Representatives, together with such resolutions, articles of impeachment, or other recommendations as it deems proper.

PUBLIC REGULATION BEFORE PRIVATE MONOPOLY

(Mr. MOSS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MOSS. Mr. Speaker, natural gas provides more than 36 percent of our domestic energy. It is the cleanest of fossil fuels, its combustion producing far less air pollution than any other conventional fuel. In some areas, it is the only fuel that can be burned in quantity without significantly violating air quality standards and causing hazards to public health. These desirable properties, together with availability at reasonable prices, have caused demand for natural gas to increase rapidly.

At the same time since 1968 reported reserve additions have lagged behind annual consumption. During the past year, 15 of the Nation's largest interstate pipelines were unable to provide enough gas to meet needs of customers. In many communities, natural gas is not available to new customers.

Deregulation has been offered as a solution by the administration. In my judgment, however, the deregulations of interstate natural gas called for by the President indicates he believes, rather simply, that what is good for the oil industry is also good for the country. If prices of natural gas, for example, were allowed to increase by 30 percent, the value of natural gas reserves would climb by $300 billion. More drilling would perhaps occur, but "windfall profits" for the industry would be staggering. The policies advocated by the President would increase benefits for the industry, but at the expense of the American consumer. In essence, deregulation is part of the problem, and not part of the solution. I am, therefore, introducing today a comprehensive regulatory proposal to provide

an alternate approach, known as the Oil and Gas Regulatory Reform Act.

I am proposing this regulatory reform bill because the pattern of recent shortages of gasoline, threats of renewed scarcities of heating oil, and rising prices of petroleum products have suggested the existence of serious structural problems and anticompetitive behavior within the petroleum industry.

The Cost of Living Council; and States of New York, Hawaii, Florida, Colorado, Minnesota, and Massachusetts have either filed suit or are about to bring antitrust actions against major oil companies. In Los Angeles, the Antitrust Division of the Justice Department is conducting an inquiry to determine whether there was a massive conspiracy to fix wholesale and retail gasoline prices in 1971 and 1972. Recently, James Halverson, Director of the Federal Trade Commission's Bureau of Competition, testified before the Senate Anti-Trust and Monopoly Subcommittee:

1. Serious underreporting by natural gas producers to the Federal Power Commission of natural gas reserves has existed and continues to exist;

2. Procedure of reporting reserves through subcommittees of the American Gas Association composed of employees of major producers could provide the vehicle for a conspiracy among companies involved to underreport gas reserves, but more information is needed in this area.

Cost of Living Council Director Dunlop recently stated that—

Rapidly increasing prices for gasoline are one of the major contributors to inflation in this country.

The Federal Trade Commission on July 17, 1973, issued a complaint against the Nation's eight largest petroleum companies charging monopolization and maintenance of a noncompetitive market structure.

Because the petroleum industry does not appear workably competitive I propose a Regulatory Reform Act designed to assure adequate supplies of petroleum at reasonable prices to consumers. Principal provisions of this proposal are:

Extend Federal Power Commission regulatory authority to intrastate transportation and wholesale sales of natural gas. This would eliminate an arbitrary distinction currently existing between interstate and intrastate gas. The public cannot be adequately protected if more than 40 percent of the market is not subject to a uniform. comprehensive system of regulation. As a result of the current situation, the intrastate market has been able to enjoy substantial economic advantage in competing with the interstate market. There have been massive diversions of natural gas for low priority industrial uses within producing States. There is no more reason to assume that the intrastate market is any more competitive structurally than the interstate market. Consequently, regulatory protections would be desirable there, too.

It would authorize the Federal Power Commission to establish a national area rate in a rulemaking procedure. Variations in rates for different regions would be preserved, however, to account for differences in area costs. Such a national area rate would be based on cost of production and subject to congressional disapproval. The Commission is authorized to grant exemptions to the national area rate in a rulemaking procedure. Variatotal revenues. This bill would incorporate incremental pricing concepts in marketing of synthetic and liquified natural gas. Small producers producing less than 10 million M.c.f. of gas per year would be exempted from Federal Power Commission price regulation. This procedure would streamline FPC regulation and eliminate the enormous regulatory lag currently plaguing the Commission.

Title I of this bill requires natural gas companies to report efforts to increase gas reserves and directs the Commission to conduct an independent evaluation of such reserves. Hard facts behind producers' claims of declining natural gas reserves must be subjected to public scrutiny.

Gas producers are seeking and obtaining massive price increases for the purpose of stimulating their investment in new gas exploration and development. Many believe the gas shortage has been deliberately exacerbated by industry to obtain approval of excessive rates from the FPC. My proposal would authorize and direct an independent comprehensive evaluation of natural gas reserves to settle this issue.

Title I establishes a workable procedure for filing and approval of contracts by natural gas producers. It would remove a major area of uncertainty for producers by sanctifying contracts approved by the Commission. The Commission would be authorized to allocate natural gas production among pipelines to assure equitable distribution among all regions and classes of customers.

We must ascertain whether this new streamlined natural gas regulatory structure should be extended to cover oil production as well. The Cost of Living Council, under authority of the Economic Stabilization Act, is currently regulating the price of petroleum products. This job is not being done effectively because their staff is wholly inadequate, controls are temporary, and petroleum companies do not utilize a uniform system of accounts. To correct these serious deficiencies, we must build a record on the question of whether or not the Federal Power Commission should also assume primary responsibility for petroleum economic regulation.

We should discover whether or not effectiveness of Federal Power Commission regulation of natural gas is impeded by its lack of jurisdiction over oil. It has been suggested that, if a comprehensive regulatory mechanism is desirable for natural gas, the same regulatory system would be appropriate for the oil industry. Both natural gas and oil are developed and produced by similar methods, natural gas and oil are substitutes for each other in terms of uses, they are in great demand to meet the Nation's growing energy needs while proved reserves are both declining and inadequate. To a large extent, both natural gas and oil are produced by the same persons: Major petroleum companies.

Both natural gas and oil producers suffer from the same structural imperfections and patterns of anticompetitive behavior and, consequently, the free market cannot be relied upon to assure adequate supplies of either natural gas or oil to the consumer at reasonable prices. For these reasons, we must inquire whether oil should also be covered by applicable provisions and regulatory framework of the Natural Gas Act.

Title II of this bill addresses the special problem of oil pipeline transportation. Senate hearings on the "Fair Marketing of Petroleum Products Act" and exhaustive Federal Trade Commission investigations convince me major oil companies have abused and exploited ownership and control of oil pipelines to maintain and reinforce a noncompetitive market structure and limit supply of crude oil to independent refiners.

This proposal would give the Federal Power Commission power to compel pipeline operators to provide service and storage facilities to producers and refiners meeting reasonable minimum requirements. Noncompliance by any pipeline owner would subject him to treble damage suits. It further gives the Federal Power Commission authority over construction of oil pipeline facilities, transferring all functions of the Interstate Commerce Commission with respect to regulation of oil pipelines under Part I of the Interstate Commerce Act to the Federal Power Commission.

I need not remind my colleagues that the history of Federal Power Commission regulation has been uneven, to say the least. At times, it has been dominated by those very interests it is charged with overseeing. There is almost universal dissatisfaction with the way the FPC has performed in the past 5 years. While I do not believe regulation is to blame for current shortages of natural gas, it appears the agency misresponded on many issues, if it responded at all.

Therefore, a preferable solution to the problem of anticompetitive behavior in structures may well be divestiture and deconcentration of all our energy industries. Until a structure of workable competition is restored, I believe an effective, comprehensive system of regulation of economic aspects of natural gas production and oil transportation is necessary.

For what America needs is what we still do not have—a truly national, public-oriented energy policy that addresses itself to the harsh realities of our present crisis while presenting rational solutions toward their resolution. To paraphrase a current industry slogan: A nation that runs on oil and gas cannot afford to run short of governmental policies that allocate energy reserves effectively, sagaciously, and in a manner that will most productively contribute to the improvement of the general welfare. In my judgment, the Oil and Gas Regulatory Re-

form Act represents a significant step in this direction.

WASHINGTON STATE CONGRESSIONAL DELEGATION INTRODUCES FOUR ALPINE LAKES BILLS

(Mr. MEEDS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MEEDS. Mr. Speaker, the Washington State congressional delegation is today introducing four separate bills to extend wilderness classification to the lands in the Alpine Lakes region of our State. One of the bills also creates a national recreation area.

The four proposals are recommendations made by the various user-conservation groups and by region 6 of the U.S. Forest Service. The delegation emphasizes that we are beginning the legislative process on Alpine Lakes with no fixed boundaries in mind, no commitment to this or that specific proposal. All four measures are being introduced so that they may receive a fair hearing.

Special recognition has been accorded to the Alpine Lakes region for over 27 years, for in 1946 the U.S. Forest Service designated 256,000 acres as the Alpine Lakes limited area. More recently the North Cascades study team in 1965 recommended creation of a 150,000-acre Alpine Lakes Wilderness Area and a 30,000-acre Mount Stuart Wilderness Area.

What makes the Alpine Lakes country so unique is that nature has given us an area close to major population centers in which 5 out of 7 biotic or life zones are represented. Half of Washington's population lives within 60 miles of the Alpine Lakes area.

Mountain scenery in the Pacific Northwest is spectacular by any measure, but in the Alpine Lakes region you find 700 lakes, heavily timbered valleys, and soaring peaks all within a relatively compact area. Since the Cascades act as a weather barrier, you have in the Alpine Lakes region a tremendous differential in the amount of rainfall. The forests are characterized by variety with Douglas-fir, nobel fir, western larch, lodgepole pine, and even ponderosa pine represented.

Proximity to population centers and the fragile nature of some of the Alpine Lakes terrain makes it imperative that we extend wilderness classification to some of the land and that ways be found to disperse recreationists. In its environmental impact on the region 6 proposal, the Forest Service observed:

> In 1972, 930,000 persons stopped to engage in recreational pursuits in the Alpine Lakes area. Based on an average expenditure of $10 each day, they spent $23,500,000. With increased National recognition and prediction of upward trends in outdoor recreation, this figure could be expected to be five times greater in the year 2020 based on 1972 dollars.

Later in the report, the Forest Service cautions:

> Estimates of future use indicate that hiking will increase fourfold in popularity by 2020, while pleasure driving could triple by the same year. Unless proper emphasis in the form of management planning and funding aimed toward a better dispersion of recreation users is forthcoming, an increase in restrictions to the individuals using these lands appears imminent.

Aside from its recreation resources, the Alpine Lakes country contains a significant timber resource. In the high mountain terrain, nearly all the land is owned by the U.S. Forest Service. As one moves out into the lower valleys, "checkerboard" ownerships prevail. Alternate sections are owned by both the Government and by private corporations. The principals are Burlington Northern, Weyerhaeuser, and Pack River Lumber Co.

All four bills we are introducing today will have an impact on timber harvesting, although the exact estimates are difficult to obtain. Not only do various groups and the U.S. Forest Service use different calculations, but the Forest Service itself is proposing a "management area" around the wilderness core that could, according to the Forest Service, bring about a 30-percent reduction in the annual allowable timber cut.

Two of the bills call for substantial amounts of private land to be classified as wilderness. It should be understood from the outset that there is no general condemnation authority in the Wilderness Act and that designating private land as wilderness would probably require land exchanges. Since the Forest Service would be trading away some of its land, such exchange would remove these lands from the allowable cut calculations.

Now I would like to describe briefly the four bills.

The first measure creates a 285,000 acre wilderness area and is the recommended land use plan of region 6 of the U.S. Forest Service. The Forest Service cannot give its stamp of approval to the proposal since it has not been cleared by the Office of Management and Budget and by the White House. But this will take months, and the congressional delegation asked the Forest Service in September of 1971 to expedite its work on the Alpine Lakes region.

Not contained in the bill are significant land use proposals made by the Portland office of the agency. They have suggested acquisition of some private inholdings so that another 82,000 acres could be managed as wilderness. They are recommending an Index Mountain and Tumwater Canyon Scenic Area totaling 24,000 acres. Finally and most importantly, Region 6 recommends that 443,754 acres of national forest land and 190,110 acres of private lands be included in something they call a "management area." Dispersed recreation, facilities for the same, timber harvesting, and watershed protection are the management objectives in this unit, although the Forest Service is vague as to precise resource impacts and allocations.

The second proposal comes from the Alpine Lakes Coalition, a group of timber industry and other recreation users. This bill creates an Alpine Lakes Wilderness Area of 172,000 acres and an Enchantment Wilderness Area of 44,000 acres. Surrounding the wilderness but not identified in the legislation is a very large multiple-use management unit.

The third measure is the bill presented by a coalition of conservation groups including the North Cascades Conservation Council, the Friends of the Earth, the Sierra Club, and the Mountaineers. This bill establishes an Alpine Lakes Wilderness Area of approximately 600,000 acres, including large amounts of land now held by the three major landowners described earlier. This bill also envisions closure of several roads.

The fourth proposal is offered by the Alpine Lakes Protection Society, and this measure creates an Alpine Lakes Wilderness Area as a 364,000 acre "core" within a national recreation area that totals 926,000 acres. Much of the plan involves private land. Within the wilderness and national recreation area the Forest Service is to be given broad authority to acquire land, limit timber harvesting, and prescribe zoning regulations. Clearcutting would be limited to units no larger than 25 acres. Lands within the area will be withdrawn from location, entry, or patent under the mining laws of the United States.

Mr. Speaker, these four bills are constructive and positive in the way they seek to classify the magnificent Alpine Lakes country. It is my hope that citizens of Washington State and the Nation will study the proposals carefully and give the delegation their views. We are uncertain just yet when hearings might be held, but the delegation will be conferring to map out a schedule. Now that the bills have been introduced, the U.S. Forest Service and private owners should exercise prudence in resource management. The Forest Service in particular should be cautious in the decisions made concerning lands within the boundaries of the various proposals. With the helpful cooperation of public agencies and private groups we will be able to move forward and set aside the Alpine Lakes area for the use and enjoyment of our people.

END OF AN ERA—KEY WEST NAVAL STATION CLOSES

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, on Wednesday, October 17, 1973, the submarine U.S.S. *Amberjack* was decommissioned. The significance of this event lies in the fact that the *Amberjack* was the lone vessel still stationed at the Key West Naval Station. Thus, the submarine's retirement marks the end of 150 years of history for the Navy Base at Key West.

The base was first established on April 3, 1823, by Commodore David Porter as a depot for the West India Squadron, created to fight the pirates who plun-

dered the Caribbean in those days. Porter tagged Key West "the Gibraltar of the Gulf" because of its strategic location and its qualities as a fine natural port.

During the Civil War, Key West became the busiest port in the Nation. The only Union port in the South, it was the headquarters of the Union's naval blockade. Following the war the naval presence lessened but the city of Key West blossomed. By 1890 it had become the biggest city in Florida and one of the richest in the country, despite the fact that it was to remain accessible only by water until the 1920's. Key West again became the center of the Nation's naval activity during the Spanish-American War, as it lies only 90 miles across the Straits of Florida from Cuba. In World War I Key West was an important submarine warfare research center. During World War II 14,000 ships passed through the port.

Key West geared up from its peacetime routine as a quiet Navy town for the last time in October of 1962 when the Cuban missile crisis made the base the scene of furious activity as the headquarters for the U.S. blockade of arms shipments to Cuba.

Following the Cuban crisis, the Key West base became, for the most part, a submarine base. In more recent years the naval station has suffered a disproportionate share of cutbacks. These severe cutbacks occurred despite the vigorous and eloquent objections of those who felt that Key West was one of our Nation's most important naval installations and that such heavy cutbacks represented cockeyed priorities within the military establishment. Supporters of the Key West base argued that Key West was the most strategically located position within the U.S. mainland for the defense of the Gulf of Mexico, the Panama Canal, the Caribbean, and the Southeast United States.

As the sighting of German U-boats off the Florida coast in World War II and the Cuban missile crisis both graphically demonstrated, the Southeast has long been the soft underbelly of the defense of the U.S. mainland. In both of these crises, the strategic value of Key West was made dramatically clear. There has been nothing to demonstrate that this area has become strategically less crucial since then. The complete elimination of seaborne military capability on the basis of economic limitations does seem, under these circumstances, to be poor planning.

Besides having demonstrated its strategic importance for over 150 years, Key West has demonstrated that it is physically an excellent naval location. The port of Key West is deep and well-protected, and lies only 6 miles from the deep waters of the Florida Straits. No other U.S. port lies so close to waters deep enough for complete submarine security and maneuverability.

In spite of these and many other points made by proponents of a viable Key West Naval Station, the severe cutbacks have continued. It eventually became obvious to those most concerned that the Key West Naval Base was doomed to death by slow strangulation. Thus, the events of last Wednesday, the deactivation of Key West's last naval vessel, came as no surprise. However, the lack of surprise makes this event no less sad, for it underscores the end of a strategically important naval base, as well as the end of an era: For the first time in 150 years ships of the U.S. Navy will not be stationed at Commodore Porter's "Gibraltar of the Gulf."

Mr. Speaker, I include two articles from the Miami Herald and an article from the Key West Citizen which portray vividly the illustrious history of the Key West Naval Station:

[From the Miami Herald, Oct. 13, 1973]

IT'S ANCHORS AWEIGH FOR KEY WEST BASE

(By Jeanne Bellamy)

The wheel of history will make another turn next Wednesday at the U.S. Naval Station at Key West, which observed its 150th birthday last April 3. Oddly, its shift toward civilian use will have circular overtones in relation to its origin.

The last submarine to be based at the station, the diesel-powered Amberjack, will be decommissioned Wednesday as the Navy moves toward an all-nuclear force. The base itself will be mothballed early next year, but the nearby Boca Chica Naval Air Station's roster of manpower will be beefed up by more than the loss at the sub base.

Meanwhile, the City of Key West has leased a pier and building at the naval station annex as facilities for the Port of Key West. Its first visitor, due Oct. 19, will be the MS Bolero, which will return every Friday for a 15-hour stay.

The Bolero is a luxury cruise car liner with space for 500 passengers. She will sail from Miami and Key West each Saturday for stops in three Mexican Gulf ports before retracing her course.

The link with Mexico seems to complete a circle started long ago by Commodore David Porter, who was quite a guy. During the War of 1812, he skippered the Essex when she rounded Cape Horn in 1813 and became the first Navy vessel to display the American colors in the Pacific, where she cruised for a year, supporting herself entirely by capturing enemy ships.

Porter was tapped to command the West India Squadron, then engaged in suppressing piracy. On April 3, 1823, Porter established a depot at Key West and put Marines ashore to protect the stores and provisions of his base against "the buccaneering brethren of the coast." Porter's two years with the squadron left the pirates virtually out of business.

At one point in this assignment, Porter was displeased by the reception given his men at a port in Puerto Rico, then owned by Spain. He landed a force and demanded an apology. The incident was seized upon by his enemies, who succeeded in having him suspended briefly.

Proud and sensitive, Porter resented deeply any penalty for upholding the honor of the flag, as he saw it. He resigned in 1826 and accepted an offer to head the Mexican navy at $12,000 a year, then an immense sum, plus a large land grant.

He served the Mexican government for three years, which included a year of cruising, chiefly near Key West. His salary went unpaid and the experience wrecked his fortune. His friends had the upper hand by this time in Washington under President Jackson, and Porter ended his career in diplomatic posts in Algiers and Turkey.

Passengers on the cruises between Key West and Mexico may sense that they are sailing in the wake of Commodore Porter.

[From the Miami Herald, Oct. 18, 1973]

TEAR HER TATTERED ENSIGN DOWN—KEY WEST BASE LEFT SHIPLESS

(By Wright Langley)

KEY WEST.—The submarine USS Amberjack was decommissioned Wednesday, leaving the 150-year-old Key West Naval Station without a ship. * * *

The Navy has now converted almost exclusively to nuclear-powered subs that have far greater speed, range and firepower.

However, the mostly civilian audience heard Rear Adm. John H. Maurer, commander of the base and a World War II submarine skipper himself, hold out hope that "the possibilities for future naval vessels (at Key West) are not necessarily foreclosed."

The base, he said, "will continue to occupy an important geographical location."

Merriken, whose sub had never fired a torpedo in anger despite being named after a vessel whose squadron sank 96 ships off South Florida during World War II, greeted the Amberjack's new crew in Portuguese.

"I am very happy," he told Brazilian Capt. De Fragata Silva Castro and his crew, "that the ship I have been so proud of will not die today, but will live on under your care and guidance."

Replied Rear Adm. Ramon Labarthe, Brazilian naval attache from Washington, "Friendship is stronger between submarine people."

The Amberjack, the sixth U.S. sub turned over to the Brazilian Navy, will sail to Philadelphia for repairs before heading for her new home port. Asked what his country needed with submarines, a Brazilian officer replied, "We have a large coastline to take care of."

Wednesday's ceremonies marked the end of a 150-year era that saw "The Gibraltar of the Gulf," as Key West was once termed, serve as port for thousands of vessels that swept into her harbor under both sail and steam.

And though the area's economic loss will be more than offset by the arrival of Reconnaissance Attack Wing One early next year at nearby Boca Chica Naval Air Station, the psychological blow to a city whose history is so intertwined with the Navy is harder to measure.

"It's a nostalgic thing," says Mayor Charles (Sonny) McCoy of the prospect of a naval station without ships. But respect for the past has not prevented the City Commission from mounting a determined effort—complete with an updated master plan that will evaluate the uses of the property—to latch on to the station when it is closed.

If that happens, the dream of some Navy officers that America's southernmost naval base will once again assume its role of guardian of the Caribbean seems unlikely to materialize, despite the island's strategic location.

It was that location that first attracted Commodore David Porter, the venturesome commander of the West Indian Squadron assigned to rid the area of pirates. A man whose buccaneering instincts matched those of the "brethren of the coast" he fought, Porter spent two years chasing the pirates across salt water flats in shallow-bottomed boats and an old ferryboat he brought from New York.

Terming Key West, which at that time was unconnected to the mainland, the "Gibraltar of the Gulf," Porter convinced Secretary of the Navy Smith Thompson to establish a depot on the Key. On April 3, 1823, Porter and a contingent of Marines landed to do just that. The Navy had come to stay.

It was not until 1844, however, that architect Robert Mills, a protege of Thomas Jefferson and the man who designed the Washington Monument, was selected to

design the base's first permanent building, a hospital. In 1943, the facility was converted to quarters for WAVEs.

In 1856 "Building 1," which today is headquarters for the U.S. Coast Guard station, was built, and the base continued to grow as the nation plunged into Civil War.

Though most islanders were Confederate sympathizers, Key West was the only Southern port that remained in Union hands during the war.

As the most active port of the period, Key West saw 300 captured blockade runners hauled in to anchor under the guns of Fort Taylor in addition to hosting Union warships.

Though activity at the base slumped with the end of the war in 1865, Key West by 1890 had swelled to 18,000 people, making it Florida's largest city. And as the Hearst newspaper empire to the north signaled the onset of the Spanish-American War, the naval base again began to fill up with warships and men.

In fact, one of the first shots of the war was fired just offshore by the USS Nashville, which sent a shell across the bow of the Spanish steamer Buena Ventura. Ignorant of the newly declared war, the captain raised his flag—and promptly became the first captain taken prisoner.

Sitting just 90 miles off Cuba the station was briefly the home of the entire U.S. Atlantic Fleet and was considered the most important in the nation. Many of the dead crewmembers of the battleship USS Maine, which mysteriously exploded in Havana harbor on February 15, 1893, are buried in local cemeteries.

After the war, Key West fell back into what one naval historian termed "a state of leisure" and remained virtually dormant until 1914 and the onset of World War I. The station then became headquarters for the Seventh Naval District, with repair facilities for convoy escort vessels, while serving as home port for anti-submarine patrols.

The "war to end all wars" also brought Thomas Edison to the base to work on a "top-secret" project—developing depth charges—and saw the first submarines tie up there. This period also saw the development at the base of the Momsen Lung, the first submarine escape device, which was tested in the clear waters off the key.

By 1932, though, the station had been cut back to almost nothing, serving as home for a Navy radio station and staffed by just 17 men. There was so little activity that civilians were permitted to use Navy facilities for docking, and Pan American Airways landed its seaplanes in the submarine basin.

But by September, 1939, the station was again closed to civilian traffic as America prepared for World War II. And the next few years saw the greatest activity in the base's history, as more than 14,000 ships logged into the port and shore strength surged to as many as 15,000 men at one time.

The end of the war saw Key West again decline in size, though not in publicity, for it became one of President Harry Truman's favorite vacation spots. Truman stayed at Quarters "A" on the base 11 times. It became known as "The Little White House" and, unlike President Nixon's two vacation homes today, is still the property of the Navy.

October 1962 saw the station again achieve front page prominence during the week long Cuban missile crisis. President John F. Kennedy and British Prime Minister Harold MacMillan conferred on the Key about the crisis while Navy ships were dispatched to quarantine Castro's island.

Since then, however, the base has steadily declined in size, influence and prestige. In recent years, it has been almost exclusively a submarine port, home of the Fleet Sonar School as well as Submarine Division 12, the last of the all-diesel powered sub divisions in the Atlantic Fleet.

And today, with diesel-powered subs rapidly going the way of the Caribbean buccaneer, "The Gibraltar of the Gulf" is an unneeded anachronism.

[From the Key West Citizen, Oct. 16, 1973]

END OF AN ERA: LAST KEY WEST-BASED SUBMARINE TO GO

The USS Amberjack (SS–522), the Navy's last operating diesel submarine, commissioned in 1946, will be decommissioned tomorrow afternoon at the submarine base and turned over to the Brazilian Navy. Her departure will mark the end of nearly 33 years of submarine service in Key West.

Since its beginning in Key West as Submarine Squadron 12 in December, 1940, the sub base here has been assigned more than 50 submarines and two tenders, the USS Gilmore and the USS Bushnell.

The squadron was credited with sinking 96 enemy ships during WW II, totaling more than 400,000 tons. Only one submarine was lost in action.

Submarine activity in Key West began with the assignment of three subs to provide service to the Fleet Sound School. By September, 1941, SubDiv 12 totaled seven new R-Class boats which served as training ships until the outbreak of the war.

After WW II, all seven subs had either been decommissioned in Key West or ordered to Philadelphia for that purpose.

Submarine Squadron 12 was dissolved in 1945 after Japan surrendered, but was reorganized on July 1, 1952, in Key West. The subs participated regularly in Fleet exercises, deployments to the Mediterranean, operations with NATO and with the Atlantic Fleet Training Group in Guantanamo, Cuba.

Squadron 12 was officially decommissioned here in June.

The Amberjack, the last submarine assigned to Squadron 12 still remaining in Key West, is the third vessel to be decommissioned here this month. Earlier, the USS Tirante (SS–420) and the USS Kretchmer (DER–329) were decommissioned.

The decommissioning ceremony of the Amberjack, delayed for several days so that the Brazilian Naval Attache to the United States, Rear Admiral Ramon Gomes Leite Labarthe, could be present to accept the sub for his country, is set for 2 p.m. tomorrow at the sub base.

The USS Amberjack was commissioned in March, 1946 and joined the fleet immediately after WW II. She took the name of the first Amberjack (SS–219) which, during WW II sank or damaged more than 40,000 tons of enemy shipping before being sunk herself in 1943.

Amberjack was converted to a guppy type sub in 1952 and joined Submarine Squadron 4, then headquartered in Key West. In the same year, when Squadron 4 was transferred to Charleston, the sub was transferred to Squadron 12, which remained in Key West until its decommissioning this year.

In addition to many cruises to the Mediterranean area, the Amberjack attained notoriety by being the first American submarine to visit the port of Tunisia. She was recently called into action during the Sea-Link rescue operation in which the Navy assisted in a rescue attempt of an oceanographic submarine trapped wreckage in the Gulf of Mexico.

While the decommissioning marks the end of an era in Key West, the Navy, also sees the event as an historic occasion. With the passing of the Amberjack the U.S. Navy submarine service will be comprised entirely of nuclear powered ships.

NEW HOPE FOR U.S. LATIN AMERICAN POLICY

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, one of the United States' most astute observers of inter-American relations is Mr. Milan B. Skacel, president of the Chamber of Commerce of Latin America in the United States. In Mr. Skacel's October monthly letter to the chamber's membership, he comments favorably on Secretary of State Henry Kissinger's recent expressions of interest in improving hemisphere relations. I am certain that Mr. Skacel's comments on Dr. Kissinger's efforts to improve relations and on our own often contradictory attitudes toward developments in Latin America will be of great interest to all Members of Congress:

A POLICY FOR LATIN AMERICA

(By Milan B. Skacel)

NEW YORK, October 1973.—One of the best kept secrets in these days of leaks and confessions is that the United States has no comprehensive policy for Latin America. The main reason for discretion has little to do with national security considerations. The sad fact is that few people seem to care, one way or the other.

Official Washington, however, now seems determined to risk intruding on America's preoccupation with inflation and football, and help us rediscover the existence of our neighbors south of the Rio Grande. There is no danger of raising the consciousness of the American public to a level of acute concern. After all, Latin America has been there for a long time, and treating it in a parenthetical manner has become accepted practice. Yet even a modest initiative is worthy of note.

The new Secretary of State, Dr. Henry Kissinger, has taken a step in the direction of closer hemispheric cooperation when he recently called on Latin American governments to join with the U.S. in a "new dialogue" that would reexamine the basic structure of U.S.-Latin American relations.

"We in the United States will approach this dialogue with an open mind," Dr. Kissinger said. "We do not believe that any institution or any treaty arrangement is beyond examination."

The Kissinger address to Latin American foreign ministers and ambassadors has been interpreted as a major effort by the Nixon Administration to work out a fresh approach to the problems in the Hemisphere. The Secretary of State also has revived the old concept of amity based on mutual needs.

"If the technically advanced nations can ever cooperate with the developing nations," he said, "then it must start here in the Western Hemisphere."

RHETORIC AND REALITY

Dr. Kissinger's remarks have generally been well received, and understandably so. Latin Americans have long felt that the U.S., concerned with Asia and Europe, has lost interest in closer hemispheric ties. Moreover, the Nixon-Kissinger "grand design" of five equidistant powers seemingly has left Latin America to fend for itself—relegated to the periphery of the global struggle for influence and recognition. This apprehension has not been laid to rest, but the U.S. initiative in reopening the door to a more vigorous, possibly fruitful, interchange of views and ideas is doubtless welcome.

It is of prime importance, however, to retain perspective and avoid wishful thinking. The Alliance for Progress, for example, also had been hailed as a milestone in hemispheric relations, but rhetorical overkill and unrealistic expectations soon helped turn this promising venture into a point of contention between the U.S. and the Latin American republics. The irresponsible claim that Latin America could be "transformed" within a decade into an economically viable and socially less stratified area exploded in the faces of overoptimistic theoreticians, and the attendant letdown soured the public and many dedicated inter-Americanists on grandiose schemes of any kind.

Today, in trying to open up new vistas in U.S.-Latin American relations, unpleasant home truths must be faced, persistent myths debunked, and pet dogmas exposed and discarded.

It is, of course, always fashionable, and safe, to contend that the U.S. should confine its support and friendship to the "democratic forces" in Latin America. But what is "democratic"? If a regime is deemed to be "democratic" when its policies and actions reflect the wishes, and enjoy the support, of a majority, then both the rightwing Brazilian government and the left-oriented government of Peru probably qualify. Yet neither has come to power by constitutional means—another requisite for a regime to be considered "democratic."

If we are searching for "democratic forces" that would be willing and interested in introducing in their respective countries a form of government based on the U.S. model, then we are guilty of rank hypocrisy. We tried exporting our brand of democracy in the late 1940's and the 1950's, and failed. It did not take root in climates vastly different from our own, nor were the putative recipients persuaded that it suited their needs and national aspirations. If today, after more than three decades of try to ram down other people's throats the idea that our type of government is "best" for everybody and anybody, we were to extend our friendship only to those whose system of government meets our criteria, America would be lonely indeed.

No one can, or should, expect the United States to cease opposing, at least in principle, totalitarianism of any kind. We cannot do otherwise, if we wish to preserve our self-respect and the ideals the country was founded upon. Yet neither must we allow our individual political or ideological preferences to warp our judgment and sense of fair play.

There are those, for example, who now argue that the repression in the People's Republic of China has been necessary to unify the country and accelerate its economic and social development. The same people, however, inveigh against military rule in Latin America, although the military, too, contends that only a "strong" government—divorced from politicking and ideological confrontation—can plan and implement meaningful economic growth in parts of Latin America.

The issue is not whether these are compelling arguments, or merely a rationale for a takeover. The issue is rather who or what makes us Americans so "wise" and "superior" as to know best what system of government will, or will not, work for another country. Surely our own domestic problems of the past 15 years should have taught us to shun absolute judgments and question our "infallibility."

We simply cannot have it both ways. On the one hand, we often deplore Latin America's lack of determination and forcefulness in charting its future; on the other, we cling to the old role of a tutor who feels duty bound to tell its pupils exactly what to do, and how to do it. If we really want the Latin American countries to become our equal partners, has not the time come to treat them as adults, and let each country develop and live under a system of government that suits its needs—rather than one that conforms to our preferences?

At the same time, however, our Latin American friends would be well advised to temper the compulsive Yankee-baiting that has become a national pasttime in several Latin American countries. Finding a ready whipping boy is a time-honored diversionary tactic, but, in the long run, it is conducive neither to helping resolve deep-seated internal problems, nor to laying the groundwork to genuine partnership based on respect and tolerance.

Secretary of State Kissinger's address, it is hoped, may mark the begining of a new, more realistic period in U.S.-Latin American relations. The question now is whether all parties can forget about old wounds, discard counterproductive stereotypes, and help translate lofty rhetoric into reality.

CALL FOR WORLD CONFERENCE ON ENERGY CRISIS

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, I am today introducing legislation calling on the President to initiate action necessary for the convening of a World Energy Conference at the soonest practicable date. While the recent action by Arab oil-producing nations to cut back production and to boycott American markets and other nations sympathetic to Israel has focused increased attention on the need for international cooperation to assess and meet energy needs, the need for concerted action is far greater than simply as a response to this political and economic pressure.

It has become increasingly clear that present energy sources are insufficient for the long-term continued economic growth and prosperity of people throughout the world. And the consequences of substantial reliance, particularly by the United States, on a single energy resource which is subject to political manipulation clearly point to the need to develop economical alternative sources. In my judgment, the severity of these problems demands the collective research capability and know-how of all nations.

The present world situation would best be served by an immediate World Energy Crisis Conference for the purpose of discussing: the ramifications of the decision by certain oil-producing nations to reduce production; immediate steps, including self-imposed rationing, to counter those ramifications and to reduce dependence on Near East oil supplies; and the possibility of large-scale joint research projects on alternative energy sources.

At that emergency meeting plans for a long-term Energy Resources Conference should be considered. Such a long-term conference would be convened for the purpose of: exploring new ways to promote world energy planning; reviewing the world's energy requirements and resources; expanding and coordinating worldwide research into energy conservation and the development of new sources of energy; establishing a plan for world cooperation in the fair allocation of energy resources whenever unexpected disturbances threaten ordinary patterns of energy allocation; and exploring the implications for the world's ecology of project patterns of energy use through the end of the century.

A long-term joint study of all aspects of energy needs and sources would have important implications for all nations of the world. There must be recognition of the scope of world energy needs and development of coordinated actions to meet those needs without endangering economic growth or the environment. All contingencies must be studied and programs developed to meet all situations.

While our goal has been to achieve independence in meeting our energy requirements, I feel that the necessity for interdependence among all nations is growing. The pervasive nature of this crisis demands decisive, concerted international cooperation, and I am hopeful the international conference which I propose will be held in the near future.

PROVIDING FOR APPOINTMENT OF SPECIAL PROSECUTOR

(Mr. CULVER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CULVER. Mr. Speaker, this bill is not intended as a substitute for impeachment, but as a responsible first step to deal with immediately pressing problems. The bill would:

Assure the integrity of the special prosecutor's staff and records pending the appointment of a successor;

Authorize Judge Sirica—or a successor chief judge—to appoint a new special prosecutor;

Encourage the judge to disqualify himself from sitting on any cases brought by his appointee;

Incorporate in statute law the guidelines for the special prosecutor's independence presented to the Senate Judiciary Committee last spring;

Give the special prosecutor independent authority to collect and safeguard evidence, with the FBI reporting to him for this purpose;

Extend the life of the grand jury which is scheduled to expire on December 5, 1973; and

Authorize the necessary funding for the activities of the special prosecutor.

The bill follows:

H.J. RES. —

Joint resolution to provide for the appointment of a Special Prosecutor, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. This Act may be cited as the Special Prosecution Conservancy Act of 1973.

SEC. 2. The Chief Judge of the United States District Court for the District of Columbia is vested with supervisory jurisdiction to issue and enforce all orders necessary and appropriate to insure the integrity and inviolability of all files, notes, correspondence, memoranda, documents, physical evidence, and other records and work product compiled, obtained or otherwise produced and maintained by the Office of Special

Prosecutor from the date of assumption of that office on May 24, 1973 until the appointment of a successor Special Prosecutor pursuant to Section 3 of this Act.

SEC. 3. The Chief Judge of the United States District Court for the District of Columbia is vested with authority to appoint a Special Prosecutor for the purposes and with the powers set forth in this Act, and to replace said officer only for extraordinary improprieties in the exercise of his responsibilities as an officer of the court.

SEC. 4. The Chief Judge of the United States District Court for the District of Columbia, after making an appointment or reappointment pursuant to Section 3 of this Act, shall be expected to excuse himself from presiding over or otherwise participating in any prosecution or other judicial proceeding arising out of the exercise of responsibilities by a Special Prosecutor appointed by him.

SEC. 5. The Special Prosecutor appointed pursuant to this Act may, without regard to the laws relating to the competitive service, appoint or reappoint such permanent or temporary staff at such salaries (not to exceed the rate of $36,000 per annum) as may be necessary to assist in the exercise of his responsibilities, and may for that same purpose make use of necessary support services and facilities at Government expense. The United States Department of Justice is authorized and directed to pay the salaries and expenses of the Office of Special Prosecutor hereunder, including any that may have accrued and remain unpaid since October 20, 1973, all from its general funds including contingency funds. Notwithstanding any other provision of law, any impounding or withholding or other impediment to the provision of such funds shall be unlawful.

SEC. 6. Anything in the laws of the United States regarding the authority and responsibilities of the Attorney General or of the several United States Attorneys to the contrary notwithstanding, the Special Prosecutor shall have exclusive authority and responsibility on behalf of the United States of America to conduct all grand jury presentments and all other criminal proceedings, including without limitation the initiation and conduct of prosecutions, the framing and signing of indictments and the filing of informations, and all pre-trial and post-trial motions, orders, trials, appeals, petitions, and other processes (whether initiated before or after his assumption of duties) in all Federal courts including the Supreme Court of the United States, arising out of any or all of the following acts or transactions:

(1) all offenses arising out of the unauthorized entry into Democratic National Committee Headquarters at the Watergate.

(2) all offenses arising out of the 1972 Presidential election for which the Special Prosecutor deems it necessary and appropriate to assume responsibility.

(3) allegations of criminal offenses involving the President, members of the White House staff, or other Presidential appointees.

(4) other matters previously being conducted by the Special Prosecutor who assumed office on May 24, 1973, whether on his own motion or on delegation from the Attorney General, and

(5) such new matters, bearing a proximate relation to the foregoing, as the Chief Judge of the United States District Court for the District of Columbia may deem appropriate for assignment to the Special Prosecutor, and which the Special Prosecutor consents to accept.

SEC. 7. The Special Prosecutor shall have full access to and use of the material described in section 2 of this Act, and shall have power throughout the territory of the United States to compel the production of testimonial and documentary or physical evidence relating to any or all of the subject matter described in section 6 of this Act. In particular, and without limiting the generality of the foregoing, the Special Prosecutor shall have full power to—

(1) determine whether and how far to contest the assertion of "executive privilege" or any other testimonial or evidentiary privilege;

(2) determine whether or not application should be made to any Federal court for a grant of total or partial immunity to any witness, consistently with applicable statutory standards, or for other warrants, subpoenas, or other court orders including an order of contempt of court;

(3) issue instructions to the Federal Bureau of Investigation and other domestic investigative agencies for the collection and delivery solely to the Special Prosecutor of information and evidence bearing on matters within the jurisdiction of the Special Prosecutor, and for safeguarding the integrity and inviolability of all files, notes, correspondence, memoranda, documents, physical evidence, and other records and work product compiled, obtained or otherwise produced and maintained by the Office of Special Prosecutor; and

(4) decide whether or not to prosecute any person and how to conduct and argue any appeals or petitions arising out of his prosecutorial activities.

SEC. 8. All offices, departments, and agencies of the Federal government shall cooperate fully with all lawful requests by the Special Prosecutor for information and assistance. In particular, the Department of Justice shall assign to the temporary supervision and control of the Special Prosecutor such personnel as he may reasonably require.

SEC. 9. The Special Prosecutor shall have the authority and responsibility to deal with and appear before Congressional committees having jurisdiction over any aspect of the matters covered by this Act, and to provide such information, documents and other evidence as may be necessary and appropriate to enable any such committee to exercise its authorized responsibilities.

SEC. 10. (a) Notwithstanding any provision of rule 6(g) of the Federal Rules of Criminal Procedure, or any other law, rule, or regulation—

(1) the United States District Court for the District of Columbia is authorized to extend the term of the grand jury of that court which was impaneled on June 5, 1972, for an additional period of six months, if the court determines that the business of that grand jury has not been completed at the expiration of the term otherwise provided by law;

(2) the United States District Court for the District of Columbia is authorized further to extend the term of that grand jury for additional periods of six months, if the court determines that the business of that grand jury has not been completed at the end of any six-month term as extended under this section, but the term shall not be extended more than 36 months under paragraphs (1) and (2); and

(3) during any period of extension under this Act, the grand jury shall have the powers and duties of a grand jury during its regular term.

(b) With respect to any failure to extend the term of the grand jury under this section, the grand jury shall be considered a special grand jury, and the failure to extend shall be considered a failure to extend under section 3331(b) of title 18 of the United States Code.

SEC. 11. The Special Prosecutor may from time to time make public such statements or reports, not inconsistent with the rights of any accused or convicted persons, as he deems appropriate; and he shall upon completion of his assignment submit a final report to the Chief Judge of the United States District Court for the District of Columbia and to the Speaker of the House of Representatives and to the President Pro Tempore of the Senate.

SEC. 12. The Special Prosecutor shall carry out his responsibilities under this Act until such time as, in his judgment, he has completed them or until a date mutually agreed upon between the Chief Judge for the United States District Court for the District of Columbia and himself.

SEC. 13. There is authorized to be appropriated to the Office of Special Prosecutor hereunder such sums as may be necessary to carry out the purposes of this Act.

SEC. 14. The invalidity of any portion of this Act shall not affect any other portions thereof, which shall remain in full force and effect.

SEC. 15. The Congress declares that the faithful execution of the provisions and purposes of this Act, and the noninterference therewith, is a matter of the highest public trust.

Mr. Speaker, at this point I also include the following list of 83 Members who are cosponsoring this legislation:

Ms. Abzug, Mr. Addabbo, Mr. Anderson, Mr. Ashley, Mr. Aspin, Mr. Badillo, Mr. Bergland, Mr. Bingham, Mr. Blatnik, Mr. Boland, Mr. Brown of Michigan.

Mr. Brademas, Mr. Burton, Mr. Breckinridge, Mr. Carney, Mrs. Chisholm, Mr. Clay, Mr. Cotter, Mr. Danielson, Mr. Dellums.

Mr. Eckhardt, Mr. Edwards, Mr. Evans, Mr. Fascell, Mr. Fauntroy, Mr. Foley, Mr. William D. Ford, Mr. Fraser.

Mr. Giaimo, Mrs. Grasso, Mr. Gunter, Mr. Hamilton, Mr. Hanley, Mr. Harrington, Mr. Hawkins, Mr. Hechler of West Virginia.

Mr. Helstoski, Mr. Hicks, Mrs. Holtzman, Mr. Howard, Mr. Jordan.

Mr. Karth, Mr. Koch, Mr. Leggett, Mr. McCormack, Mr. Matsunaga, Mr. Melcher, Mr. Metcalfe, Mr. Mezvinsky, Mr. Mitchell, Mr. Moakley, Mr. Mollohan, Mr. Nedzi, Mr. Obey.

Mr. O'Hara, Mr. Owens, Mr. Pepper, Mr. Pike, Mr. Podell, Mr. Rees, Mr. Reid, Mr. Rooney, of Pennsylvania, Mr. Rosenthal, Mr. Roush, Mr. Roy, Mr. Roybal.

Mr. Sarbanes, Mrs. Schroeder, Mr. Seiberling, Mr. Sisk, Mr. Smith of Iowa, Mr. Stark, Mr. Stokes, Mr. Symington, Mr. St Germain, Mr. Thompson, Mr. Tiernan, Mr. Udall, Mr. Waldie, Mr. Wilson of California, Mr. Wolff, Mr. Yates, Mr. Young of Georgia.

Mr. Speaker, the agreement reached between former Attorney General Richardson and the Senate Judiciary Committee, whereby a special prosecutor was appointed and endowed with carefully enumerated authority to conduct an independent prosecution of offenses arising out of or related to the 1972 Presidential campaign, embodied a recognition of a conflict of interest in these extraordinary proceedings between the Executive as prosecutor and the Executive as potential defendant. That conflict of interest persisted and provoked the discharge and resignations of Special Prosecutor Cox, Attorney General Richardson, and Deputy Attorney General Ruckelshaus.

In the wake of these departures, there are pending indictments and criminal investigations involving a number of former high Federal officials other than the President himself. These officials, being no longer in office, are not subject to impeachment power of the House. Information and evidence bearing on their guilt or innocence remains in the possession of the President. The President's actions in removing from office Justice Department officials who disagree with

his treatment of this information and evidence shows that the Department has been deprived of the capacity to conduct an independent prosecution. At the present time, it is this Department that has succeeded to custodial responsibility for the staff and work product of the special prosecutor.

It is imperative to assure the integrity and independence of these resources. For this purpose a special prosecutor independent of control by the Executive is required. The proposed Special Prosecutor Conservancy Act would assign the supervisory and appointive powers necessary to this task to the chief judge of the U.S. District Court for the District of Columbia.

This action would join together the sum of the constitutional authorities possessed by the legislative and judicial branches. The Federal judiciary has inherent as well as statutory authority to effectuate its orders and to preserve the integrity of pending grand jury and other judicial processes. It may as one analogy appoint trustees in bankruptcy to conserve assets in contention before a court. The Congress has the appropriations power and the "necessary and proper" clause to make the constitutional system work. In addition under article II the Congress may by law "vest the appointment of such inferior officers, as they think proper—in the courts of law." From sources of authority such as these, and in the extraordinary circumstances of the day, it is reasonable to conclude that the Congress and the courts together have power adequate to endow with the requisite authority an independent special prosecutor.

There is to be sure no Federal precedent directly in point, just as there is no precedent for the constitutional confrontation that makes this action necessary. In the Teapot Dome scandal, an independent prosecution was established by the usual process of legislation confirming the appointive authority on the President, by and with the advice and consent of the Senate. But President Harding was by then no longer in office, and no conflict of interest afflicted his successor.

At least one of our States has dealt by law with this situation in a manner comparable to that proposed in the Special Prosecution Conservancy Act. In Illinois, when a prosecution affects the interests of the officials who would normally conduct the prosecution, the presiding judge has authority to appoint a special prosecutor; it was pursuant to this law that Attorney Banabas Sears was appointed to conduct the prosecution of Chicago State's Attorney Hanrahan.

Present Federal law also supports the appropriateness of such an appointment; 28 United States Code section 546 empowers a district court to appoint a U.S. Attorney to fill a vacancy in that office. This statute has been on the books, and appointments have been made under its authority, at least since 1898.

Beyond the appointment question is the question of combining administrative and adjudicative functions in the same affair. It could well offend due process of law for a judge who has appointed a prosecutor to sit in judgment on a cause involving that prosecutor. The judiciary is of course itself habitually alive to such consideration. For this reason, the proposed act sets forth Congress expectation that the appointive judge would excuse himself from participating in such cases.

There is a possibility that the President would claim continuing authority to direct the exercise of the special prosecutor's responsibilities, or to discharge him, or to direct Federal marshals to refrain from executing court orders. Section 15 of the proposed act would emphasize the seriousness of any such action by declaring the faithful execution of the purposes of the act, and the noninterference therewith, to be "a matter of the highest public trust."

LET'S TAKE TIME TO GET THE FACTS

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, no man can be above the law. The question is has the President placed himself above the law. He failed to comply in full with the court orders on the Watergate tapes. This controversy brought on the firing of Archibald Cox and the resignations of Attorney General Richardson and Deputy Attorney General Ruckelshaus. On the surface it looks as if the President has made a serious mistake; one which has brought on his deepest crisis.

There are widespread demands for impeachment, but impeachment of a President is a traumatic process which can tear a nation apart. It should be resorted to only when there is clear evidence of gross wrongdoing. We do not have all the facts, and we need facts, not controversy. America has had too much of controversy. Internal dissension is beating our country to its knees. Congress should move quickly to get the facts, then decide what course of action is proper.

IRAN'S ACCEPTANCE OF RESPONSIBILITY ON PEACEKEEPING IN VIETNAM

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, little public note has been taken of the recent entry of Iran into the peacekeeping force in Vietnam. Congress and the American people have reason to be grateful to this staunch friend of freedom.

It was disappointing when Canada threw up its hands and left the International Commission for Control and Supervision in Vietnam. Few have been surprised that the Communist-oriented nations in this force have been far from cooperative. Their zeal for the Viet Cong and North Vietnamese have made the mission of the Commission exceedingly difficult. A new, strong voice was needed for the peace keeping body.

Iran was selected as a proper choice to fill the vacancy created by Canada and Iran unhesitatingly accepted the responsibility. Here is a nation of peace-loving people. It has been a true friend of the United States. It knows the horrors of war and the value of peace.

The Government of Iran, in announcing its decision to step into the void in Vietnam, did so with the full knowledge it would not be an easy task. At best, the peace there is fragile, but Iran knows that, when it comes to working for peace, even limited success is better than no success at all.

I have met and talked with many of the leaders of the Iranian Government. I gained clear impression that Iran recognizes its responsibility to the community of nations. Iran has emerged as a strong leader in that part of the world; it has done great things for its own people, and is dedicated to the principles of peace, freedom, and progress.

The world needs the leadership which Iran provides. Iran asks for nothing except to be an integral pat of the free world. It does not engage in a policy of harassing its neighbors.

Truly Iran has demonstrated its friendship to the United States. The people of America should be proud of our relations with Iran and we should all be grateful this outstanding nation is on duty in Vietnam to do what it can to keep alive the flame of peace which flickers there.

Beyond doubt, Iran's role as a peacekeeper will bring credit to its people and its government.

ON IMPEACHMENT

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, it is with a sense of overwhelming responsibility and sadness that I urge the President to resign and that I join with other Members in cosponsoring a resolution to initiate impeachment proceedings. Over the course of the last year I have been importuned by constituents to sponsor impeachment resolutions and have declined to do so because I believed such proceedings to be premature if initiated prior to the report of the Ervin committee. I advised those who wrote to me that the report of the Ervin committee was essential if impeachment proceedings were to have any real meaning and garner the support of the necessary number of Members of this House to pass such a resolution, and not simply be an idle gesture in a matter involving such grave consequences for the country.

As the result of the President's action over the weekend and in particular the President's indication of his apparent intention to avoid an order of the U.S. district court to produce for the inspection by the Chief Judge of the U.S. District Court for the District of Columbia certain tapes, documents, and other materials requested by Special Prosecutor Archibald Cox, relating to the break-in of the Democratic Headquarters on June 17, 1972, I believe that Members of Congress have no alternative but to initiate proceedings at this time.

This is a government of laws, not of men. The President like all citizens of

this country, is subject to those laws. He is not above the law. He is the President, not the emperor. It is not too late for the President to reconsider his action and to comply with the order of the U.S. district court and I urge him to do so.

This is not a time to be unreasonable or vindictive. Too much unreason and spite has already been employed by the White House. Their contempt for honesty and fairness cannot become the prevailing attitude in Congress for resolving this crisis. Too much is at stake.

But at the present time, we have a President who by his own actions has so undermined the public trust in his office that his capacity to govern is in serious question. And we have no Vice President yet to replace him. Furthermore, there is no longer any special prosecutor with full authority and complete independence to pursue the Watergate investigation with all its menacing ramifications.

We will not avoid this crisis by pretending with the White House that one does not exist. For if the Congress were to accede to half-measures which permit the President to defy the courts and limit the investigation, then the public's trust in the legislative branch would be undermined as well.

We must not pursue a popular course of action because it is politically self-serving. We must not pursue a partisan course of action because it is politically expedient. We must pursue a course of action that considers impeachment on legitimate grounds, that respects the civil liberties of every citizen including the President and that once and for all guarantees the American people the right to a full and fair inquiry of all Watergate-related matters.

The Congress must appoint an independent prosecutor to carry out the investigation started by Archibald Cox. Indeed it would be helpful if it were Cox himself. It is clear that we no longer can rely on a Justice Department appointee to pursue an investigation free of pressure and limitations imposed by the very persons that are being investigated.

In taking these initiatives we cannot be certain that we will redeem the damage already done. But our "democratic experiment," almost two centuries old and now in such grave jeopardy, gives to this Congress an unprecedented burden and opportunity. If our American constitutional system fails to work now, we will have repudiated our past and lost our future.

VETERANS INFORMATION DAY

(Mr. HAMMERSCHMIDT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HAMMERSCHMIDT. Mr. Speaker, I am pleased to announce that tomorrow, October 24 from 10 a.m. to 5 p.m., a Veterans Information Day for Members of Congress will be held in room S207 of the Capitol. The National Committee, Jobs for Veterans, in cooperation with the other Government committees and agencies concerned with veterans is sponsoring the event.

James F. Oates, Jr., national chairman of Jobs for Veterans, will be on hand to greet our honored guests, former POW's and disabled veterans of the war in Vietnam, and the Members of Congress. Our former colleague, Bill Ayres, hopes that everyone will take advantage of this excellent opportunity to show their interest and concern for our returning veterans. This is a rare chance to get the latest information on how the laws which we've passed are taking effect at the local level.

I am sure you will find it worth your while to stop by room S207 in the course of the day. If you cannot make it, please send someone from your staff.

A CASE FOR ACCOUNTABILITY

(Mr. HANNA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HANNA. Mr. Speaker, the events of this past weekend emphasize the intensity and dimensions of the fundamental question forcing itself upon the people and the Congress. The question is what accountability is there in the office of the Presidency short of the election procedure. I cannot answer this question for every man. For myself, the answer is clear and lies in two parts. First, the President is accountable to the judiciary if one believes in and supports two simple, but powerful precepts that this is a government of laws, not men and that all men are equal under the law. Second, in the event these simple precepts are thwarted either by the guise of separation of powers or under a plea of the transcendence of national security, then we are faced with the constitutional proviso for impeachment proceedings. The Founding Fathers were all too familiar with the penchant of executives by whatever name—King or President—toward the abuse of power. Aware, as they so painfully were, of the weaknesses of the flesh that pervade all living men, they provided the ultimate court for the determination of responsible and responsive leadership in all Federal offices, including the Presidency. They included impeachment in the Constitution as a procedure to test stewardship of office.

We are not faced with Watergate, the tapes, personalities such as Cox or others, but with the solemn question of the accountability of the President. Remember that in the procedure of impeachment, what is tested is the stewardship of the occupant of the office, not the viability nor integrity of the office itself. The strength of our institutions rests on the effectiveness of the passage of power under the conditions prescribed and ordained in the Constitution. Up to now all the tests of the viability of this system and the laws which govern the retention and passage of power have been met and passed.

For this representative of the people, the question of accountability of the President of the United States, does at this time warrant a serious and sober consideration of the procedure for impeachment. I come to this determination from two basic conclusions: First, that the question of accountability has on the available evidence reached proportions both in substance and in procedural posture which dictate a decision by the process of impeachment; and second, because I sincerely and earnestly believe that a thorough investigation of the relevant questions is essential to assure that this ultimate and unusual last political resort for accountability be not lightly nor erroneously employed.

Mr. Speaker, some Members of the Congress will no doubt say that if the President now delivers the tapes and documents to the court that any discussion of impeachment should cease. I disagree. The fact that the American people will by their outcry of calls and telegrams have brought Richard Nixon kicking and screaming before the bar of justice is no credit to Mr. Nixon. The fact remains that he was prepared to defy the law as long as he could get away with it.

The events of the past few days make it obvious that the President was willing to violate the law not as a matter of conscience or principle, but solely as a matter of tactics. This flagrant disregard for his constitutional oath to faithfully execute the laws, now more clearly than ever, raises the question of whether allegations of similar abuses of power are in fact not true or may not be repeated in the future.

I ask my colleagues to keep in mind the incisive, if simple doggerel current in some coffee houses:

> As you go through life, my brother, no matter what your goal—keep your eye upon the donut and not upon the hole.

I think it is in order here, Mr. Speaker, for us to remind ourselves that the handing over of the tapes is not the ball game. It is still incumbent upon the Congress to look at the way in which the President has handled this affair in the context of other events which suggest that the abuse of power and public confidence in this one instance was not an isolated case at all, but a part of a general pattern of abuse of power.

Let me address myself to what I find are the most cogent areas of investigation:

First. The President must be held accountable to answer fully the questions raised concerning obstruction of justice even though he has complied with this latest court order. It must be remembered that the issue of releasing the tapes arose after it became apparent that appointment of a Special Prosecutor was necessary. The premise for that appointment was that the criminal activity of the administration could reach into the Oval Office itself. Last Saturday night, the President argued that high constitutional principles necessitated his circumvention of the Special Prosecutor and his manipulation of the adversary procedure which is the very foundation of the Anglo-American system of law. But it can now be clearly seen that the President's position on the tapes was not for the protection of his office—but for the protection of his person.

Mr. Speaker, I submit that this on-again-off-again manipulation of the judicial process requires an inquiry by the Congress into whether there are grounds for holding the President ac-

countable for obstructing justice, not only in this latest series of events, but during the entire course of the various judicial and grand jury proceedings into corruption in his administration.

Second. The President must be held accountable for the caliber and quality of men selected by him to share in and to give expression to the power of his office. To be sure, all Presidents must and should be granted the concession that some error in judgment of personnel is inevitable and should be tolerated. At the same time, it must be clear that a wide and pervasive misjudgment which so invades and dominates the office as to touch and taint all who stand near and speak for the President raises a question of accountability and complicity that cannot be lightly dismissed and cannot be characterized as a predictable limitation in assessing the behavior or standards of a fellow human.

Let me just add, Mr. Speaker, that we in the House should insure that we are not tempted also to sacrifice the integrity of our own appointment procedures by subjecting the appointment of the Vice President to any unwarranted delays or partisan considerations. I am one Democrat who holds the matter of the approval of the Vice Presidential-designate as completely separate from the question of impeachment of the President.

Third. The President must be held accountable for alleged abuses of power which threaten the fabric of the civil service system .Those acting for and in the name of the President have allegedly invaded the ranks of those serving in the departments of Government, not just at the first and second level, but pervasively and have allegedly followed a practice of pressure and badgering which reached to the third and fourth levels and below. Certainly all Presidents have been and will be plagued with the frustrations which accompany the task of making the vast Federal bureaucracies responsive to their leadership. But must we also concede that this well recognized fact justifies the furtive foiling of a basic section of the existing law the President has sworn to uphold?

Fourth. The President must be held accountable for allegedly turning agencies created to serve the public into menial servants of politics. There is the legion of the SEC and Vesco, of the FTC and the dairies, of the Justice Department and ITT, of the CIA and Watergate, and of the FBI and political surveillance. Should we not review the specific evidence and explore for more?

Fifth. The President must also be held accountable for the suspicion that he has used his office to gain for himself personal compensation outside that provided by law. Let us not forget that the Constitution itself provides that the President shall receive no "other emolument" besides that set down in statute.

Mr. Speaker, this list of areas of investigation is not meant to be inclusive. The fact that the charges against the current President are so numerous itself demands that investigative proceedings by the House under its impeachment responsibilities be undertaken. It is the entire pattern of events that has been exposed—the entire pattern of falsehood, of coverup, of obstruction, of interference—which requires attention now. If some of these actions were required by national security, then let that issue be before the Committee of the Judiciary and before the House as it considers the question of laying a bill of particulars before the Senate. But let us not shrink from our duty—for that duty is all too clear.

These past abuses of power, culminating in the events of the past few days, make it imperative that the House Judiciary Committee begin to investigate the actions of the administration to determine whether or not there are sufficient grounds for impeachment, and also to recommend to the House the ground rules under which such a proceeding should be conducted. If we are to undertake this grave responsibility, we must insure that it be done in the soberest manner and with the utmost credibility. To this end, the purposes of each step we may take must be made fully explicit to the American people. They must understand that to impeach a President is not to remove him from office, but merely to bring charges against him, and that it is tantamount to bringing an indictment against someone by a grand jury. The actual determination of guilt or innocence and the removal from office is a matter before the U.S. Senate. Theirs is the task of judging the evidence relating to articles of impeachment handed down by the House of Representatives.

Mr. Speaker, the fact that this procedure has been set in motion only once in our Nation's history makes it imperative that we proceed on the basis of sober reflections and not emotion. This historic vacuum, however, should not dissuade the Congress from this undertaking.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BURKE of Florida (at the request of Mr. ARENDS), for today through October 29, on account of official business to attend the Interparliamentary Union.

Mr. BLATNIK (at the request of Mr. O'NEILL), for this week, on account of official business.

Mr. SAYLOR (at the request of Mr. GERALD R. FORD) on account of medical reasons.

Mr. STEELE (at the request of Mr. GERALD R. FORD), from October 23 to November 3, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. SISK, for 30 minutes, today, and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. LENT) to revise and extend their remarks and include extraneous material:)

Mr. DON CLAUSEN, for 20 minutes, today.

Mr. RONCALLO of New York, for 2 minutes, today.

Mr. CLEVELAND, for 5 minutes, today.

Mr. MARAZITI, for 5 minutes, today.

Mr. KEMP, for 10 minutes, today.

Mr. FINDLEY, for 5 minutes, today.

Mr. EDWARDS of Alabama, for 5 minutes, today.

Mr. COHEN, for 5 minutes, today.

(The following Members (at the request of Mr. BRECKINRIDGE), to revise and extend their remarks, and to include extraneous matter:)

Mr. DRINAN, for 5 minutes, today.

Mr. DIGGS, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. WOLFF, for 5 minutes, today.

Mr. FUQUA, for 5 minutes, today.

Mr. ROONEY of Pennsylvania, for 5 minutes, today.

Mr. CULVER, for 15 minutes, today.

Ms. ABZUG, for 10 minutes, today.

Mr. UDALL, for 5 minutes, today.

Mr. RIEGLE, for 10 minutes, today.

Mr. BROWN of California, for 5 minutes, today.

Mr. MELCHER, for 5 minutes, today.

Mr. OWENS, for 10 minutes, today.

Mr. PODELL, for 10 minutes, today.

Miss HOLTZMAN, for 5 minutes, today.

Mr. BURTON (at the request of Mr. BRECKINRIDGE), for 5 minutes, and to revise and extend his remarks and include extraneous matter.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the Appendix of the RECORD, or to revise and extend remarks was granted to:

Mr. GROSS to revise and extend his remarks and include extraneous matter immediately preceding reading of President's message.

Mrs. HECKLER of Massachusetts to revise and extend her remarks and include extraneous matter with 1-minute speeches today.

Mrs. MINK to revise and extend her remarks and include extraneous matter to be included with 1-minute speeches today.

Mr. BRECKINRIDGE to extend his remarks following those of Mr. RIEGLE.

Mr. MAHON.

(The following Members (at the request of Mr. LENT) and to include extraneous material:)

Mr. RHODES in five instances.

Mr. WIDNALL.

Mr. KETCHUM.

Mr. SEBELIUS.

Mr. MCCLOSKEY in three instances.

Mr. HORTON.

Mr. ROBISON of New York.

Mr. CARTER in three instances.

Mr. HOSMER in three instances.

Mr. BAKER.

Mr. WYMAN in two instances.

Mr. DERWINSKI in two instances.

Mr. HAMMERSCHMIDT.

Mr. MCCLORY.

Mr. CRONIN.

Mr. YOUNG of South Carolina.

Mr. GROSS.

Mr. MILLER in six instances.

Mr. MICHEL in five instances.

Mr. ZWACH.

Mr. DEL CLAWSON.

Mr. KEMP.

Mr. COHEN.
Mr. WHITEHURST in two instances.
(The following Members (at the request of Mr. BRECKINRIDGE), and to include extraneous matter:)
Mr. MCFALL.
Mr. GONZALEZ in three instances.
Mr. RARICK in three instances.
Mr. LONG of Maryland.
Mr. BADILLO.
Mr. DRINAN.
Mr. FASCELL in three instances.
Mr. WALDIE in three instances.
Mr. BOLAND in five instances.
Mr. HARRINGTON in five instances.
Ms. ABZUG in 10 instances.
Mr. LONG of Louisiana.
Mr. KYROS.
Mr. HAWKINS.
Mr. FLOWERS in two instances.
Mr. BRECKINRIDGE in two instances.
Mr. OBEY in three instances.
Mr. ZABLOCKI in two instances.
Mr. BIAGGI in five instances.
Mr. CARNEY of Ohio in two instances.
Mr. ANDERSON of California in two instances.
Mr. HUNGATE.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 689. An act to amend section 712 of title 18 of the United States Code, to prohibit persons attempting to collect their own debts from misusing names in order to convey the false impression that any agency of the Federal Government is involved in such collection.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did October 18, 1973, present to the President, for his approval a bill of the House of the following title:

H.R. 9590. Making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1974, and for other purposes.

ADJOURNMENT

Mr. BRECKINRIDGE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock p.m.) the House adjourned until tomorrow, Wednesday, October 24, 1973, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1465. A communication from the President of the United States, transmitting amendments to the request for appropriations in the budget for fiscal year 1974 for emergency security assistance for Israel and Cambodia (H. Doc. No. 93–168); to the Committee on Appropriations and ordered to be printed.

1466. A communication from the President of the United States, transmitting an amendment to the request for appropriations in the budget for fiscal year 1974 for foreign assistance to Pakistan, Sahelian Africa, and Nicaragua (H. Doc. No. 93–169); to the Committee on Appropriations and ordered to be printed.

1467. A communication from the President of the United States, transmitting notice of his intention to waive the restriction of section 620(m) of the Foreign Assistance Act of 1961, as amended, as it applies to military assistance for fiscal year 1974 to Portugal, pursuant to section 652 of the act; to the Committee on Foreign Affairs.

1468. A letter from the Assistant Secretary of Defense, transmitting a report that no use was made during the period January 1 to June 30, 1973, of funds appropriated in the Department of Defense Appropriation Act, 1973, or the Military Construction Appropriation Act, 1973, to make payments under contracts for any program, project, or activity in a foreign country except where it was determined that the use of currencies of such country acquired pursuant to law was not feasible; to the Committee on Appropriations.

1469. A letter from the Assistant Secretary of the Navy (Installations and Logistics), transmitting a report of the facts concerning a Department of the Navy shore establishment realinement action at the Construction Battalion Center, Davisville, R.I., pursuant to section 613 of Public Law 89–568; to the Committee on Armed Services.

1470. A letter from the Under Secretary of Agriculture, transmitting a statement of Departmental views on S. 2482, a bill to amend the Small Business Act; to the Committee on Banking and Currency.

1471. A letter from the Acting Assistant Secretary of the Interior, transmitting a copy of a proposed concession contract for the continued provision of accommodations, facilities, and services for the public within the Ross Lake National Recreation Area, Wash., during a period ending December 31, 1988, pursuant to 67 Stat. 271 and 70 Stat. 543; to the Committee on Interior and Insular Affairs.

1472. A letter from the Chairman, Indian Claims Commission, transmitting the final determination of the Commission in docket No. 198, *the Confederated Tribes of the Warm Springs Reservation of Oregon*, plaintiff, v. *the United States of America*, defendant, pursuant to 25 U.S.C. 70t; to the Committee on Interior and Insular Affairs.

1473. A letter from the Vice President for Public and Government Affairs, National Railroad Passenger Corporation, transmitting a report covering the month of September 1973, of the average number of passengers per day on board each train operated, and the on-time performance at the final destination of each train operated, by route and by railroad, pursuant to section 308(a)(2) of the Rail Passenger Service Act of 1970, as amended; to the Committee on Interstate and Foreign Affairs.

1474. A letter from the Administrator, U.S. Environmental Protection Agency, transmitting a report on the administration of the ocean dumping permit program authorized under the Marine Protection, Research, and Sanctuaries Act of 1972 (Public Law 92–532), covering activities through June 23, 1973; to the Committee on Merchant Marine and Fisheries.

1475. A letter from the Chairman and members, Commission on American Shipbuilding, transmitting the report of the Commission, pursuant to the Merchant Marine Act of 1970; to the Committee on Merchant Marine and Fisheries.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. POAGE: Committee on Agriculture. H.R. 9295. A bill to provide for the conveyance of certain lands of the United States to the State of Louisiana for the use of Louisiana State Univeristy (Rept. No. 93–603). Referred to the Committee of the Whole House on the State of the Union.

Mr. TEAGUE of Texas: Committee on Science and Astronautics. H.R. 11035. A bill to declare a national policy of converting to the metric system in the United States, and to establish a national metric conversion board to coordinate the voluntary conversion to the metric system over a period of 10 years. (Rept. No. 93–604). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 9456. A bill to extend the Drug Abuse Education Act of 1970 for 3 years; with amendment (Rept. No. 93–605). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of California (for himself, Mr. TIERNAN, and Mr. STEELE):

H.R. 11040. A bill to provide for a 7-percent increase in social security benefits beginning with benefits payable for the month of January 1974; to the Committee on Ways and Means.

By Mr. ARCHER:

H.R. 11041. A bill to amend the Occupational Safety and Health Act of 1970 to improve the administration of that act with respect to small businesses; to the Committee on Education and Labor.

H.R. 11042. A bill to amend title 23, United States Code, to insure that no State will be apportioned less than 80 percent of its tax contribution to the highway trust; to the Committee on Public Works.

By Mr. BENNETT:

H.R. 11043. A bill to provide for the appointment of a Special Prosecutor to prosecute any offenses against the United States arising out of the "Watergate affair"; to the Committee on the Judiciary.

By Mr. BERGLAND (for himself, Mr. ANDREWS of North Dakota, Mr. BOWEN, Mr. MCSPADDEN, Mr. SEIBERLING, Mr. FRASER, Mr. LEGGETT, Mr. PREYER, Mr. LITTON, Mr. THONE, Mr. MATHIAS of California, Mr. HUNGATE, Mr. MELCHER, Mr. JOHNSON of Colorado, Mr. JOHNSON of Pennsylvania, Mr. BRECKINRIDGE, Mr. CHARLES WILSON of Texas, and Mr. RAILSBACK):

H.R. 11044. A bill to amend the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

By Mr. CARNEY of Ohio:

H.R. 11045. A bill to establish uniform dates for the holding of Federal primary elections; to the Committee on House Administration.

H.R. 11046. A bill to authorize voluntary withholding of District of Columbia, Maryland, and Virginia income taxes in the case of employees of the House of Representatives and the Senate; to the Committee on Ways and Means.

By Mr. CONABLE:

H.R. 11047. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to prohibit the Secretary of Transportation from imposing certain seatbelt standards, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. DON H. CLAUSEN:

H.R. 11048. A bill to amend chapter 29 of title 18, United States Code, to prohibit certain election campaign practices, and for

other purposes; to the Committee on House Administration.

By Mr. FULTON:

H.R. 11049. A bill to amend the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

By Mr. FUQUA:

H.R. 11050. A bill to provide that meetings of Government agencies and of congressional committees shall be open to the public, and for other purposes; to the Committee on Rules.

By Mr. GINN:

H.R. 11051. A bill to extend on an interim basis the jurisdiction of the United States over certain ocean areas and fish in order to protect the domestic fishing industry, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mrs. GRIFFITHS:

H.R. 11052. A bill to amend title 28 of the United States Code to provide that, in the event of the failure of the President to appoint a Director of the Federal Bureau of Investigation, by and with the advice and consent of the Senate, upon a vacancy occurring in that Office, the Justice of the Supreme Court who has longest served as a Justice of that Court shall in certain cases appoint such a Director, and for other purposes; to the Committee on Judiciary.

By Mr. KING:

H.R. 11053. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 to prohibit the Secretary of Transportation from imposing certain seatbelt standards, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. KOCH (for himself and Mr. HARRINGTON):

H.R. 11054. A bill to amend the National Security Act of 1947 to prohibit the Central Intelligence Agency from providing training or other assistance in support of State or local law enforcement activities; to the Committee on Armed Services.

By Mr. KOCH (for himself, Mr. COHEN, Mr. STARK, and Mr. WHITE):

H.R. 11055. A bill to amend chapter 49 of title 10, United States Code, to prohibit the inclusion of certain information on discharge certificates, and for other purposes; to the Committee on Armed Services.

By Mr. McCORMACK (for himself, Mr. TEAGUE of Texas, Mr. MOSHER, Mr. GOLDWATER, Mr. MEEDS, Mr. FISH, Mr. EDWARDS of Alabama, Mr. BLATNIK, Mr. SISK, Mr. YOUNG of Georgia, Mr. QUIE, Mr. SHRIVER, Mr. MAYNE, Mr. ROBINSON of Virginia, Mr. FRASER, Mr. BURGENER, Mr. ARCHER, Mr. J. WILLIAM STANTON, Mr. KEMP, Mr. CARNEY of Ohio, Mr. DANIELSON, Mr. PEPPER, Mr. CORMAN, Mr. JOHNSON of Colorado, and Mr. VANIK):

H.R. 11056. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. McCORMACK (for himself, Mr. TEAGUE of Texas, Mr. MOSHER, Mr. GOLDWATER, Mr. UDALL, Mr. BAKER, Mr. WALSH, Mr. LONG of Maryland, Mr. LENT, Mr. THOMSON of Wisconsin, Mr. ROUSH, Mr. KEATING, Mr. WHITE, Mr. RONCALLO of New York, Mr. ROSENTHAL, Mr. SCHERLE, Mr. CHARLES WILSON of Texas, Mr. PRITCHARD, Mr. YOUNG of Illinois, Mr. ROY, Mr. FROEHLICH, Mr. ASPIN, Mrs. SULLIVAN, Mr. WRIGHT, and Mr. RONCALIO of Wyoming):

H.R. 11057. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. McCORMACK (for himself, Mr. TEAGUE of Texas, Mr. HOSMER, Mr. GOLDWATER, Mr. BADILLO, Mr. DELLUMS, Mr. ESHLEMAN, Mr. McKINNEY, Mr. McDADE, Mr. YOUNG of South Carolina, Mr. HELSTOSKI, Mr. ANNUNZIO, Mr. HECHLER of West Virginia, Mr. WYATT, Mr. HARVEY, Mr. BREAUX, Mr. HICKS, Mr. BINGHAM, Mr. CLEVELAND, Mr. MITCHELL of New York, Mr. METCALFE, Mr. HASTINGS, Mr. STUDDS, Mr. MOORHEAD of California, and Mr. REUSS):

H.R. 11058. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. MEEDS (for himself, Mr. PRITCHARD, Mrs. HANSEN of Washington, Mr. McCORMACK, Mr. FOLEY, Mr. HICKS, and Mr. ADAMS):

H.R. 11059. A bill to establish the Alpine Lakes National Recreation Area, including within it the Alpine Lakes Wilderness Area, in the State of Washington; to the Committee on Interior and Insular Affairs.

H.R. 11060. A bill to designate certain lands as wilderness; to the Committee on Interior and Insular Affairs.

H.R. 11061. A bill to designate the Alpine Lakes Wilderness, Snoqualmie and Wenatchee National Forests, in the State of Washington; to the Committee on Interior and Insular Affairs.

H.R. 11062. A bill to designate certain lands in the Snoqualmie and Wenatchee National Forests, Washington, as "Alpine Lakes Wilderness' and "Enchantment Wilderness" for inclusion in the National Wilderness Preservation System; to the Committee on Interior and Insular Affairs.

By Mr. MINISH:

H.R. 11063. A bill to require the Secretary of Transportation to prescribe regulations governing the humane treatment of animals transported in air commerce; to the Committee on Interstate and Foreign Commerce.

By Mr. MOAKLEY:

H.R. 11064. A bill to amend the Consolidated Farm and Rural Development Act; to the Committee on Agriculture.

H.R. 11065. A bill to amend the Elementary and Secondary Education Act of 1965 to assist school districts to carry out locally approved school security plans to reduce crime against children, employees, and facilities of their schools; to the Committee on Education and Labor.

By Mr. MOSS (for himself, Mr. ASPIN, and Mr. DINGELL):

H.R. 11066. A bill to amend the Natural Gas Act to secure adequate and reliable supplies of natural gas and oil at the lowest reasonable cost to the consumer, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MOSS (for himself and Mr. DINGELL):

H.R. 11067. A bill to establish an Independent Office of Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. PARRIS:

H.R. 11068. A bill to amend section 1951, title 18, United States Code, act of July 3, 1946; to the Committee on the Judiciary.

By Mr. ROONEY of Pennsylvania (for himself, Mr. VIGORITO, Mr. HECHLER of West Virginia, Mr. CHARLES WILSON of Texas, Mr. HELSTOSKI, Mr. FRENZEL, Mr. CHARLES H. WILSON of California, Mr. GUNTER, Mr. SEIBERLING, Mr. WOLFF, Mr. LONG of Maryland, Mr. ROUSH, Mr. COTTER, Mr. RANGEL, Mr. STARK, and Mr. DRINAN):

H.R. 11069. A bill to prohibit without congressional approval expenditures of appropriated funds with respect to private property used as residences by individuals whom the Secret Service is authorized to protect; to the Committee on Public Works.

By Mr. ROYBAL (for himself, Ms. ABZUG, Mr. BADILLO, Mr. BROWN of California, Mrs. CHISHOLM, Ms. COLLINS of Illinois, Mr. DAVIS of South Carolina, Mr. DELLUMS, Mr. ECKHARDT, Mr. EDWARDS of California, Mr. FASCELL, Mr. FRASER, Mr. HARRINGTON, Mr. HELSTOSKI, Mr. LEGGETT, Mr. LEHMAN, Ms. MINK, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. MOSS, Mr. RANGEL, Mr. REES, Mr. RIEGLE, Mr. ROE, and Mr. ROONEY of Pennsylvania):

H.R. 11070. A bill to provide for the establishment of a National Office for Migrant and Seasonal Farmworkers within the Department of Health, Education, and Welfare, with responsibility for the coordinated administration of all of the programs of that Department serving migrant and seasonal farmworkers; to the Committee on Education and Labor.

By Mr. ROYBAL (for himself, Mr. ROY, Mr. SARBANES, Mr. SEBELIUS, Mr. STARK, Mr. THOMPSON of New Jersey, and Mr. WALDIE):

H.R. 11071. A bill to provide for the establishment of a National Office for Migrant and Seasonal Farmworkers within the Department of Health, Education, and Welfare, with responsibility for the coordinated administration of all of the programs of that Department serving migrant and seasonal farmworkers; to the Committee on Education and Labor.

By Mr. CULVER (for himself, Ms. ABZUG, Mr. ADDABBO, Mr. ANDERSON of California, Mr. ASHLEY, Mr. ASPIN, Mr. BADILLO, Mr. BERGLAND, Mr. BINGHAM, Mr. BLATNIK, Mr. BOLAND, Mr. BROWN of California, Mr. BRADEMAS, Mr. BRECKINRIDGE, Mr. BURTON, Mr. CARNEY of Ohio, Mrs. CHISHOLM, Mr. CLAY, Mr. CONYERS, Mr. COTTER, Mr. DANIELSON, Mr. DELLUMS, Mr. ECKHARDT, Mr. EDWARDS of California, and Mr. EVANS of Colorado):

H.J. Res. 784. Joint resolution to provide for the appointment of a Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. CULVER (for himself, Mr. FASCELL, Mr. FAUNTROY, Mr. FOLEY, Mr. WILLIAM D. FORD, Mr. FRASER, Mr. GIAIMO, Mrs. GRASSO, Mr. GUNTER, Mr. HAMILTON, Mr. HANLEY, Mr. HARRINGTON, Mr. HAWKINS, Mr. HECHLER of West Virginia, Mr. HELSTOSKI, Mr. HICKS, Miss HOLTZMAN, Mr. HOWARD, Miss JORDAN, Mr. KARTH, Mr. KOCH, Mr. LEGGETT, Mr. McCORMACK, Mr. MATSUNAGA, and Mr. MELCHER):

H.J. Res. 785. Joint resolution to provide for the appointment of a Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. CULVER (for himself, Mr. METCALFE, Mr. MEZVINSKY, Mr. MITCHELL of Maryland, Mr. MOAKLEY, Mr. MOL-

LOHAN, Mr. NEDZI, Mr. OBEY, Mr. O'HARA, Mr. OWENS, Mr. PEPPER, Mr. PIKE, Mr. PODELL, Mr. REES, Mr. REID, Mr. ROONEY of Pennsylvania, Mr. ROSENTHAL, Mr. ROUSH, Mr. ROY, Mr. ROYBAL, Mr. ST GERMAIN, Mr. SARBANES, Mrs. SCHROEDER, Mr. SEIBERLING, and Mr. SISK):

H.J. Res. 786. Joint resolution to provide for the appointment of a Special Prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. CULVER (for himself, Mr. SMITH of Iowa, Mr. STARK, Mr. STOKES, Mr. SYMINGTON, Mr. THOMPSON of New Jersey, Mr. TIERNAN, Mr. UDALL, Mr. WALDIE, Mr. CHARLES H. WILSON of California, Mr. WOLFF, Mr. YATES, and Mr. YOUNG of Georgia):

H.J. Res. 787. Joint resolution to provide for the appointment of a special prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. GREEN of Pennsylvania:

H.J. Res. 788. Joint resolution to provide for the appointment of a special prosecutor, and for other purposes; to the Committee on the Judiciary.

By Mr. MINISH:

H.J. Res. 789. Joint resolution to authorize the President to proclaim the last Friday of April of 1974 as "National Arbor Day"; to the Committee on the Judiciary.

By Mr. RUTH:

H.J. Res. 790. Joint resolution designating the week commencing February 3, 1974, as "International Clergy Week in the United States" and for other purposes; to the Committee on the Judiciary.

By Mr. ARCHER (for himself, Mr. BELL, Mr. BIAGGI, Mr. BLACKBURN, Mr. EILBERG, Mr. FISHER, Mr. FRENZEL, Mr. GOLDWATER, Mr. HOGAN, Mr. KETCHUM, Mr. KOCH, Mr. LONG of Maryland, Mr. MITCHELL of Maryland, Mr. O'BRIEN, Mr. WON PAT, Mr. PODELL, Mr. RHODES, Mr. STEELMAN, Mr. WIDNALL, and Mr. CHARLES WILSON of Texas):

H. Con. Res. 362. Concurrent resolution: a resolution to commend the courageous action of Andrei Sakharov and Aleksandr Solzhenitsyn; to the Committee on Foreign Affairs.

By Mr. BARRETT (for himself, Mr. NIX, Mr. DAVIS of South Carolina, Mr. O'NEILL, Mr. MADDEN, Mr. HOLIFIELD, Mr. EDWARDS of California, Mr. MORGAN, Mr. FLOOD, Mr. EILBERG, Mr. STUDDS, and Mr. GREEN of Pennsylvania):

H. Con. Res. 363. Concurrent resolution calling for the President to curtail exports of goods, material, and technology to nations that restrict the flow of oil to the United States; to the Committee on Banking and Currency.

By Mr. FASCELL:

H. Con. Res. 364. Concurrent resolution expressing the sense of the Congress with respect to the present world energy crisis; to the Committee on Foreign Affairs.

By Mr. LONG of Maryland:

H. Con. Res. 365. Concurrent resolution of censureship without prejudice to impeachment; to the Committee on the Judiciary.

By Ms. ABZUG:

H. Res. 625. Resolution impeaching Richard M. Nixon, President of the United States, for high crimes and misdemeanors; to the Committee on the Judiciary.

By Mr. ASHLEY:

H. Res. 626. Resolution directing the Committee on the Judiciary to investigate whether there are grounds for the impeachment of Richard M. Nixon; to the Committee on Rules.

By Mr. BINGHAM:

H. Res. 627. Resolution directing the Committee on the Judiciary to inquire into and investigate whether grounds exist for the impeachment of Richard M. Nixon; to the Committee on Rules.

By Mr. BURTON (for himself, Ms. ABZUG Mr. ANDERSON of California, Mr. ASPIN, Mr. BERGLAND, Mr. BINGHAM, Mr. BRASCO, Mr. BROWN of California, Mr. BOLAND, Mr. BRADEMAS, Mrs. CHISHOLM, Mr. CULVER, Mr. CONYERS, Mr. DELLUMS, Mr. DRINAN, Mr. ECKHARDT, Mr. EDWARDS of California, Mr. EVANS of Colorado, Mr. FASCELL, Mr. FAUNTROY, Mr. FOLEY, Mr. WILLIAM D. FORD, Mr. FRASER, Mr. GIAIMO, and Ms. GRASSO):

H. Res. 628. Resolution directing the Committee on the Judiciary to inquire into and investigate whether grounds exist for the impeachment of Richard M. Nixon; to the Committee on Rules.

By Mr. BURTON (for himself, Mr. GREEN of Pennsylvania, Mr. HARRINGTON, Mr. HAWKINS, Mr. HELSTOSKI, Mr. HICKS, Mr. HOWARD, Miss JORDAN, Mr. KARTH, Mr. MCCORMACK, Mr. MAZZOLI, Mr. METCALFE, Mr. MEZVINSY, Mrs. MINK, Mr. MOAKLEY, Mr. MOLLOHAN, Mr. MOORHEAD of Pennsylvania, Mr. MURPH" of New York, Mr. NEDZI, Mr. OBEY, Mr. O'HARA, Mr. O'NEILL Mr. PEPPER, Mr. PODELL, and Mr. REES):

H. Res. 629. Resolution directing the Committee on the Judiciary to inquire into and investigate whether grounds exist for the impeachment of Richard M. Nixon; to the Committee on Rules.

By Mr. BURTON (for himself, Mr. ROONEY of Pennsylvania, Mr. ROYBAL, Mrs. SCHROEDER, Mr. SEIBERLING, Mr. STARK, Mr. STUDDS, Mr. SYMINGTON, Mr. TIERNAN, Mr. THOMPSON of New Jersey, Mr. UDALL, Mr. YATES, and Mr. YOUNG of Georgia):

H. Res. 630. Resolution directing the Committee on the Judiciary to inquire into and investigate whether grounds exist for the impeachment of Richard M. Nixon; to the Committeee on Rules.

By Mr. HECHLER of West Virginia:

H. Res. 631. Resoluton that Richard M. Nixon, President of the United States, is impeached of high crimes and misdemeanors; to the Committee on the Judiciary.

By Mrs. HECKLER of Massachusetts:

H. Res. 632. Resolution to appoint a Special Prosecutor; to the Committee on the Judiciary.

By Mrs. HECKLER of Massachusetts (for herself, Mr. COTTER, Mr. MOSS, Mr. DUNCAN, Mr. ROSENTHAL, Mr. MITCHELL of Maryland, Mr. PODELL, Mr. WON PAT, Mr. STARK, Ms. HOLTZMAN, Mr. RIEGLE, Mr. GAYDOS, Mr. RANGEL, Mr. BRAY, Mr. GONZALEZ, Mr. KOCH, Mr. LEGGETT, Mr. GOLDWATER, Mr. HARRINGTON, and Mr. HORTON):

H. Res. 633. Resolution creating a Select Committee on Privacy; to the Committee on Rules.

By Mr. McCLOSKEY:

H. Res. 634. Resolution of inquiry; to the Committee on the Judiciary.

H. Res. 635. Resolution for the impeachment of Richard M. Nixon; to the Committee on the Judiciary.

By Mr. MAZZOLI:

H. Res. 636. Resolution: an inquiry into the existence of grounds for the impeachment of Richard M. Nixon, President of the United States; to the Committee on Rules.

By Mr. MILFORD:

H. Res. 637. Resolution providing for the establishment of an Investigative Committee to investigate alleged Presidential misconduct; to the Committee on Rules.

By Mr. MITCHELL of Maryland (for himself, Mr. BURTON, and Mr. FAUNTROY):

H. Res. 638. Resolution impeaching Richard M. Nixon, President of the United States, of high crimes and misdemeanors; to the Committee on the Judiciary.

By Mr. MOAKLEY (for himself, Mr. STOKES, Mr. FRASER, and Mr. ROSENTHAL):

H. Res. 639. Resolution expressing the sense of the House that there be no action on confirmation of the Vice Presidential nominee until such time as the President has complied with final decision of the court system as it regards the White House tapes; to the Committee on the Judiciary.

By Mr. O'NEILL (for himself, Mr. BOLLING, Mr. BROOKS, Mr. BROYHILL of Virginia, Mr. CLEVELAND, Mr. DAN DANIEL, Mr. FAUNTROY, Mr. FISHER, Mr. FRASER, Mr. KEATING, Mr. MCCLOSKEY, Mr. MCCOLLISTER, Mr. RIEGLE, Mr. J. WILLIAM STANTON, Mr. THONE, Mr. WHITE, Mr. WON PAT, and Mr. YOUNG of Alaska):

H. Res. 640. Resolution to seek peace in the Middle East and to continue to support Israel's deterrent strength through transfer of Phantom aircraft and other military supplies; to the Committee on Foreign Affairs.

By Mr. OWENS:

H. Res. 641. Resolution directing the Committee on the Judiciary to investigate the question of impeachment of the President; to the Committee on Rules.

By Mr. REID (for himself, Ms. ABZUG, Mr. ASPIN, Mr. BOLAND, Mr. DENT, Mr. ECKHARDT, and Mr. MCCLOSKEY):

H. Res. 642. Resolution directing the Committee on the Judiciary to inquire into commencement of impeachment proceedings; to the Committee on Rules.

By Mr. ROSENTHAL:

H. Res. 643. Resolution for the impeachment of President Richard M. Nixon, and for other purposes; to the Committee on the Judiciary.

By Mr. ROY:

H. Res. 644. Resolution directing the Committee on the Judiciary to investigate the official conduct of the President; to the Committee on Rules.

By Mr. SEIBERLING (for himself, Ms. ABZUG, Mr. DRINAN, Mr. FRASER, Mr. HECHLER of West Virginia, Mr. EDWARDS of California, Mr. ROONEY of Pennsylvania, Mr. SARBANES, Ms. HOLTZMAN, Mr. DANIELSON, Mr. LEHMAN, and Mr. CONYERS):

H. Res. 645. Resolution to investigate the activities of Richard M. Nixon, President of the United States; to the Committee on Rules.

By Mr. SISK:

H. Res. 646. Resolution to create a Select Committee to consider an impeachment resolution against the President of the United States, and for other purposes; to the Committee on Rules.

By Mr. THOMPSON of New Jersey (for himself, Mr. WILLIAM D. FORD, Mr. BADILLO, and Mr. WALDIE):

H. Res. 647. Resolution of impeachment; to the Committee on Rules.

By Mr. WALDIE (for himself, Ms. ABZUG, Mr. BADILLO, Mr. BROWN of California, Mr. CLARK, Mr. DELLUMS, Mr. DRINAN, Mr. FAUNTROY, Mr. FRASER, Mr. HECHLER of West Virginia, Mr. LEGGETT, Mr. MEEDS, Mr. RANGEL, Mr. REES, Mr. ROSENTHAL, Mr. ROYBAL, Mr. RYAN, Mr. CHARLES H. WILSON of California, Mr. BURTON, Mr. LONG of Maryland, Mr. VANIK, Mr. KOCH, Mr. THOMPSON of New Jersey, Mr. MOAKLEY, and Mr. WILLIAM D. FORD):

H. Res. 648. Resolution impeaching President Richard M Nixon; to the Committee on the Judiciary.

By Mr. WALDIE (for himself, Mr. STARK, Mr. HELSTOSKI, Mr. CLAY, and Mr. PODELL):

H. Res. 649. Resolution for the impeach-

ment of the President of the United States; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. FREY:

H.R. 11072. A bill for the relief of South Florida Council, Inc., Boy Scouts of America; to the Committee on Interior and Insular Affairs.

By Mr. REUSS:

H.R. 11073. A bill for the relief of Grace Nien-Tsu Yu; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

321. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Massachusetts, relative to the Charles River watershed proposal of the Army Corps of Engineers; to the Committee on Public Works.

PETITIONS, ETC.

Under clause 1 of rule XXII,

331. The SPEAKER presented a petition of Milton Mayer, New York, N.Y., relative to redress of grievances; to the Committee on the Judiciary.

EXTENSIONS OF REMARKS

MARVIN JONES MEMOIRS

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. MAHON. Mr. Speaker, one of the most distinguished Americans of this century is Judge Marvin Jones, who served 24 years in Congress, from 1917 to 1941.

The Texas Western Press of the University of Texas at El Paso has performed a fine public service in publishing a few weeks ago the memoirs of this outstanding government leader, who has devoted more than half a century to public service.

Elected to Congress from the Amarillo, Tex., district, Judge Jones served in the House of Representatives with distinction until he resigned to take a position as Judge of the U.S. Court of Claims in 1941. As a Congressman he wrote a record of achievement in the field of agriculture without parallel in the history of this country, serving as chairman of the House Committee on Agriculture from 1931 until his resignation from Congress.

In 1943 Marvin Jones became Assistant Director of Stabilization and later that year War Food Administrator, a position which he held until the end of World War II. Judge Jones enjoys the distinction of being one of a very few U.S. citizens to have served in a high-level position in all three branches of the Government.

Serving from 1947 to 1964 as chief judge of the U.S. Court of Claims, Marvin Jones has been a senior judge of the U.S. courts since that time. He divides his time between his old hometown, Amarillo, Tex., and Washington, D.C., where he maintains an office at the Court of Claims, 717 Madison Place, NW.

Friends of Judge Marvin Jones and students of the history of this century will be interested in his colorful memoirs. The following is a captivating column about Judge Jones which appeared in the Avalanche-Journal newspaper of Lubbock, Tex., on September 18, 1973.

ONE MAN'S OPINION

(By Kenneth May)

As a small schoolboy, Judge Marvin Jones of Amarillo recalls, he walked across a pasture of a field where some of his brothers and sisters were working.

"My brother Hub asked me where I was going and I replied, 'I am going to Congress'. They made quite a joke of it," Jones writes in his memoirs.

"Brother Hub" is Hub Jones of Lubbock and Judge Marvin Jones is one of the few men in history to hold top jobs in all three branches of the federal government.

In a book newly published by the Texas Western Press at the University of Texas-El Paso, Jones tells his story in a folksy manner.

He calls the book simply, "Marvin Jones Memoirs." It is filled with anecdotes and personal bits of philosophy with which the West Texas reader can easily identify.

Jones did, indeed, go to Congress. He served the Panhandle-Plains area from 1917 to 1941 and was chairman of the House Agriculture Committee when the New Deal record of farm legislation was written.

During the war, Jones served as War Food Administration, earning a "You did a great job, Marvin" from President Franklin D. Roosevelt.

Jones was appointed chief judge of the U.S. Court of Claims in 1947 and became a Senior Judge of U.S. Courts upon his partial retirement in 1964.

Through it all, he carried with him the philosophy that "it's all right to dream if you don't go to sleep."

Among those who gave the young Congressman good advice during his early years in Washington was John Nance Garner.

"He advised me to be careful of what I placed in the Congressional Record the first two or three years," Jones writes. "He told me a man is not beaten on what he does not say."

Jones got favorable response, though, to a speech he made in 1919 about a move advocating use of the bomb and torch to achieve social and political reform.

He suggested that those who preached violent resolution be deported to remote islands to try out "their absurd doctrines on one another."

During the first 100 days of the Roosevelt Administration, Jones recalls, he handled more major bills in their passage through Congress than did any other member.

"These included the Agricultural Adjustment and Soil Conservation Act, the act for Refinancing of Farm Mortgages, the Farm Credit Administration Act and the measure reducing the gold content of the dollar," he points out.

During that time, too, he was instrumental in getting a number of regional governmental offices headquartered in Amarillo.

Jones became a favorite of President Roosevelt's, who appointed him to the U.S. Court of Claims in 1940. Early in World War II, though, he was asked to become assistant to James F. Byrnes, the Director of Stabilization.

Then, in 1943, Roosevelt summoned Jones.

"The President called me to say he was appointing a new United States War Food Administrator, adding facetiously that the choice was between Herbert Hoover and me," Jones writes.

"I responded that Mr. Hoover had had a lot of experience. He (the President) laughed and said that I must take it," Jones adds.

"He suggested that I should resign and that he would later reappoint me to the place I then held or a better one. I said the way he had the food job set up, no man could hold it for six months and then be confirmed to any other position.

"He laughed again and said, 'You can'," Jones relates.

For the remainder of the war, Jones was the dominant voice in allocating food to the armed forces, the civilian population and to our primary allies.

In an appendix to the book, editor Joseph M. Ray notes that "one technique Marvin Jones mastered (while in Congress) might be termed 'dealing from strength'."

In one such instance, Jones ran into a bureaucratic stone wall with regard to the special problems of dealing wih wind erosion.

He won his point by holding up the annual appropriation for any Soil Conservation until the bureaucracy saw the light.

Jones' book is filled with anecdotes, some at his own expense as when he asked another Congressman to agree that his hat "makes me look like a statesman."

"No, I wouldn't quite say that," came the reply. "It goes as far as a hat can."

BUYERS OBJECT TO BUCKLING UP

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. GAYDOS. Mr. Speaker, auto salesmen in my western Pennsylvania district report a strong and bitter customer opposition to the federally regulated seatbelt, shoulder-harness combination system which is mandatory on the 1974 models.

The objection is to the fact that the harnesses must be buckled up completely before the new cars can be started. The people, according to the salesmen, do not like this. Indeed some fear it, citing the possibility of being trapped if the apparatus fails.

I know the safety experts who dictated this regulation have good reasons to believe that seat and shoulder belts can save lives by holding a person in place and keeping him from being thrown against the windshield or out of the car in case of a crash. But the complaints in the auto showrooms, the salesmen say, go beyond this theory and into the realm of individual liberty.

"People just do not like to buckle up, and we are the first to know about it," salesman Jerry Nuzum told William Allan, Pittsburgh Press features editor, who investigated the matter.

"Everyone wants to know how to get around them," Joe Mazza, a sales manager, added and then summed up the public reaction to the belt system as "terrible!"

Jim Stockton, another salesman, told Mr. Allan that more complaints can be expected once the new car purchasers "really find there is nothing they can do" about the belts.

It seems to me that, in this regulation, the power of Government indeed has moved, perhaps unwittingly, into an area of the citizen's inherent rights. Seat and shoulder belts may be fine protections for the motorist. But they are effective only when a crash occurs and thus serve no purpose in increasing traffic safety generally, or in reducing the public peril. They apply only to the individual and to compel him to use them by attaching them to his car's ignition system, and making it a punishable crime to unhook them, is for Government to assume the "Big Brother" role.

"Big Brother" may know best in this matter and have surveys to support the view. But we remain a nation of some rugged individualism and there are bound to be millions of our citizens who will resent this, and many are already expressing their resentment in the auto salesrooms. They are willing to obey orders to protect others. But they still think they should make the decisions necessary to protect themselves.

Our Nation has attempted in other matters to regulate the individual in his own personal interest. Prohibition had this objective even though a part of the liquor ban was thought to be in the public interest because of the public effects of drunkenness. But in every instance where large numers of individuals concluded that Government rules were a trespass on their individual rights, these rules have been circumvented and, in time, grossly violated. The new seat and shoulder harness regulation appears headed for this kind of result—another widespread breach of law—and, because of it, I feel our safety experts had better reconsider the matter now in all its aspects and not only in the light of what they think is something needed to force us as individuals to protect ourselves. I respect the individual's right to make his own choice. As for myself, I will continue to buckle up.

FORCED BUSING IS HINDERING RATHER THAN HELPING BLACKS

HON. LAMAR BAKER

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. BAKER. Mr. Speaker, in representing the Chattanooga, Tenn., area, the interests of our citizens becomes a concern in the light of a recent syndicated column by Kevin Phillips. The vast majority of my constituents are concerned about quality education more than any facet of the busing controversy. Most would endure the gross inconvenience in racial assignment if it was doing any good educationally. We have had good relations between the races and have made great strides in establishing a climate of cooperation among all our people. I contend for opportunity for every citizen regardless of race, creed, color, or national origin. To expend money and energies at this risk of community tranquility without reasonable assurance of success has to be highly questionable.

I include for the RECORD the column of Kevin P. Phillips:

[From the Chattanooga News-Free Press, Oct. 17, 1973]

FORCE BUSING IS HINDERING RATHER THAN HELPING BLACKS

(By Kevin P. Phillips)

WASHINGTON.—When the U.S. Supreme Court takes up as it soon must, the question of school busing, each Justice ought to be required to read—ten times if necessary—an incredibly good socio-legal analysis published in the Indiana University Law Journal for May, 1973.

I have just read it myself for the first time, and it is a bomb. It ought to be excerpted and reprinted wherever common sense still prevails in this land, because it shatters the whole legal concept of busing, using exactly the criteria promulgated by liberals in support of the idea.

One column is not enought to do justice to Jeffrey J. Leech's article, but I shall try. His theme is simple: that busing has slowly developed as the judiciary's method of carrying out the basic sociology of the orginal 1954 school desegregation case, namely that separate education generated inferiority in black students and otherwise impaired their educational and mental development. Ultimately, in the 1971 Swann (Charlotte, N.C.) case, the Supreme Court approved busing as a legitimate tool to "desegregate" and thereby ameliorate the educational and psychological burdens of black children.

What Leech has done is brilliantly simple. He has studied all available surveys of the impact of busing in cities that have it, and his research assembles a stunning array of "current sociological evidence which indicates that busing to achieve integration may in fact produce no educational gains, may hinder the psychological development of black children, and may intensify racial misunderstanding."

His sociological research emphasizes three categories of busing impact: (1) on achievement levels; (2) on the psychology of black youngsters; and (3) on improved race relations. Each analysis is devastating in its documentation, but space allows only the summaries:

(1) Achievement levels: In ten cities, six show mixed or inconclusive results (Sacramento, Hartford, Rochester, Buffalo, Evanston, White Plains) and four show either losses or no significant gains (Ann Arbor, Berkeley, Boston, Riverside). "In every city studied, busing failed to reduce the gap between black and white achievement. In fact, most cities reported that the achievement gap had grown even larger after busing. Scholars who have reviewed the evidence, including Armor, Bell, Edmonds, Glazier and St. John, have concluded that busing has little if any effect on the academic achievement of either black or white children. Thus, the most recent sociological evidence fails to confirm a basic premise underlying the rationale for court-ordered busing, i.e., that it will positively affect the academic performance of minority children."

(2) Psychological effects: "In summary, researchers have found that busing for racial integration significantly lowered black students' educational aspirations in Ann Arbor and Boston, the only two cities which studied this problem. At the same time, the academic self-concepts of black students were significantly lowered in Boston and Evanston, raised in Ann Arbor (males) and not significantly altered in Ann Arbor (females), New Haven and Riverside. Viewing this evidence in its most favorable light, busing for racial integration would appear to lower black students' educational aspirations and have no consistent effect on their academic self-concepts. . . . The evidence reveals that the busing experience imports few psychological benefits to black children and may inflict harmful psychological consequences upon them."

(3) Improved Race Relations: "In summary, the busing studies available demonstrate rather conclusively that busing for racial integration has produced little or no improvement in race relations. In fact, the results appear to be to the contrary. In Ann Arbor and Riverside, interracial peer acceptance declined. In Boston, busing heightened racial consciousness and encouraged separatist ideologies. In Buffalo, Evanston and Rochester, disciplinary problems, frequently with racial overtones, threatened termination of the busing programs. In no city did busing appear to increase interracial contact or better racial understanding."

There is still some reason for hope. Leech cites the Mapp case (Chattanooga, Tenn.) as an example where the U.S. Appeals Court weighed the new sociological evidence and found that "induced busing" would have an adverse effect on educational achievement and race relations. This is consistent with the Swann case, which left the door open to antibusing findings where busing would "significantly impinge on the educational process." Therein lies the hope: that the Nine Justices of the High Court will read the wisdom of Mapp and the wisdom of Leech and, having done so, will use new sociology to redress the injury of the old.

A LETTER FROM EUROPE

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. WHITEHURST. Mr. Speaker, one of my young constituents, who is currently studying in Europe, recently wrote an article for the Alternative, entitled "A Letter from Europe." In this article, Mr. Christopher Hughes offers his own reactions and some selections from the European press on issues currently confronting our Nation. I believe that the thoughts presented in this article merit the attention of my colleagues, and I am consequently inserting "A Letter from Europe" in the RECORD for their consideration:

A LETTER FROM EUROPE

(By Chris Hughes)

Having grown up in Europe as a military brat during the late sixties, when a dollar was still what our own hordes of U.S. tourists used to call "real money"; when it was still financially feasible (and socially chic) to blitz Europe on $5 a day, or in assembly-line tours for quick lunch-counter intellectualizing; my recent return to Europe, as a college student, has brought me to a rude awakening. America is no longer regarded as the towering paragon of uncontested strength. To the contrary, our international credibility has now been seriously eroded, and our international stature and prestige have declined accordingly.

I left the United States for Europe in January of this year, after having worked in the national election for the Republican ticket. Nixon's overwhelming victory, I believed, apparently like many others, was a popular mandate to reverse the trend of the New Deal-Great Society philosophy which for so long had prevailed in Washington, D.C. But then the Watergate affair broke.

I have had to rely on European press coverage of the Watergate for most of my information, coverage which has not always illustrated a terribly astute awareness and understanding of our political process. None-

theless, European attitudes and interpretations of this event are still very important because of the far-reaching implications which could develop in Euro-American relations.

In Paris, where I had been attending the Sorbonne University, one of France's most highly respected and widely read newspapers, *Le Figaro,* argued that the Watergate hearings have been turned into a Disneyland for lawyers and that those (Senators and committee staffers) who have allowed the hearings to flounder into ridiculousness are forgetting that not only is the President himself a lawyer, but that he is, in fact, one of the country's best. *Le Figaro* also defended the President's refusal to release the White House tapes *carte blanche,* and argued that without such privilege no government is possible. The newspaper further stated that "in standing fast he [Nixon] is defending the integrity of the Presidency itself. The time will come when the versatile American democracy will be grateful to him for this."

Although reaction elsewhere in Europe has not always been that abiding, Europeans are most concerned about what they feel has been a decline of confidence on the part of the American public in its leadership. England's liberal newspaper, *The Guardian,* expressed a fairly common European reaction to the Watergate hearings when it charged that the Watergate committee was somewhat reminiscent of the McCarthy hearings of the fifties. One of Europe's most conservative newspapers, Rome's *Il Tempo,* argued more provocatively and lashed out at Senator Ervin's committee, charging that the hearings seemed to be a colossal machination aimed at undermining both Nixon and Nixon policy. One of the most revealing observations on this issue, however, came from the German political weekly *Die Zeit.* Discussing what it called the decline in presidential power and a catharsis for the United States, *Die Zeit* also pointed out that probably no American administration will be interested in foreign policy to the extent of the Nixon Administration. Thus it concluded, "particularly for Europeans, the Nixon-Kissinger team is an optimum and is absolutely irreplaceable." Europe, in short, is concerned with the international implications emanating from Watergate.

1973 was designated the "Year of Europe" by the Nixon Administration. The United States and its European allies were expected to rejuvenate Europe's postwar Atlantic alliance system as a solid basis for the upcoming fall negotiations, on mutual and balanced force reductions in Europe (MBFR), between the NATO countries, the Soviet Union, and its Warsaw Pact allies. But although some low-keyed transatlantic talks are underway between the United States and its European allies to establish a common front for the fall conference, the common political purpose of the West, as well as the social and economic compatibility of the United States and Europe, has been severely strained in recent months.

The European concern over present and future U.S. economic and defense policies has arisen because of two dollar devaluations in short succession, the continuing erratic behavior of the dollar on the international money exchanges (which is both a symptom and a cause of the uncertainty in Euro American relations), as well as the imposition of agricultural export restrictions. Europeans reacted particularly sensitively to the agricultural embargo of soybeans and one French newspaper asserted that the embargo was deliberately aimed at Europe's Achilles' tendon (its lack of resources), to demonstrate U.S. power over Europe. If nothing else, the embargo did force the Europeans to realize that the Americans were not only willing to close down their market to them without warning, but that the Europeans themselves were to become the first victims of the newly established détente. A major factor in the scarcity of agricultural products, of course, had been the U.S. decision to sell grain and corn to the communist giants, irrespective of European needs and the traditional transatlantic ties.

Thus, there is unrest among the European nations. They are concerned about the weakness of the U.S. dollar, U.S. disregard for its allies, and the pace of Mr. Nixon's moves toward détente with the Soviets. Of particular concern for the Europeans is whether a "Watergate-weakened" White House can resist congressional pressures to unilaterally reduce U.S. troop strength in Europe.

Recent reports that the United States is about to announce formal diplomatic recognition of East Germany may not be surprising to the governments of Western Europe, but it has surprised many private citizens. Further, the United States' willingness to give the Soviets whatever help they need to stabilize their economy (which in turn permits the Soviets to channel their resources into the military realm), has also raised doubts in European minds about American reliability. These doubts have been further compounded by the recent report in *Jane's Fighting Ships,* the world's most authoritative annual study on the world's military navies. The 1972–73 edition of *Jane's* reported that the Soviet navy has made (and is continuing to make) "staggering advances," and that the U.S. navy has now been relegated to second position (to the Soviets) among the globe's naval powers—no slight task for what has been historically a land locked bear.

These events have produced an assessment which is gaining increasing acceptance in Europe and which was recently expressed by the *London Daily Mail.* Arguing that the United States is sick of foreign wars and responsibilities, the *Daily Mail* commented: "More and more Americans are saying, What does it matter to us if the whole of Southeast Asia goes Communist? Is it worth risking a single GI for Cambodia? Will we live to hear Americans ask whether it is worth risking a single American life for Britain? . . . Now that the Watergate comedy show is switched off for a moment, you can just hear the Kremlin purring as it prepares to lap up the cream."

The impact of recent events has, then, not been lost on those who fear the possible "Finlandizing" of Western Europe. As one commentator in Europe observed " 'Finlandization' of Europe would (perhaps) mean no basic change in the social order, but there would be no American troops in Europe and NATO would be dissolved. Western European governments would be so weak as a result that they would be forced to coordinate their foreign policies with the Kremlin. This is not a very promising prospect."

Although the President's calendar of events has not been firmly established yet, it is already quite clear that the President will be cautiously received in Europe. Unless very intensive preliminary work is done before Nixon's visit, the Administration's attempt to revitalize Euro-American relations and to produce some very tangible political returns, as well as trade and monetary reforms, could fall far short of its goal.

Unfortunately, not even these many events seem to startle the Europeans out of their atavistic resentment and mutual suspicions of each other. Thus the transatlantic alliance and the very nature of the international system is in question and, for the western alliance at least, there is need for serious misgivings. For the Europeans, therefore, Nixon's attempt to put Watergate behind him is being applauded so that he can direct his attention to these many problems. And, looking in from the outside. I too believe it would be wise to allow our judicial process to take over Watergate so that the country's leadership can direct its attention to issues which may well determine the course of future history.

THE NOMINATION OF GERALD FORD AS VICE PRESIDENT

HON. KEITH G. SEBELIUS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. SEBELIUS. Mr. Speaker, a few days ago, in the newsletter I regularly send to the people in my congressional district, I made several comments regarding the nomination of Congressman GERALD FORD as Vice President and I would like to share them with my colleagues:

Since attending the White House ceremonies involving the nomination of a new Vice President, I have been doing quite a bit of thinking and I would like to share a few personal throughts with you.

My experience within the Kansas State Senate in some ways led me to look at government and public service through rose colored glasses. Within the Kansas legislature, I never once questioned whether or not government could be responsive to the needs of the individual citizen. That we could find answers to our problems in Kansas was assumed; where there was a will there was a way. Since coming to Congress, I confess my staff and I have been most frustrated in trying to make "big government" more responsive to the needs of citizens in our rural areas. It has been an uphill battle and getting steeper all the way.

Last week, the President invited and solicited suggestions for nominees for the office of Vice President. My single suggestion, along with those of many others, was hand delivered to the White House. I felt that with this nomination, somehow, someway, integrity and faith in government must be restored. I felt that at this very difficult time in our nation's history we needed a man of unquestioned integrity and, just as important, a man whose experience would enable all of us to work together to once again make government a partnership with people. I suggested JERRY FORD.

Hopefully, this nomination will help to heal the divisions that have developed and grown too wide between the executive and the legislative branches of government. I have worked with JERRY FORD ever since coming to the Congress. He is not flamboyant, he is not a charismatic man, he will not seek the spotlight of publicity and he is not politically ambitious. My observation of JERRY FORD is that he is an expert at getting along with people and in bringing folks of differing views together behind a compromising position. Most important, he knows how to make government work for people.

Perhaps it was because I was privileged to be part of a moment in history, but for the first time since serving in the Kansas legislature, I feel as if we can begin to build anew a working and effective partnership between the federal government and the citizens of the "Big First" district.

ALBERT HOPES TO STAY IN HOUSE

HON. JOHN J. McFALL

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. McFALL. Mr. Speaker, there is a plaque in the Speaker's lobby which, as a reference to past Speakers, reads "Speakers of the House of Representatives, chosen by the people, honored by the preferment of their associates, these makers of history are memorialized as a tribute of their worth to the Nation." It is a source of comfort in these trying times to know this tradition of greatness is being continued by the distinguished gentleman from Oklahoma, the Honorable CARL ALBERT. In the past few weeks Speaker ALBERT has, again, demonstrated insight, courage, and plain commonsense in his actions relating to the conduct of the House. These actions truly justify the continued preferment of his associates, and, I might add, their sincere gratitude.

Mr. Speaker, I am pleased to include in my remarks an article about Speaker ALBERT which recently appeared in the Boston Globe:

[From the Boston Evening Globe, Oct. 11, 1973]

ALBERT HOPES TO STAY IN HOUSE

WASHINGTON.—Until President Nixon picks a vice president and has his choice confirmed by Congress, the next in line for the Presidency will be a man who already has a job he likes better.

Carl Albert wanted to be Speaker of the House of Representatives from the day he entered Congress in 1947, and when he made it in 1971 he declared his highest political ambition had been achieved.

Any disclaimer of interest in being President by a politician is usually regarded with skepticism, but in Albert's case there is no reason to doubt it.

For one thing, at age 65 there is little likelihood of his being nominated by the Democrats—unless, of course, he should succeed to the office while a replacement for Spiro T. Agnew is being found.

But more importantly, Albert seems genuinely convinced that the House of Representatives, as the branch of government closest to the people, is the ideal place for a public servant to be, and that the head man of the House has the ideal job.

Albert formed his opinion about the House as a schoolboy in the tiny southeastern Oklahoma town of Bug Tussle. The area's Congressman visited the two-room schoolhouse one day and his talk about Congress and Washington fired the imagination of the little barefoot boy, who even now stands only 5 feet, 4 inches tall with his shoes on.

Albert went on to an outstanding scholastic career, winning election to Phi Beta Kappa at the University of Oklahoma and later gaining a Rhodes scholarship that saw him through three years and two law degrees at Oxford University, England.

He returned to the US in the midst of the Depression and had to put aside his political ambitions to make a living, first as an office clerk in Oklahoma City and then as a lawyer for an oil company.

While serving as a legal officer during World War II, he met and married a pretty Pentagon clerk named Mary Harmon. They have a daughter, 25, who teaches school in Washington, and a son, 18, who is a freshman at Harvard.

Albert got his chance to come to Congress in 1946 when the incumbent congressman decided the night before the filing deadline not to run for reelection. Albert raced to Oklahoma City to beat the deadline and plunged into a campaign against three other candidates in the Democratic primary. He won by 359 votes and hasn't had any trouble being elected since. A fellow freshman in the class that entered Congress that year was Richard Nixon.

Even before he was elected, Albert had formed a friendship with the late Speaker Sam Rayburn, whose Texas district bordered Albert's, and Rayburn took the eager young Oklahoman under his wing. In 1954 he made Albert the Democratic whip and in 1961, when Rayburn died, Albert moved up to majority leader.

He achieved his goal of speaker when John McCormack retired in 1970.

After a shaky start in the last Congress, Albert has succeeded in welding the House Democrats into a more effective majority and has led a reform movement that has brought him more power than any speaker has enjoyed since "Czar" Joe Cannon did in the early 1900s.

GREATER LOWELL ASSOCIATION FOR RETARDED CITIZENS CELEBRATES 20TH ANNIVERSARY

HON. PAUL W. CRONIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. CRONIN. Mr. Speaker, on November 9, 1973, the Greater Lowell Association for Retarded Citizens will celebrate their 20th anniversary of service to the Greater Lowell community embracing the towns of Groton, Pepperell, Townsend, Billerica, Tyngsboro, Tewksbury, Chelmsford, and Wilmington.

The beginnings of this organization were humble. Concerned because there was no local aid for parents of retarded children or for the retarded themselves, about a dozen parents met in Lowell to organize. With the aid of a local legislator to guide them in organizing, these people undertook the task of bringing hope, understanding, and dignity into the lives of the retarded. Today, thanks to the work of these organizers, the retarded citizens of this community can look forward to specialized training that enables them to realize their entire potential as citizens with occupations that fully utilize their capabilities.

One year after they organized, the president of the association presented a modest budget to the members—$2,910. It covered a salary for a teacher one afternoon a week, supplies, summer camp fees, a speech therapist, and a small scholarship for a promising student to take courses to help train the retarded. Slowly, over the years, help arrived in many forms. One anonymous donor contributed two shares of IBM stock which was quickly converted to cash. Religious, civic, and fraternal organizations rallied to give support in time, skills, and money. Students from local colleges and high schools volunteered time and skills both to train the retarded as well as repair and maintain the association's facilities. Labor organizations also gave talents and funds. Local businesses and industries lent trained management specialists to aid the association in solving many of its problems, both financial and administrative.

Last year, the budget was in excess of $26,500. The association now owns a school and recreational facilities; employs a full time executive director who oversees the entire operation; maintains a halfway house for retarded adults plus a staff of specialists to aid retarded citizens. It is my contention that the spirit that motivated these people to form the association and the manner in which the community supports it represents Americanism in its finest and most typical spirit.

The association has become an old and respected member of the Greater Lowell community. I congratulate them on their fine record on this their 20th anniversary, and hope that the association will continue to ably serve the citizens of this area for years to come.

WILLIE MAYS

HON. WALTER FLOWERS

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. FLOWERS. Mr. Speaker, when the 1973 baseball season ended in Oakland on Sunday, it also marked the conclusion of the active career of one of the game's most colorful players—Willie Mays. After 22 seasons, the "Say Hey Kid" has hung up his glove at age 42.

Willie Mays was an enthusiastic ballplayer and the spirit he aroused in his teammates is the real meaning of baseball. His retirement brings to a close an era of baseball the likes of which we will probably never see again.

Born in Westfield, Ala., on May 6, 1931, Willie was raised in nearby Fairfield in my congressional district. He was already a regular in left field for the Birmingham Black Barons in 1950 when the New York Giants acquired him at age 19.

He played one full season and a portion of another in the minors before being called up by the Giants just 19 days after his 20th birthday. The stories of the exploits and achievements of Willie Mays are many. It is interesting to note that his first hit in the majors was a homerun over the left field roof in the Polo Grounds. He went on to hit 19 more homers that first year and was named National League Rookie of the Year.

To list all of Willie Mays' career figures would take many pages. His name appears often in the record books of baseball. But these facts and figures do not tell the whole story. They cannot tell you about the type of player Willie was and the many hours of enjoyment and pleasure he gave the fans. Those of us who grew up watching and listening to the game of baseball as played by

Willie Mays can truly say we saw a great man at work.

There should be no doubt that when the mandatory 5-year wait expires the famous No. 24 of Willie Mays is a sure bet for inclusion in the Baseball Hall of Fame.

DONALD R. NEWHOUSE, RECOGNIZED NATIONAL EXPERT IN NEWSPAPER AUTOMATION, AND SPRINGFIELD, MASS., CIVIC LEADER

HON. EDWARD P. BOLAND

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. BOLAND. Mr. Speaker, my home city of Springfield, Mass., was stunned last Thursday night at the sudden death of Donald R. Newhouse, general manager of the Springfield Newspapers, and a widely respected community leader.

Mr. Newhouse was recognized throughout this country as an expert in newspaper automation, served as chairman last year of the American Newspaper Publishers Association's computerization and production management committees, and had been a consultant to newspapers making changes in mechanical departments.

Although he went to Springfield 6 years ago from Portland, Oreg., to supervise the design and construction of the new Springfield Newspapers building and plant, he soon became known for his civic involvement and leadership. As recently as 2 weeks ago, Mr. Newhouse led a group of 40 members of the Greater Springfield Chamber of Commerce to the Nation's Capital as chairman of "Operation Washington III," a biennial visit of community leaders for briefings by Federal agencies and members of the Massachusetts congressional delegation.

Mr. Newhouse was also a trustee of Springfield Hospital Medical Center, a trustee of Hampshire College and Springfield Community Technical Community College, a member of the executive committee of the Pioneer Valley United Way, chairman of the finance committee of the Metropolitan Springfield YMCA, a member of the Zoological Society board and publicity chairman of the Springfield Rotary Club. Early last week, Massachusetts Welfare Commissioner Steven A. Minter asked Mr. Newhouse to serve on the State welfare advisory board. He also served on the boards of Beth-El Temple and the Springfield Jewish Federation.

Mr. Speaker, in his eulogy at funeral services Sunday, Rabbi Jordan Ofseyer summed up the feelings of Mr. Newhouse's many friends and associates when he characterized him as—

An accomplished man combining in one person qualities of wisdom, courage, and a gentle sense of humor.

Mr. Newhouse began his newspaper career as a copyboy on the Long Island Press in New York, where he worked for 7 years, advancing to assistant Sunday editor before enlisting in the Army Signal Corps in World War II. He received an electrical engineering degree from Massachusetts Institute of Technology in 1950 and went to the Portland Oregonian as production manager and later became business manager. He was a cousin of Samuel I. Newhouse who owns the Newhouse group of newspapers.

Mr. Speaker, Mr. Newhouse represented the very best of what a newspaperman ought to be. His passing is a great loss to the newspaper profession and our community of Metropolitan Springfield. I join with many other friends of Donald R. Newhouse in expressing profound sorrow to his beloved wife, Mrs. Leila Newhouse, and their five children.

The loss of Donald R. Newhouse to employees of the Springfield newspapers was best summed up by Linda Siteman of the Springfield Union staff and Joseph W. Mooney, editor of the Springfield Union and the Sunday Republican. I insert their signed articles at this point with my remarks, together with an editorial printed in the Springfield Daily News.

The material follows:

DONALD NEWHOUSE WAS JUST BEGINNING

Donald Newhouse came to us as a stranger six years ago, but now leaves many friends.

He came from Oregon to apply his knowledge and experience to the task of designing, erecting and equipping our newspaper plant, and to be our general manager.

To us and to himself, he promised that he would devote his full attention to the building project until it was finished. However, he found it difficult to decline any request for his time and talents in community service.

At the time of his death Thursday, the community had only started to feel the full impact of his generosity and leadership.

He was on the boards of several leading charitable institutions and was "going up the chairs" in the United Way, the Metropolitan YMCA and other organizations.

We who have benefited from his broad knowledge, good judgment and oversized capacity for work know that his community service was really only beginning.

If the community misses him, we will miss him more, and that gives us at least a dim realization of how much his family will miss him. Our community has lost a leader of great capacity, our newspapers have lost a capable and understanding manager, and our sympathy is with his wife and children who must sustain the much greater loss.

THE QUIET MAN

Donald R. Newhouse, the general manager of The Springfield Newspapers, died Thursday night during lengthy heart surgery at the age of 54.

He is gone from Springfield as quietly as he arrived.

But the mark he left in six years is equal to most men's lifetime accomplishments. It will reverberate for a long time.

He has left a legacy to his adopted city in terms of civic performance, newspaper skill and family devotion. And for a man who touched adversity when a sniper shotgunned him in his former Oregon home during a newspaper strike, he bounded back without flinching. He surmounted the physical pain and distress. He achieved success without leaning on anyone.

He had the capacity for anything. If it was a broken newspaper part, he fixed it with expertise. If it was a damaged employe's psyche, he mended it with logic and nurtured it with kindness. If it was humorous, he laughed. If it was conservative, he applauded.

He was stubborn when he felt he was right. He was tractable when he was wrong . . . and able to admit it.

He was a listener, not a talker. A doer, not a procrastinator. A giver, not a taker.

He was unassuming, yet for someone nearing the peak of community leadership his influence was catching. He made sense out of the intricate problems that stymied most. The conclusions of others were his beginnings.

He was a family man who worked devotedly to make the home he, his wife and five children lived in a happy and worthwhile place.

To those nearest him, we extend our condolences. And while theirs is the greatest emptiness, it has touched his friends and co-workers, too. His calm competence was appreciated by all.

These are the tangibles. The intangibles that made him a friend are missing.

What Don Newhouse gave his family, his profession and his community will remain. But the man was a little more unique and irreplaceable than most.

He is missed already.

BECAUSE HE CARED, WE CARED, TOO

(By Linda Siteman)

You didn't have to make an appointment to see Donald R. Newhouse. You just walked in.

Employes at The Springfield Newspapers said yesterday they hadn't lost a boss in the death of their general manager. They had lost a friend, co-worker.

Newhouse had had several brushes with death.

The first was in October, 1960, when he was shot and seriously wounded by an unknown assailant during a bitter strike of the stereotyper's union at the Portland Oregonian while he was general manager there.

While recuperating, Newhouse was scheduled to be flown to a convalescent hospital in Florida for rest. He missed the plane, which crashed en route.

And later, while standing in the entry hall to the Oregon Museum of Science and Industry, which he helped found, he was nearly struck by a massive piece of machinery when a pulley rope snapped.

He never walked anyplace. He always zoomed. But he had time for his employes.

Mechnically-inclined and always tinkering with a piece of machinery or an electronic gadget, Newhouse was often in the composing room talking with "the guys."

"He was just one of the guys to them," a secretary recalled. "He viewed his employes as people, as individuals."

If "the guys" in the composing room had problems, he knew of them. He was easy to talk to. He listened.

He knew most of his employes by their first name. And they called him by his. He didn't like to be "Mr. D."

He liked to fish, and to talk fishing with other buffs of the sport. Recently, he purchased a new boat to get in some blue fishing. He offered it to an employee who had ruined his own boat in an accident, so a planned fishing vacation wouldn't be spoiled.

And when employes brought in broken radios and tape recorders—as they often did—he took them home and repaired them.

Don Newhouse was like that. He was witty and kind, innovating and intelligent. He was himself. And he didn't care what you were, as long as you weren't trying to be someone else. He cared, and because he did, we did, too.

WHAT WE NEED IS HOUSING, NOT ANOTHER STUDY OF THE HOUSING PROBLEM

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. RANGEL. Mr. Speaker, the executive director of the National Urban League, Vernon E. Jordan, Jr., penned his reaction to the administration's long-awaited housing program in his weekly syndicated column which appeared in the October 12, 1973, issue of the New York Voice.

Mr. Jordan's reaction to the President's housing message is the same as that expressed by others who have been working to meet and overcome our Nation's housing crisis: that Mr. Nixon has suggested no solutions to the crisis that he has worsened because of his ill-timed, ill-advised moratorium on Federal housing subsidy programs. All he has done, after 9 months of study, is come forth with a proposal for further study of the housing needs of the Nation's poor. What the poor need is housing, not another study. This message comes through clearly in Mr. Jordan's column entitled "Housing Crisis Deepens."

The article follows:

HOUSING CRISIS DEEPENS

(By Vernon E. Jordan, Jr.)

The Administration's long-awaited housing program has finally been unveiled and while it contains some constructive elements it falls far short of the kind of comprehensive building and subsidy package that would finally lick this country's ever-deepening housing crisis.

On the same day that it was announced, the Commerce Department reported that new housing starts fell again in August, as they have almost without a break since the start of the year. At the very least, this nation has to build two million new homes each year just to keep a bit ahead of a serious housing shortage. It is now doubtful whether as many as 1.5 million new homes will be built this year.

Part of the reason for this is the credit crunch. Interest rates have sky-rocketed, putting a damper on housing construction and pricing housing beyond the reach of most people. The Administration proposes to deal with this by extending a tax credit to lending institutions, primarily savings and loan associations, as a reward for investing in the housing market.

This may ease the credit crunch but it doesn't do anything to bring housing money into black neighborhoods or into many central city areas. The Urban League's study of Savings and Loans in Bronx County, New York, showed a persistent policy of disinvesting in areas where black and other minorities are residents. Elsewhere in the country too, there seems to be a pattern of pulling in deposits from ghetto areas and investing them elsewhere. It seems to me that along with further incentives to such institutions must go stricter regulation.

The Administration offers other suggestions aimed at increasing access to tight money by builders and developers but offers little new in the way of housing the millions who have been priced out of the market by spiraling costs, inflation and discrimination.

It seems to be leaning in the direction of a housing allowance—a rent subsidy that would allow poor people to rent houses or apartments at the market rentals with the federal government picking up the tab.

As the President recognized in his message, this is an idea that needs a lot more testing than has been done to date. So he proposes the plan for the elderly, with its expansion to low-income families later, perhaps not until 1975. This means, in effect, that housing for poor and moderate income families will be placed in limbo for at least two years and maybe more. What are people supposed to do in the meantime: live in the parks?

The problems connected with housing allowances are serious ones. Unless a housing allowance program has a strong counseling element built into it, a lot of people are going to be cheated and the government will lose millions. Previous housing subsidy programs floundered on this very point as unscrupulous people took advantage of house-hungry buyers and left the government with unpaid mortgages running into the hundred of millions of dollars.

Any housing allowance plan must also be accompanied by rigid code enforcement or face the probability of exploitation by slumlords. We've had enough experience with welfare departments paying exorbitant rentals to landlords running slumholes to know the dangers.

And without a permanent high rate of building, a housing allowance scheme may just drive the market level of rentals up, leaving everyone in a worse condition. This is not to say the allowances won't work; they very well might work and further tests may show us how to overcome these problems.

But the basic flaw in the housing message is that it does nothing to overcome the critical housing shortage facing moderate income families and doesn't even promise anything to relieve their plight beyond an "iffy" proposal that may start two years from now.

WELFARE MYTHS

HON. AUGUSTUS F. HAWKINS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. HAWKINS. Mr. Speaker, the facts about welfare have been stated many times but some people still do not want the truth.

Others, often public officials, deliberately spread false information to cover up their own shortcomings.

The following "Dear Ann" letter states the case in a clear and unmistakable fashion. I am sure it will not stop the lies about welfare but it sure tells the facts as they are:

ANN LANDERS: SOME FACTS ABOUT WELFARE

DEAR ANN LANDERS: I am 15 years old. Dad died four years ago of cancer. There are five children in the family younger than I. My dad didn't belong to a union, he was self-employed, had no social security, and his insurance just barely covered his medical bills. Three years ago Mom had to go on welfare.

When we buy groceries with stamps some folks in the store look at us as if we are taking money out of their pockets. Sure, people on welfare cost taxpayers money, but Dad paid his taxes when he was alive and Mom can't feed us kids on what she makes working in a bakery.

I read some facts about welfare in an article put out by The Committee on Political Education. Every American should see it. You run the biggest billboard in America, Ann. Please print it.

Fact No. 1: People wind up on welfare not because they are cheats or loafers but because they are poor. They are poor not only in money, but in everything. They have had poor education, poor health care, a poor chance at decent employment and poor prospects for anything better.

Fact No. 2: Of the 15 million people on welfare, two million are aged, permanently disabled or blind. Three million are mothers.

Fact No. 3: Nobody is getting rich on welfare. At best, it allows barebone living. Maximum payment for a family of four ranges from $700 a year in Mississippi to $3,600 in New York, New Jersey, Massachusetts and Connecticut.

Fact No. 4: Cheating on welfare is not rampant, but minimal. No program involving 15 million people can be completely free of fakers. Probably less lying and cheating goes on in the Welfare Department than in the Internal Revenue Department.

Fact No. 5: Welfare mothers are not having babies just to collect extra money. Nearly 70 per cent of all children on welfare are legitimate, according to HEW.

Fact No. 6: The welfare rolls are not made up mostly of blacks. More than 48 per cent of the welfare families are white, 43 per cent black, the remaining are Orientals American Indians and other ethnic groups.

I hope this will help to reduce bigotry and clear up some misunderstanding—You Might Be Next.

DEFEAT OF THE JAVITS AMENDMENT—A BLOW FOR POOR YOUNGSTERS

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. BADILLO. Mr. Speaker, I was deeply saddened and disturbed at the defeat of the Javits hold harmless amendment to the National School Lunch and Child Nutrition Acts. The amendment was designed to assure that no State receive less than it did last year under section 11 of the act, moneys of which go solely to pay for free and reduced price lunches.

The defeat will mean a crushing blow to children in New York State, 635,000 of whom received free lunches last year. Of these meals 477,600 were served in schools designated as "specially needy," meaning that over 60 percent of their students came from poor families. These institutions have designed their programs and planned their budgets in anticipation of the badly needed increases in reimbursement rates and will have a difficult time in absorbing instead a reimbursement cut.

Mr. Speaker, I would not and did not advocate that children in any one State receive preferential treatment at the expense of youngsters in other States. This was not the purpose of the amendment, and a perusal of the Senate colloquy makes this very clear. The language was designed merely to allow States with especially high procurement costs and unusually high populations of needy children to fulfill the mandate of Congress and provide the youngsters with a balanced, nutritious meal a day.

Food procurement costs in New York City have risen 20 percent over the

1972–73 level for this program, adding a total of $7.6 million to the school lunch budget. Labor costs rose 9 percent, accounting for another $3.2 million. Overhead expenses went up an unprecedented 10 percent, costing the city an additional $1 million. Contrary to the impression created during the debate, this is no "free" program for the city of New York. Last year it earmarked an approximate $20 million in municipal funds to assure the continuance of this effort and this year its contribution is expected to be commensurate. The $1,852 differential the amendment would have secured would not have represented a windfall—it would merely have assured that all the city had to find additional funds for was the $11.8 million in cost increases without having to absorb, in addition, a reimbursement loss.

Mr. Speaker, I feel certain that a majority of those voting against the amendment did not want to penalize poor youngsters—that they voted against the measure because of a misunderstanding of the prevailing situation. I hope that some way will be found and found soon to rectify this situation.

YEAR-ROUND DAYLIGHT SAVING TIME

HON. G. WILLIAM WHITEHURST

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. WHITEHURST. Mr. Speaker, I am introducing into the RECORD an editorial from the Ledger-Star of Norfolk, Va., one of the outstanding newspapers in the Old Dominion. It clearly states reasons for year-round observance of daylight saving time. The energy crisis facing the country this winter is fast approaching. Steps must be taken to reduce the amount of fuels consumed, and I believe the Federal Government can take action providing the opportunity to make a zero-cost reduction by passing the daylight saving time bill, H.R. 7647. The editorial follows:

FAST TIME ALL THE TIME

Tidewater's Rep. William Whitehurst and Rep. Craig Hosmer of California, an early-rising former admiral, have taken a good opportunity to propose switching the United States' clocks and clock-watchers to year-round Daylight Savings Time, which the country now runs on from the last Sunday in April to the last Sunday in October.

As Mr. Whitehurst reminded West Virginia Congressman Harley Staggers, whose House Commerce Committee has present custody of the Whitehurst-Hosmer legislation, year-round DST was employed during World War II as an energy conservation measure. It reduced evening-hour peaks in electrical power consumption, which are even higher in winter than summer.

At this juncture, as everyone knows by now, the United States is confronted by the possibility of not having enough fuel oil to get through the winter. Already Washington has initiated distributor-level rationing and a public information campaign to reduce consumption, steps reminiscent of World War II. And the situation may get worse.

The Middle East war and the Arab oil-producers' attempts to blackmail the West add to the uncertainty. Thus, the U.S. cannot afford to overlook any practical precautionary measure. The one Reps. Whitehurst and Hosmer are suggesting is not only practical, it also would offer the country an opportunity to try out a further extension of Daylight Saving Time, which has steadily gained favor since its year-round use was dropped at the end of World War II.

The proposal is "timely" also in that quick action by Congress, as urged by Rep. Whitehurst, would permit sliding into the new system without the scheduled Oct. 28 clock-resetting exercise. This should lessen the impact even if it does not remove all the controversy.

There certainly would be some opposition, for the uniform time system in use now, though a vast improvement over the crazy-quilt of DST areas and varying DST periods once prevailing during the summer, is actually a compromise designed to split the year 50-50 between the Standard Time advocates and the DST proponents.

Many of the "slow time" defenders are farmers who labor by the sun, transact their business by the clock and value an extra hour for morning chores before the stores open. They would be loath to give up their half-year. But their number dwindles, and there are cogent arguments on the other side.

Bit by bit for a generation, rural America has been adjusting to a trend favoring the city's and the suburb's clock-punchers, who like the extra hour of sunlight at the end of the work day—for recreation, lawn ministrations, or as protection against being mugged. The urgency now to conserve fuel just might prove to be the decisive factor in placing the country, clocks, cows and all, on "fast time" all the time.

GERMAN DAY

HON. JAMES M. COLLINS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. COLLINS of Texas. Mr. Speaker, each year in Texas we honor our citizens of German descent by celebrating German Day. Our German population has long played a vital part in the history of our State by contributing to our heritage their outstanding cultural, educational, and scientific achievements. This year, German Day was especially dedicated to Gershon Canaan, a prominent architect and civic leader in Dallas. Gershon typifies the characteristics of hard work and dedication which have made our German-Americans valuable as leaders in our State and our country.

I would like to include an editorial from the October 13, Dallas Morning News concerning Gershon Canaan and German Day:

GERMAN DAY

Back in 1963, German Day was initiated in Texas, honoring the large part played in in building our state by the pioneers of the mid-19th century and subsequent constructive immigrants. No people other than our U.S.A. forefathers have played as important and continuing role in Texas development as the Germans who founded several towns and were great citizens in others. The start 11 years ago of signalizing a German Day was the inspiration of Gershon Canaan, Dallas architect and native of Germany. Canaan brought to this country his sense of fervid patriotism nearly a quarter century ago.

German Day will be fittingly celebrated in Texas, Dallas and notably at the State Fair Sunday, Oct. 14, by making Gershon Canaan the official honoree of the occasion. The start will be made Saturday night in the eleventh annual pre-German Day banquet but will continue on through the always interesting program on the day itself.

Although now an American citizen, Canaan represents the Federal Republic of Germany as its honorary (and active) consul here and has been awarded his native country's Distinguished Order of Merit for exceptional service. He was also awarded in 1964 our own Presidential Citation for outstanding contribution as Design Consultant to the U.S. Public Housing Administration.

German Day symbolizes honor to whom honor is due, most of all this is to the generations of Texas Germans who have done so much for us both as citizens and as soldiers in our two world wars. A similar debt of gratitude is owed in other states to a great people who have helped build America since the first German colony landed in this country 290 years ago in 1683.

Presidential, gubernatorial and mayoralty proclamations greet the day. It is fitting that every Texan join this weekend in commemorating service, achievement and superb loyalty, all exemplified by our German Americans.

BUSINESS AND PROFESSIONAL WOMEN'S CLUBS, INC., OF AMERICA, OCTOBER 23, 1973

HON. PATSY T. MINK

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mrs. MINK. Mr. Speaker, when the equal rights amendment is ratified next year, it will mark the culmination of more than 30 years of struggle on its behalf by the Business and Professional Women's Clubs, Inc., of America.

Long an active organization interested in seeing women "counted as people," this week the BPW is marking another milestone of growth since its formation in 1919 with the celebration of National Business Women's Week, October 21 to 27. The form of excitement they are generating over this event is a concerted drive for ratification of the equal rights amendment. In line with this effort the BPW, no stranger nor token contributor to the struggle for equality for women, has set a goal of $250,000 for its equal rights amendment ratification fund.

Their ratification drive began last Saturday with their national federation president Ms. Jean McCarrey's press conference in Springfield, Ill. Her stop was the first to 14 States that have not yet ratified the equal rights amendment and which have State legislatures meeting in 1974. Her objective is to clarify the benefits of the equal rights amendment and to urge its passage. President McCarrey's National Business Women's Week tour will see her meeting people at press conferences, banquets, receptions, rallies, and a multitude of other activities. She will often be eating breakfast in one State, lunch in another, and sitting down to dinner in yet a third State. In air miles, President McCarrey will have crossed the country at least twice over by the end of National Business Women's Week.

The BPW's efforts will certainly form an important and valuable contribution

to our struggle for "8 More in '74!" Congratulations to the National Federation of Business and Professional Women's Clubs of America as they celebrate National Business Women's Week with the struggle for equal rights.

FDA REGULATION: HOW MUCH PROTECTION CAN WE STAND?

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. CRANE. Mr. Speaker, at the present time the United States is lagging seriously behind Great Britain and other countries in the introduction of new therapeutic drugs.

In the 10 years before the 1962 drug regulations, the pharmaceutical industry produced and marketed an average of 43 new medicines each year. Between 1963 and 1970, this figure dropped to 17. In the last 5 years, the average has fallen to 13.

A recent study shows that nearly four times as many new drugs became available during the last decade in Britain as in the United States. When examined by therapeutic category, this drug lag was found to be most marked in the areas of cardiovascular, gastrointestinal, and respiratory medicine, and diuretic, and antibacterial therapy.

Writing in the September 1973 issue of Private Practice, the journal of the Congress of County Medical Societies, Allan C. Brownfeld, newspaper columnist and recently named that journal's editor, discusses the impact of FDA regulations upon the Nation's health.

Reviewing a study conducted by Prof. Sam Peltzman of UCLA, Mr. Brownfeld writes that:

> He found that the cost of delaying a beneficial innovation is approximately 10 to 100 times the value of avoiding a mistake. Peltzman estimates that delaying the drugs that conquered tuberculosis by 2 years would have meant about 45,000 additional deaths, and twice that number of additional persons with the disease.

In addition to keeping new drugs off the market, Mr. Brownfeld points out that the FDA has also been—

> Removing old remedies—such as combination cough medicines and vitamin combinations—which it now deems to be in violation of rules concerning "safety" and "efficacy".

Part of the problem, he writes, is that—

> The governmental bodies regulating drugs are almost totally devoid of practicing doctors who base their judgments on daily clinical evaluation in routine settings. The FDA has only 4,500 employees and of these there are only approximately 200 physicians, 80 pharmacologists and 100 pharmacists. What we face, more and more, is medical regulation by bureaucrats, something which is unprecedented even in countries with socialized medicine.

It is time for the Congress to assert its authority in this area, to carefully review the manner in which the Food and Drug Administration has kept new drugs from the American market, and has removed remedies long believed to be effective. Such agencies are not meant to be autonomous, but to follow carefully developed guidelines developed within the Congress. In many respects, we in this body have neglected our responsibilities in this field.

I wish to share with my colleagues the article, "FDA Regulation: How Much Protection Can We Stand?" by Allan C. Brownfeld, as it appears in the September 1973 issue of Private Practice, and insert it into the RECORD at this time.

The article follows:

FDA REGULATION: HOW MUCH PROTECTION CAN WE STAND?

(By Allan Brownfeld)

The role of the Food and Drug Administration in approving new drugs for use by Americans, and withdrawing drugs from the market when they are deemed unfit for use, has stirred increasing controversy in recent months.

There is mounting evidence that the FDA, rather than helping to improve the nation's health, has hindered the development of new drugs and kept many important new medications from the American market. Critics have argued that if penicillin were developed today, it would be ten years before Americans would have the legal right to use it. The FDA, in addition, has arbitrarily removed from the market many drugs which have been used effectively for years in treating a variety of health problems.

The FDA was created in 1906 with the protection of the public its primary aim. Since that time, the powers of the agency have been strengthened considerably. Today it is a huge bureaucracy which has the power to determine which drugs can—and which cannot—be used.

The two following examples illustrate the problem faced in making new drugs available for use.

One drug which the FDA has effectively kept from the American market is Dimethyl sulfoxide (DMSO). Originally synthesized in 1866, it remained a laboratory curiosity for more than three quarters of a century. The medical applications of this drug sprang from a collaboration in the early 1960s between chemist Robert Herschler of the Crown Zellerbach Corporation and Dr. Stanley Jacob of the University of Oregon Medical School.

Herschler had been experimenting with DMSO, until then used primarily as a liquid solvent for industrial purposes, and told Dr. Jacob that the solvent could carry other substances deep into the interiors of plants and trees. If it could penetrate plant membranes, he wondered, could DMSO have similar effects within the human body?

The two men set up an experiment on rats, scald-burning them while the animals were under anesthesia. When the anesthesia wore off, the rats treated with DMSO sat more quietly in their cages than did the others. Herschler and Jacob surmised that the DMSO might have acted as a painkiller.

Some time later, Herschler accidentally suffered burns of his hand and forehead. He phoned Jacob. "I want to be a human guinea pig for DMSO," he said. Jacob then daubed the drug on Herschler's left hand, but left the other burns untreated. Within minutes, the pain and swelling disappeared from the treated areas and remained in the untreated spots.

Working with animals, the two men demonstrated that DMSO could pass through tissues, taking other substances along; that it would reduce inflammation; that it could clock nerve conduction (which would explain DMSO's effect as a painkiller). Later on, Dr. Jacob and Dr. Edward Rosenberg, associate clinical professor of medicine at the Oregon Medical School, had almost 100 per cent success in their use of DMSO on 20 patients with bursitis. Other research turned up encouraging progress in treating the common cold. Rubbing DMSO on the skin of the nose, for example, relieved congestion and drainage problems for several hours. Using DMSO for sinusitis removed pain and symptoms for several days.

During the summer of 1965 a major German drug manufacturer sponsored the first international symposium on DMSO and 140 German and Austrian physicians attended, as did Dr. Jacob and Dr. Rosenberg. The exchange resulted in the sanctioned use of DMSO as a prescription drug in Germany and Austria as of September 1, 1965.

Despite its overwhelming success, DMSO was banned in the United States by the FDA. The ostensible reason: "Certain species of animals treated with DMSO had developed changes in the lens of the eye." Discussing the FDA action, Senator Mark Hatfield (R-Oregon) declared that, "There was no proof that DMSO had any deleterious effect on the eyes of a single human being. The FDA action was premature . . . Dr. James Goddard, then chief administrator of FDA, is a very aggressive, very dogmatic man, and he was determined to rule in all areas of medical drugs. The tragedy of thalidomide . . . was fresh in everyone's minds, and the FDA was anxious not to let anything like that happen again. So they got over-cautious without being at all scientific. It was a political reaction."

DMSO is now used safely and effectively throughout the world—but not in the United States, where it was developed.

Another drug therapy kept from the American market is the "U" series developed by Dr. Henry Turkel which, experts state, can effectively remove accumulations in such diverse genetic disorders as Down's syndrome, arteriosclerosis, the adult form of diabetes, ataxia telangiectasia, certain forms of arthritis produced by accumulations, various allergies, angioneurotic edema, and those forms of leukemia in which the patient has the Philadelphia chromosome.

Primarily used in therapy for mongoloid children, the "U" series is now effectively being used in England, Israel, West Germany, Switzerland, and many other countries—but not in the U.S. where it was developed, except for the city of Detroit. Before the 1962 amendments to the Food and Drug Act, more than 40 doctors in the United States were improving the health and outlook of mongoloid children by using the "U" series to remove the internal pollutants responsible for the artificial starvation and consequent retardation on the mongoloid child. Today, interstate shipment of the drugs in the "U" series have been made illegal.

Part of the problem are bureaucratic regulations demanding proof of the "safety" and "efficacy" not only of the drug, but of every ingredient in it. Dr. Turkel declares that, "Very few substances can be guaranteed to be safe for all human beings, because of our individual idiosyncrasies and allergies. Very few medicines can be guaranteed to be effective for all patients, for the same reasons. Congress opened a Pandora's box when it permitted bureaucrats to determine 'safety' and 'efficacy' of substances for purposes of interstate shipment. Congress added to the possibility of abuses by not demanding guidelines for new drug applications—so that the FDA could always respond with the words 'incomplete' or 'incorrect' regardless of the data on the application, without supplying any further information about the data required. This . . . can make it possible for those officials to approve or disapprove any application almost at their whim."

In his book *New Hope For Mentally Retarded—Stymied By The FDA* (Vantage Press, 1972, Dr. Turkel writes that, "Until the 1962 law, when making proof of safety and efficacy a necessary preliminary was passed, the FDA intimidated companies whose drug they did

not wish to approve by rejecting the labeling. In the case of the 'U' series, the medications must be taken as a series and not as individual drugs. Just as a pile of bricks, a stack of lumber, and some window glass do not make a suitable habitation, but first must be put together with mortar, nails, and other material to make a house, the individual ingredients of the series do not make a suitable medication for the removal of excessive metabolites. I stated that it was impossible to write labeling for the individual ingredients—that the labeling would have to be for the entire series."

Dr. Jean Lockhart of the FDA told Dr. Turkel that, "It is our opinion that it may be impossible to write suitable labeling for efficacy of this product; in view of the cytogenetic basis of Mongolism we recommend that you abandon work on this application." This "recommendation" was more strongly worded by the Commissioner of Food and Drugs in a letter dated November 26, 1963: "Discontinue administering it to human beings. You may submit additional information when available . . ." This, noted Dr. Turkel, "is a neat trick: stop investigating the action of the drug and submit more information regarding the action of the drug when available. This agency decides who shall be treated and who shall not; who shall live and who shall die. This agency is symbolic of power abused, power given because of an accident of judgment by politicians."

Opposition to the FDA is becoming increasingly vocal. Economist Milton Friedman recently urged repeal of the 1962 amendments to the Food, Drug and Cosmetic Act because the "unduly stringent" requirements were delaying the approval of new drugs.

Testifying before the FDA's National Advisory Drug Committee, Dr. Robert D. Dripps, vice-president for health affairs of the University of Pennsylvania, declared that, "Our present system has shortcomings in concept and application that may be adversely affecting pharmaceutical progress, medical practice, and the health of our people."

Dr. Dripps cited these "concerns": (1) "Extraordinary lengthening of time for the development and approval of new drugs in this country; (2) . . . continued discontent with the U.S. system of drug regulation among various sectors of our society . .; (3) . . . increasing bureaucratic involvement in the research process itself . .; (4) . . . unnecessary delay in the introduction of useful agents . .; (5) . . . potentially useful compounds are being prematurely discarded because of extreme caution in the interpretation of animal toxicity data that science may some day learn are inapplicable to man."

In a recent economic study to determine whether a drug was "good" or "bad," Sam Peltzman of U.C.L.A. used the decisions doctors make in the marketplace as his basic criterion. If over a long period of time they continue to prescribe a medicine, if it withstands the "ultimate test" of time, then Peltzman categorized it as "good." He stated that, "I wouldn't feel disturbed if a doctor relies on that information which he thinks is most reliable."

The basic question addressed by Peltzman was whether the public had benefited by the 1962 amendments to the drug law. For the most part these amendments required manufacturers to provide substantial premarketing evidence of efficacy, in addition to the pre-marketing evidence of safety required by the existing law. The amendments also tightened the requirements for safety and empowered the FDA to act against false and misleading promotion of drugs to physicians.

Peltzman concluded that the amendments have done far more harm than good and that the public would be well served by their repeal. Milton Friedman, citing the Peltzman data, went even further. To comply with the amendments, "FDA officials must condemn innocent people to death. Indeed, further studies may well justify the even more shocking conclusion that the FDA itself should be abolished."

Citing the Peltzman data, Dr. Friedman noted that, "The stiffer standards had a spectacular effect on the rate of innovation. In the 12 years prior to 1962, 41.5 'new chemical entities'—that is, really new drugs—were introduced on the average each year; in the next eight years. 16.1. And their introduction was delayed by two years on the average."

Friedman expressed the view that, "Peltzman used highly imaginative techniques to assign dollar values to the benefit from suppressing harmful drugs or postponing the introduction of useful new drugs . . . To make sure that his results would hold up, he leaned over backward, overstating benefits from the stricter standards, and understating costs. And of course, he recognized full well that dollar estimates are a pale reflection of the human benefit and harm in terms of lives saved and lost. But that seems the only feasible way to get a numerical measure that combines the value of comfort gained by relief of a minor distress, days gained by avoiding or shortening illness and lives gained by curing a hitherto deadly disease."

According to Peltzman's estimates, the 1962 drug amendments cost consumers of drugs over and above any benefits—$200 to $500 million per year at a very minimum. This is 5 to 10 per cent of the money spent annually on drugs. It is as if a 5 to 10 percent tax were levied in drug sales and the money so raised was spent, writes Friedman, "on invisible monuments to the late Senator Kefauver."

To discover the effects of regulation on the more dramatic mistakes and discoveries, Peltzman examined the costs to society of a thalidomide type mistake, the benefits to society from a penicillin type success, the frequency of such occurrences prior to 1962, and the areas, notable heart disease and cancer, where major discoveries are needed for the future.

Making the assumption that no discoveries would permanently be kept from the market by the post-1962 procedures, and that their only effect would be to delay an innovation by two years, he found that the cost of delaying a beneficial innovation is approximately 10 to 100 times the value of avoiding a thalidomide mistake. Peltzman estimates that delaying the drugs that conquered tuberculosis by two years would have meant about 45,000 additional deaths, and twice that number of additional persons with the disease.

The FDA has been exercising its authority not only in preventing new drugs from reaching the market, but in removing old remedies—such as combination cough medicines and vitamin combinations—which it now deems to be in violation of rules concerning "safety" and "efficacy."

Commenting upon the FDA's regulations concerning vitamins and food supplements, syndicated columnist Nicholas von Hoffman noted that, "The FDA, an outfit that has as poor a record as any regulatory agency around, has at length succeeded in scoring one triumph. It has brought about a marriage between Rep. Bella Abzug . . . and Craig Hosmer, the right wing Republican . . . Rep. Abzug has joined with about 150 other members of the House in sponsoring a bill authored by Hosmer which would prevent the FDA from putting into force a series of regulations making vitamins and food supplements less convenient and more and more expensive to buy."

Discussing the FDA's lack of responsiveness to the very real criticisms leveled against it, Von Hoffman declared that, "The FDA has mounted a campaign that suggests that any one who opposes it, the medical cartels and the drug companies, are kooks, faddists and secret sympathizers with the John Birch Society. People once thought much the same of Pasteur, for it has been the peculiar tradition of medicine in the last 200 or 300 years to prefer exorcism and excommunication of new hypotheses to the scientific testing of them. The non-MDs, and even some of the doctors of this era will not be intimidated by old dogmas and old dogmatists, even if they are enforced by the power of the state. People want more and better than the FDA can give them. . . ."

Members of Congress are showing renewed interest in the role being played by the FDA. Rep. Jerry Pettis (R-Cal.), a member of the House Ways and Means Committee, said that "a convergence of dissatisfaction with food, drug, biological product and other regulatory programs" indicates that changes in the law are needed.

Discussing the action of February 9, 1973 in which the FDA, through the Federal Register, declared its intention to remove 23 cough mixtures from the market, Rep. Philip M. Crane (R-Illinois) noted that, "This action is only part of a continuing effort by the FDA to eliminate the use of standard-dose combinations. The decisions made in this field are the result of bureaucratic determinations from within the FDA and its advisory panels . . . It is essential that we carefully review the extensive and often arbitrary authority which has been given to the Food and Drug Administration."

The fact is that the governmental bodies regulating drugs are almost totally devoid of practicing doctors who base their judgments on daily clinical evaluation in routine settings. The FDA has only 4,500 employees and of these there are only approximately 200 physicians, 80 pharmacologists and 100 pharmacists. What we face, more and more, is medical regulation by bureaucrats, something which is unprecedented even in countries with socialized medical systems.

In a letter to the House Commerce Subcommittee on Health, some of the nation's leading scientists and physician-researchers declared that the FDA has been too strict and arbitrary in its use of power. They noted that, "We believe a change in the drug regulatory system is badly needed. The system too often stifles creativity and escalates costs of research; perpetuates a continuing decline in the number of new drugs entering the market in this country; and may be depriving the practicing physician of agents beneficial to patient care."

Efforts to challenge this arbitrary power through the Courts have not been successful. In June, 1973, the FDA won a major victory in the Supreme Court which frees it to proceed with a four-year timetable for removing what it calls "ineffective prescription medicines" from the marketplace.

Agency counsel Peter Hutt believes that the Court's 7-0 decisions in three related cases have implications reaching far beyond prescription drugs. By incorporating a rare advisory opinion on the estimated 100,000 to 500,000 over-the-counter medications, the rulings validated the agency's efforts to halt the marketing of such drugs if they are "ineffective, unsafe, and misbranded."

In addition, said Hutt, the court has implicitly removed doubts about the legality of FDA's industry-wide approaches to regulation of food, food additives, and medical diagnostic products.

Common questions run through all of the FDA's regulatory efforts in each field: is the agency limited to merely acting on market-

ing and other proposals submitted by regu- industry generally contends? Or can the FDA lated companies and to suing violators, as make rules that deal comprehensively with each basic regulatory issue?

In the June rulings, the Court dealt with industry challenges to the FDA's across-the-board approach to the 1962 amendments requiring manufacturers to provide, within two years, substantial evidence of efficacy for thousands of prescription drug products marketed in the previous twenty five years. Justice William O. Douglas said that case-by-case regulation may be "the way best to serve the public's needs" but said the public's needs are "opposed and paramount." Consequently, "the comprehensive rather than the individual treatment may indeed be necessary for the quick effective relief" from medicines sold with unsubstantiated claims, Douglas said.

If forbidden to proceed on a comprehensive basis against "ineffective" prescription drugs it wanted to bar from sale, the FDA would have to hold possibly 3,500 separate hearings, "each one lasting probably for weeks," Douglas said.

The Supreme Court has, in effect, said that drugs may be removed from the market without a hearing. This is consistent with the FDA's view of its own authority. Counsel Peter Hutt stated, at the Food and Drug Law Institute Conference in December, 1972, that, "Except where expressly prohibited, I believe FDA is obligated to develop whatever innovative and creative regulatory programs are responsible and most appropriate to achieve fundamental objectives laid down by Congress. I am not at all certain that FDA has yet begun to explore the full reaches of existing statutory authority."

Mr. Hutt's former law partner, Mr. H. Thomas Austern of Covington and Burling law firm in Washington, D.C. describes this interpretation of agency authority in his reply to Mr. Hutt: "It is no distortion of his (Mr. Hutt's) basic approach to read it as meaning: Everything we want to do that is not specifically prohibited can be made mandatory, if we think it is in the public interest."

Commenting upon this formulation of the FDA role, the National Ethical Pharmaceutical Association declared that, "If every attorney of every government agency took a similar position, there would be very little need for a Congress to enact laws. Mr. Hutt further believes that the FDC Act may be regarded as a constitution granted to FDA by the Congress. This General Counsel of FDA incredibly states further that judgment and discretion play an even more important role in the administration of the Act than does the statutory language itself: This not only violates legal principles, but also ignores the actions and intent of Congress."

Unfortunately, the FDA is much like other administrative agencies in that it has become, more and more, a law unto itself, outside of the effective control of the Congress. Rather than having laws passed by the men and women they elect to Congress, and who must return to them at stated intervals for their approval or disapproval, Americans are now subjected to a maze of rules and regulations and policy decisions which are made by non-elected government administrators—"bureaucrats."

Our government was created as one of strict checks and balances. In *The Federalist Papers,* James Madison states plainly: "In framing a government which is to be administered by men over men, the great difficulty lies in this: you must first enable the government to control the governed; and in the next place oblige it to control itself." Today, many of these controls are gone.

The first thing that is needed with regard to the Food and Drug Administration is the reassertion of Congressional authority over what that organization is, in fact, doing. In addition, Congress needs to state quite clearly what it means by such broad terms as "safety" and "efficacy." To permit non-doctors in the Congress and non-doctors in the bureaucracy to determine which drugs can be used and which cannot is a dangerous manner through which to "control" the drug market.

Dr. Warren D. Smerud of Concordia College has made a suggestion which merits consideration. He writes that, "One alternative which may be worth considering would be to allow the FDA to require labeling of all medications which FDA 'experts' are not convinced are effective with a label simply notifying the physician that the medication although recognized as 'safe' is not recognized as efficacious, or some equivalent in acceptable bureaucratese. Possibly some physicians would take such a notice as a quasi-divine verdict; others, one suspects, would be capable of an independent appraisal."

Beyond this, in a free society should not men and women have a right to take drugs which all admit are "safe" but which some doubt are "efficacious?" Does freedom stop at the door to the doctor's office, or should it go beyond?

Hopefully, these questions and others concerning the FDA will be asked—and answered. The current dilemma can be permitted to continue only at great risk to the health of the American people and to their freedom. Though few seem aware of it, the two—health and freedom—may have a relationship that also is worthy of consideration.

AMBASSADORS OF GOOD WILL

HON. WILLIAM S. COHEN

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. COHEN. Mr. Speaker, today we welcome Washington's own Arena Stage Theater Company back from a tour in the Soviet Union. These ambassadors of good will truly represent the most sincere efforts to bring the peoples of the Soviet Union and the United States together.

Their expression of détente was not political nor economic, but a détente of the spirit. Through their portrayal of "Our Town" and "Inherit the Wind," they reached out and lessened the gap of understanding in a way that politicians and tourists cannot do.

As a strong supporter of the recently authorized extension of the National Foundation for the Arts and the Humanities, I believe the fine arts are the medium through which all can find understanding.

As I said in a statement I made at the time the foundation was extended, the song of a bird may have no monetary value, no cost-benefit ratio, and perhaps no moral purpose, but its influence is nonetheless humanizing. In this sense, the same must be said for the arts and the humanities, for they reach the highest form of expression, of history and prophecy. And I would respectfully suggest that we do not measure the success of a society or a civilization in terms of its gross national product, but in the quality and the character of the men and women it produces.

The arts and humanities give us inspiration and the impetus to reach for the ideal. And, given the times in which we live, there can be no greater need. As a recipient of support from the foundation, the Arena Stage Theater Company has certainly manifested Congress legislative intent. I applaud its success.

DÉTENTE DELUSION DEBUNKED

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. DRINAN. Mr. Speaker, a very perceptive editorial entitled "Détente Delusion Debunked" by Joseph G. Weisberg, the distinguished editor of the Jewish Advocate, an extraordinarily fine weekly published in greater Boston and read throughout the Nation.

Mr. Weisberg makes the point that it has been Russia which has planned and precipitated the war in the Middle East. He notes that Russia has had designs on the Middle East since Czarist days and that an Arab victory would serve Russian purposes.

I commend this very thoughtful and persuasive editorial to my colleagues:

DÉTENTE DELUSION DEBUNKED

(By Joseph G. Weisberg)

It is ironic that the announcement Tuesday of the Nobel Peace Prize to Dr. Henry A. Kissinger should have come on the morning after the pledge by Russia to "assist in every way" the Arab war on Israel. The cynical Soviet decision not only dashed hopes for an immediate joint superpower move to halt the hostility in the Middle East, but threw cold water on the Nixon Administration's passionate pursuit of detente.

Yet Moscow's determination should come as no surprise, for, if the truth be recognized, there has been no Russo-American detente, only the delusion of one. A look at the record of the past year will show that the United States is held by the Soviet Union as a teabag to be dipped to satisfy its thirsts. The craving for grain and favored nation status may have induced the USSR to speak softly, but it still speaks out of both sides of the mouth.

If détente were in Moscow's mind, it would not have been laid low by the pledge to give all-out support to the Arab cause in naked defiance of Secretary of State Kissinger's warning that "détente cannot survive irresponsibility in any area, including the Middle East."

The Soviet Union is pragmatic. It is also mendacious and treacherous, as past actions prove. It broke through on MIRV weapons despite the SALT talks. It went back on its promise not to move up or install new missile sites on the Egyptian side of the Suez Canal exacted as a condition precedent to the 1970 Ceasefire. Now it has reneged on its recent agreement with the United States not to exacerbate the situation in the Mideast.

Russia has a number of designs in the Middle East: a desire since Czarist days for a warm port, a short trade route to the Far East, control of oil supply as control over the West, availability of Arab billions for her own economic development, and the spread of communism, among other objectives.

Most of these goals conflict with U.S. interests and those of its allies. While, there-

fore, it will serve Russian ends to have an Arab victory, such victory would be a defeat not only for Israel, but for the U.S.

This war and that of 1967 would not have occurred had not Russia seized upon Arab hostility against Israel to entrench herself in Arab lands through the supply and resupply of billions of dollars worth of sophisticated weapons. It can be assumed that Russian adventurism in the Middle East will stop short of actual physical participation in combat because of the risk of military confrontation with the United States. It is obvious, however, that the Soviet Union is prepared to fight to the death of every Arab and Jew to gain dominion over that part of the world. Let's face it, this is more Russia's war than it is Arabdom's.

In a display of hypocrisy that exceeds even the hyperbole of "chutzpah," Russia has branded Israel in the United Nations as an "international gangster" and an "aggressor nation" and demands that she draw back to her vulnerable 1948 borders, conveniently overlooking her own enlarged frontiers drawn over land formerly Finnish, Latvian, Estonian, Lithuanian and Polish.

Russian involvement in the Mideast conflict was assailed by Israeli Premier Golda Meir in a heart-rendering state of the war message to the Knesset this week deploring the toll of casualties. She was also scathing in her attacks on Britain and France. Britain, she said, has put an "embargo on the shipment of arms to Israel at a time when we are fighting for our very life" and the shooting down of Mirage jets by Israeli forces proves that "Israel's repeated protests against French sales of these fighters to Libya has been justified."

In contrast, she paid tribute to the United States saying, "Its people and its government are dear to us."

Mrs. Meir concluded: "I am certain that when we have succeeded in bringing our enemies to the verge of collapse representatives of various states will not be long in volunteering to try to save our atackers by means of a ceasefire and then there will be considerable activity at the Security Council of the United Nations. At any rate, now as in previous wars, the ceasefire depends first and foremost on the strength of the Israeli armed forces."

Israel has made it plain that she seeks not troops from America. What she needs is planes, tanks and armaments to replace her heavy losses and electronic equipment to counter missile strikes.

In helping this doughty little nation America helps herself.

THE WORLD LOSES ITS GREATEST CELLIST

HON. HERMAN BADILLO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. BADILLO. Mr. Speaker, in the death of Pablo Casals the world has not only lost one of its greatest musical geniuses but also a great humanist and a staunch defender of democratic institutions. Also, the people of Puerto Rico have lost one of their most distinguished and beloved adopted sons.

A man of deep compassion and feeling for his fellow man, Casals was a forceful and effective spokesman for the cause of peace and opposition to tyranny, whether of the right or left. Both his personal and professional lives were dedicated to the cause of peace and better understanding among the peoples of the world. Pablo Casals held deep convictions and, at times, spurned awards and honors which might compromise his personal beliefs—a quality which we have seen sorely lacking in recent months.

This great musician, composer, conductor, and world citizen chose to spend his latter years in Puerto Rico and during the remainder of his life he made many significant contributions to the quality of life on the island—foremost of which is the annual Casals Festival which attracts musicians and audiences from all parts of the world. It is most appropriate that his last composition—A Hymn to Peace—was commissioned by the United Nations as this so accurately reflected his thoughts and background.

The esteem and respect in which Pablo Casals was held by all peoples was aptly noted by the late philosopher Thomas Mann when he declared that Casals "is one of those artists who come to the rescue of humanity's honor." Pablo Casals was certainly an outstanding musician because he was personally a great man. I deeply lament his passing—both for myself and for future generations in this land and others.

THE NATION CAN SURVIVE MR. NIXON'S IMPEACHMENT; BUT CAN DEMOCRACY SURVIVE MR. NIXON?

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. ROSENTHAL. Mr. Speaker, I have today filed a resolution of impeachment against President Richard M. Nixon.

Although impeachment is an extraordinary remedy to invoke against a sitting President, Mr. Nixon has made it clear that he will not answer to any other process. He has proclaimed himself above the law—above the courts, the Congress, and the Constitution.

When the President fired Special Watergate Prosecutor Archibald Cox, he did much much more than dismiss a "disobedient" subordinate employee, as Mr. Nixon's apologists would have us believe. Mr. Cox's appointment was a response, in the first instance, to a widely held belief throughout the country that the executive branch had been tarnished by extreme corruption and that only a special and independent prosecutor could ferret out this corruption and restore the Nation's faith in its Government in Washington.

Archibald Cox stood for the rule of law and the preeminence if constitutional government in a democratic America. His appointment by former Attorney General Elliot Richardson with the concurrence of Mr. Nixon, was a sacred contract entered into by the President with the Congress and the American people. Mr. Nixon has now deliberately breached that contract; he has gone back on his word; he has violated his oath of office.

Mr. Speaker, there are a number of tragic ironies surrounding this terrible crisis:

It is ironic that the man who promised the Nation "law and order" has wrought only disobedience to the law and disrespect for the Government;

It is ironic that the man who said that the Watergate affair belonged in the courts and not in the public arena, flaunted the unmistakable order of the U.S. courts until impeachment pressure from Congress forced an apparent reversal of that decision.

Mr. Speaker, I view my action today in filing this impeachment resolution as an affirmation of my faith in America and my trust in the American people. This great Republic can survive the impeachment of its President; but it cannot I fear survive 3 more years of doubt, cover-up, and Presidential disrespect for the law.

THE AGNEW DISGRACE

HON. JOHN E. MOSS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. MOSS. Mr. Speaker, much has been written by journalists about the varied performances of former Vice President Spiro Agnew, but none has described his machinations more tellingly than Charles McCabe, in his popular column, the Fearless Spectator, appearing in the San Francisco Chronicle on October 17, 1973. The column follows:

THE AGNEW DISGRACE

Among the ceremonial duties delegated by Mr. Nixon to his Vice President, Mr. Spiro T. Agnew, was the presidential neurosis about the press. When Mr. Agnew took after us here "effete snobs" of the media, he was as surely Charlie McCarthy as Mr. Nixon was Edgar Bergen.

That was before the summer of '73, when Mr. Nixon got in deep trouble, and Mr. Agnew allowed, a little less privately than proved to be useful, that he could don the purple without so much as an altered hem. That, too, was before Agnew got dumped and confessed to a felony, and before his 19-minute free TV whine of Monday.

That the political air is corrupt these days we do not have to be told. If your breakfast has fully settled, let us consider the way Mr. Agnew used the press, and by extension everyone who was affected by what the press disclosed, in his shameless public plea bargaining to save his skin from going behind prison bars.

In his first plea bargaining sessions, which were admittedly set in motion by Mr. Nixon, a sentence in the slammer was apparently a condition insisted upon by Assistant Attorney General Henry E. Peterson, representing Justice. Mr. Agnew apparently figured he could do better than this; but not in the office of Mr. Peterson.

After these bargaining sessions, late in September, Mr. Agnew entered upon as conscienceless a program of hype as has been seen in many a day. He yelled some more about his "purgatory," knowing he was guilty as Cain. He put the heat on the White House. "I will not resign if indicted! I will not resign if indicted!" He waltzed into the House demanding an impeachment hearing.

He began leaking portentous quotes to the weeklies. "I have been completely destroyed, in my judgment. My political future

is zero . . . I am fighting for my integrity and my reputation. That is more important now than any political office." Those words were spoken when Mr. Agnew knew he was guilty as Cain.

He attacked Henry E. Peterson directly if not by name as one of those who were ineffectual in getting to the bottom of the Watergate scandal and "are trying to recoup their reputations at my expense. I am a big trophy."

The big trophy, in a super grandstand play, had his lawyers sue a group of newsmen to reveal their sources, especially of a quote attributed to Mr. Peterson: "We've got the evidence. We've got it cold." When he made his play Mr. Agnew knew this statement to be the bald truth, whether Mr. Peterson said it or not.

All these deviousities, all those brave grand speeches to adoring groups of Republican women, can now be seen as the efforts of a not-very-smart crook to keep out of jail at any cost.

The tactic worked, as we know. Mr. Nixon's top political and personal priority had become the dumping of his Vice President. The President would have paid anything to achieve this. He just about did. Mr. Agnew may see the inside of a slammer yet; but it will not be the doing of Mr. Nixon.

The whole scheme is a mighty depressing story. Brother Agnew went out with a whimper. Not, however, without making a lot of bang bang noises. I, for one, feel ever so slightly had by the whole performance.

Try as one might, you can't blame the press or the telly in this instance. If the Vice President of the Republic decides to lie himself blue in the face about his probity, what the hell can the press or anybody else do? Public lying of this stripe is a serious crime, but it's not on the books as such.

I'm far from suggesting that Democrats or Tories or Prohibitionists do not lie. They most certainly do, since mendacity is the high road to public office. But few have used the public with such cynical brutality as this desperate man. As the man said in the North Beach bar, "There's no way you can libel that guy."

JOE CREASON

HON. TIM LEE CARTER

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. CARTER. Mr. Speaker, just recently I read this poignant story from the pen of Joe Creason in the Louisville Courier-Journal. I submit it for persual of the Members.

The story follows:

JOE CREASON

How does one go about separating fact from fiction—or, perhaps better put, should one even attempt to separate fact from fiction—in what undoubtedly is a real, All-American folk tale?

Today being Veterans Day, let me pass on a simple little tale that comes encased in the barest framework of fact and you judge if the absence of exact names, dates and places are important.

The tale comes to me from a Louisville friend, Herbert F. Hillenmeyer, and was told to him many years ago by his mother. When you read it, I think you'll understand why, after all the years, he never sees a yellow butterfly without thinking of the story.

The time is prior to World War I; the place a Midwest farm; the main character is a laughing, blond-headed little boy. As she watches him playing in the summer meadows, his doting mother always notices a cluster of yellow butterflys dancing almost like a vapor above his head. They move with him wherever he goes, accentuating his sunny disposition.

The boy grows up, is drafted into WW I service and is sent to France. Eventually his mother receives the dreaded telegram—missing in action. He is never found.

Comes the day for the burial of the Unknown Soldier in the heroes grave at Arlington National Cemetery. The boy's mother is present for the ceremony. Sorrowfully, she wonders if the soldier being honored could possibly be her missing son. Against all odds, could it possibly be he?

Then suddenly she has her answer. For over the head of the casket, dancing like a vapor as it is borne toward the tomb, is a cluster of yellow butterflies.

VETERANS' AFFAIRS CHAIRMAN DORN ADDRESSES AMERICAN LEGION EXECUTIVE COMMITTEE MEETING

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. TEAGUE of Texas. Mr. Speaker, the distinguished chairman of the House Veterans' Affairs Committee recently addressed the National Executive Committee of the American Legion in Indianapolis, Ind. Chairman DORN spoke about a number of important veterans' issues which are the subject of very serious consideration by the Veterans' Affairs Committee of the Congress.

For the benefit of my colleagues, I include the text of the press release covering Chairman DORN's remarks:

PRESS RELEASE

In his report to the Legion's National Executive Committee, Dorn said that the Congress is presently engaged in processing two important pieces of veterans benefit legislation that, when enacted, will improve benefits for several million veterans. Chairman Dorn said that following lengthy hearings the Subcommittee on Education of the Veterans Affairs Committee has reported a bill which would grant a 13.6% increase in education and training allowances. Under this formula, the rate for a single veteran would go from $220 to $250 per month for the full time trainee with the same percentage increase across the board for all other classes of trainees and types of training. In addition, Chairman Dorn said that the Education Subcommittee had recommended an extension of two years for the period in which the veteran may take training. Under existing law, a veteran must complete all his training within a period of eight years. The Veterans Affairs Subcommittee has recommended an additional two years.

Dorn said that the Subcommittee had also recommended that the vocational rehabilitation program for disabled Vietnam veterans be made identical to the World War II program which was more liberal. The additional first year benefit cost of the legislation recommended by the Subcommittee was estimated at $555 million. Chairman Dorn said that he expected the full Committee to act quickly and that he is striving to gain passage of the bill by the House as soon as possible and hopes that the bill can become law before the Congress adjourns.

Chairman Dorn briefed the Legion Executive Committee on the status of nonservice connected pension legislation and told the body that a bill raising pension rates for about two million veterans and widows is in the final stages of consideration and that the bill had passed both the House and Senate, and that the Committees were in the process now of working out the differences between the two bills. Chairman Dorn predicted that agreement will be achieved soon and expressed the hope that this bill could be signed by the President in time for the veterans and widows to receive a raise in their pension checks at least by January 1 of next year. Chairman Dorn said that the pension bill would provide about $246 million in additional pension benefits for veterans and widows.

Chairman Dorn referred also to a bill which the House of Representatives passed in May of this year that is aimed at making more attractive service in the Reserve and National Guard. This bill, which is presently pending in the Senate, would provide 365 day insurance coverage under the Servicemens Group Life Insurance Program for members of the Reserve and National Guard in amounts up to $15,000. At the present time, these individuals are covered only while they are actually engaged in training or on active duty. The bill contains a provision which would permit the reservist who has completed at least twenty years service to retain his insurance coverage after separation until he reaches age 60 and becomes eligible for retirement. Dorn said that this is one of several provisions supported by the Department of Defense and the Congress aimed at making Reserve and National Guard service more attractive. The Senate has not yet acted on this bill, but Chairman Dorn said that he expected them to do so in the near future.

Chairman Dorn lauded the American Legion for its cooperation with the Congress and commended the practical approach and restraint of the organization. Chairman Dorn said, "Legislation practically conceived and executed with consideration for the other citizens of the nation who pay the tax bill is the correct way to benefit veterans. Under these guidelines we have been able to produce a very good legislative program for veterans and their dependents this year. Upon completion of the education bill and the pension bill, which are presently being considered, Congress will have achieved for veterans additional benefits exceeding $800 million."

"Execution of a program such as this is not easy," said Congressman Dorn, "particularly when we must give careful consideration to the level of Government expenditures. Success of this kind is dependent on a cooperative approach between the veteran organizations, the Congress and the Administration."

REMARKS BY ADM. E. R. ZUMWALT, JR.

HON. JOHN P. HAMMERSCHMIDT

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. HAMMERSCHMIDT. Mr. Speaker, in view of recent weeks of debate and scrutiny over authorizations and appropriations for our national defense needs, I would like to share with my colleagues some timely remarks made by Adm. E. R. Zumwalt, Jr., Chief of Naval Operations.

Admiral Zumwalt, on October 11, addressed the National Newspaper Association's 88th Convention in Hot Springs, Ark. Since he delivered this speech in my

congressional district, I am inserting it in the RECORD. In my judgment, his discussion of military responsibility and the need for a more rational debate of issues merits attention and serious consideration.

REMARKS BY ADM. E. R. ZUMWALT, JR.

I am delighted to have this opportunity to be with you and to talk briefly about the Navy, but equally important to me, to express a few of my thoughts on the matter of communicating with people from the perspective of my office and some of the experiences I have had in this area over the years.

It would be presumptuous and naive of me to attempt to lecture this group on the subject of how to, or for that matter, how *not* to communicate with people. You have forgotten more about the technical nature of this subject than I, as a military officer, will ever begin to know. I do believe, however, that I might possibly contribute something to this evening's discussion by passing along a few observations from the perspective of an observer and often a participant in the daily, and often confusing, debate on national military priorities.

Before setting sail into those troubled waters, however, let me first touch lightly upon what it is that we in the Navy have been up to in the past few years in order to set some frame of reference and perhaps explain how I found myself the subject of and a participant in that debate on military priorities.

As I am sure all of you know, the question of our military and, in turn, our naval budget has been the subject of considerable discussion of late. The fundamental question seems to break down to the simple matter of whether or not we are spending too much for defense.

As I enter the final nine months of my tour as Chief of Naval Operations, and look back at what has transpired in the preceding three and a quarter years. I am more than ever convinced that my original assessment of where we were in 1970—and what lay ahead for the Navy—was correct. In my approach to the job, I attempted to identify the major problem areas that I felt were the most pressing and most influential on our future Navy.

It seemed to me then, as we wound down the war in Vietnam, that our people were beginning to go through the same type of psychological rejection of things military as we have seen after every war. A major difference, however, was that disenchantment with Vietnam formed only a fraction of the sociological forces involved. The American people also are more than ever determined to influence the direction of their own lives; more quick to question those established institutions that those of us of the older generation took for granted, and more eager to turn to soc' .l ills of the community.

Technological advances in modern communications helped provide the instant translation of these ideas and attitudes as never before, and from these came new factors that had to be considered in leading our military services:

We would soon see an end to the draft and an all-volunteer armed forces.

There was, and would continue to be, severe questioning of military service as a suitable career for our young men and women.

The nation's desire to turn swords into plowshares needed to be recognized as a sincere desire to do what is right, but at the same time should be considered in the light of an undeniable need for maintaining creditable military forces for our nation's defense.

We have now reached that era of an all-volunteer Navy, and while we have gone through some growing pains in gearing up our recruiting effort to meet the challenge, I am pleased to report that we are making good progress in obtaining both the numbers and quality of personnel that we believe are necessary to keep the Navy a viable force. We still have a difficult and demanding job to do in this area, and we are going to need your help in getting across the very important message that a career in our nation's armed services still is an honorable one. That it offers our young people as fine an opportunity for career satisfaction as any other profession you might name.

We have also made considerable progress in retaining those people who were already on active duty in the Navy. Our reenlistment rates for first-tour sailors have increased each year for the past three years, from about 10% in 1970 to a current rate of about 23%. As you are probably aware, we have introduced a host of changes designed to make service in the Navy a more desirable career. These changes, coupled with recent pay increases, have, I believe, contributed in large measure to these increased reenlistment rates.

It was also, I might add, these series of changes—which, for your information, amounted to more than two hundred actions—that have been the subject of considerable controversy both within and without the Navy. I shall return to that later.

Finally, as to the matter of swords and plowshares, it was here that I found a combination of forces at work that appeared to me to require the greatest attention.

First, it was apparent that the mood of the country was such that it would demand reductions in defense expenditures. At the same time, however, I was faced with the prospect of a rapidly aging U.S. Fleet and a rising Soviet Navy, one which, for the first time since World War II, has become able to seriously challenge our ability to maintain our maritime alliance, an alliance which has been fundamental to the security of this island nation of ours from more than three decades.

I am deeply concerned about this growing Soviet Navy, but not because I believe that the Soviet Union will attack us, either with their substantial nuclear arsenal or their conventional land and sea forces. I am concerned, rather, with our known ability to respond in a meaningful and convincing manner to any threat of possible military confrontation by the Soviets—a response that is credible, believable and convincing enough that friend or foe, alike, will clearly recognize that we have the military might to take any stand we perceive to be in our vital national interest.

The problem, then, was how to be responsive to this obvious desire to reorder our national priorities and at the same time reconstruct a Navy that had reached a point of near obsolescence in many areas in the face of the growing Soviet fleet.

I elected to go at this in two ways. First, to ruthlessly cut back on the number of aging ships and aircraft still in active service in order to redirect the money used in keeping them going into the construction of new equipment. Toward that end, your Navy has, in the past five years, reduced in size by nearly 47%—down from 926 ships in 1968 to a projected 522 ships by the end of this fiscal year. We have also come down some 22% in the number of our aircraft and some 17% in the number of personnel.

At the same time, we have begun design and construction of a number of new ships which I like to refer to as a Hi-Lo mix. Simply put, this consists of a few high cost, highly effective ships such as our fourth nuclear-powered aircraft carrier, the CVN-70; our Trident submarine and its long range missile system; the F-14 aircraft, the most advanced aircraft weapons system in the world today; and the SSN-688 nuclear-powered attack submarine. The low end of the mix would be made up of larger numbers of less costly ships. In this area we are planning on a new ship known as the Sea Control Ship, in effect a small carrier which can handle up to 17 helicopters or vertical take-off aircraft; a new class of patrol frigate to give us the redundancy in weapons platforms we need to carry out our anti-submarine and anti-air requirements in fleet defense, and a new class of patrol hydrofoil equipped with surface-to-surface anti-ship missiles to operate in the narrow seas areas against large surface ships. Finally, in the area of research and development, we are working on a Surface Effect Ship which rides on a cushion of air and can travel at speeds up to 80 or 100 knots. It has the potential for revolutionizing war at sea with its ability to outrun submarines and even their torpedoes.

I have greatly oversimplified the foregoing objectives, in the interest of not making this address run on all night. It is important for you to keep in mind, though, that I thought these objectives, however simple in concept, nevertheless proscribed the direction in which we should proceed, considering the mood of the country at the time. I still do.

Very soon after assuming my present post, I began to learn some very interesting things about communicating with people, both within and without the Navy. Let's look first at the matter of the personnel initiatives.

When I assumed my present post in the summer of 1970, I was, of course, familiar with something called a "NAVOP" message—in essence, a telegram from the Chief of Naval Operations to all ships and stations. "NAVOP" messages were the primary vehicle for periodically passing the word to all hands on matters of individual concern ranging from, say, advisories that a certain type of canned fruit was spoiled and it might be well to deep six it or risk food poisoning, to matters of policy or other topics of Navy-wide importance and interest.

It seemed to me a good idea to use this form of communications to get out the word on our personnel changes. However, I had had enough experience to know that, by and large, most people in the Navy knew that NAVOP messages, while theoretically the exact words of the CNO himself, were, in fact, more likely those of a junior action officer whose job it was to look after canned fruit. Since I felt so strongly about the need for personnel changes, and having once been a CO myself on the receiving end of those NAVOPS, I decided that I would number each that I personally put out starting with Z-1, Z-2 and so on up the ladder, so that all of our people would know that it was indeed the CNO who personally put out the word. Thus began, as the NAVY TIMES named them, the now-famous Z-Grams.

I quickly learned several important lessons. There was no doubt who was sending the message, but there were a lot more people reading them than I thought would do so. Parenthetically, there also was an even larger number who were not reading them but thought they knew what was in them, anyhow. Third, despite the fact, as I mentioned earlier, that more than two hundred separate personnel actions have been initiated by the 118 Z-Grams, only one really caught the eye of the public and this one was immediately and widely misunderstood.

It was at this point that I learned another lesson, one that no public official should ever overlook: It is folly to presuppose that whatever makes sense to you will be equally clear to everyone else. As a case in point, my "notorious" directive which changed hair standards was greatly misunderstood by the press, and within and without the Navy, because we did a poor job in explaining it at the very beginning by not spelling out clearly and exactly what the new standards were. Many were left with the impression that it was now permissible for sailors to let their hair grow down to their shoulders if they wished. In fact, a sailor's hair must still present a

tapered appearance in the back, may not hang over his collar, and his sideburns may come only to the bottom of his earlobe.

Thus it was I quickly learned that if you want to get the message out you indeed can do it, but you had best be sure you know who is receiving it and you have made your point clearly.

This, then, leads me to my final points on the matter of communicating with people. My first, in-depth experience iwth the press came during my time as Commander of our Naval Forces in Vietnam, where for some 20 months I was exposed to the Saigon press.

During that time I believed I talked to just about every newsman and woman who covered the war while I was there. Much has been written and said about the job they did in reporting on Vietnam. Opinions range from S. L. A. Marshall's strong criticism of the quality of press coverage of the war to charges by a number of Saigon bureau chiefs in 1969 that the military ". . . is deliberately withholding information from the news media."

I suspect the truth, as usually is the case, lies somewhere in between and that Peter Braestrup of the WASHINGTON POST put it best: "We were right, I think, more often than we were wrong," he said. "Whether that is a sufficiently good collective batting average on a crucial story remains a question."

Regardless of one's opinion of the coverage of the war, I can report that I never once had my faith in a reporter betrayed and, so long as the ground rules were clear on both sides, was never deliberately misquoted or taken out of context. This had also been my experience in my present job.

This is not to say that I have not been criticized by the press nor that I do not expect to come under fire from you or your colleagues again. I have, and I do, and I hope that I have the good sense and grace to realize that this is what the game is all about. After all, even Thomas Jefferson, despite his claim that he preferred a nation without government to a nation without newspapers, was accused by the press of being an athiest, keeping a mistress, trying to seduce a friend's wife and padding his expense account.

At this point, you might well conclude either that I am pandering to your good intentions or that my relations with the press, as far as I am concerned, have been delightful and I am satisfied with the status-quo.

Neither of these conclusions would be correct. The fact of the matter is, I am greatly disturbed by what I perceive to be a dangerous and unnecessary but continuing gap between public officials and you of the fourth estate. By this I do not mean to suggest that the press and government should hold hands together and agree, as the song goes, that everything is beautiful. It is not, and it probably never will be. Keyes Beech of the Chicago Daily News, whom I got to know in Vietnam, said, "The relationship between the information officer and the press should be one of mutual suspicion." I agree completely.

What worries me is that the gap has become a gulch and, in too many cases, suspicion has become contempt. I think this is a very dangerous state of affairs for the American public—the people both of us claim to represent. I see examples of this almost every day in carrying out my responsibilities as Chief of Naval Operations. I believe that we in uniform are at fault and I believe that some of the fault lies with the press.

In the case of the military, there is simply no question of our responsibilities to the American people and one of the most important of those responsibilities is keeping them informed of what we're doing and why—insofar as security will allow. We must be accountable to that public for our actions in doing so. Much less understood among my fellow officers, however, is the role of the press in representing the public in its quest for that accounting.

I believe that the press also has a responsibility to educate themselves on current defense issues as fully as they can. There are, of course, many reporters I could name whose knowledge of the Pentagon is greater than my own. There are many others, however, who have a tendency to "tune out" when the man in uniform speaks, or to discount his 30 or 40 years of military experience when stacked up against that of the non-governmental "military analyst" who has never flown a plane, never carried a rifle or never been the target of enemy fire, and uses his lack of experience to qualify himself as being objective.

Let me go on record for you, now, as I have for your colleagues elsewhere, as stating firmly that I believe completely that our military defense needs are a legitimate and vital subject for intense discussion and debate.

What I find difficult to accept, however, is the growing tendency to assume that the man in uniform is overpaid, underworked, not too bright and, therefore, is not to be trusted in what he says. I just cannot buy that, and neither should you.

Only in the heat of combat is unquestioning obedience an inviolable rule. But in your own business, don't let yourselves be snowed by those who only ask questions, without putting forth rational solutions to the problems they like to discuss.

No rational military man will object to criticism based upon knowledge, or questions stemming from a genuine desire to learn. What he does object to is polemics based upon ignorance and bias. Doubtless you feel much the same.

In summary, I would like very much to see a more rational debate of issues that need discussion. We have had enough polemics during the past ten years and it is time that we get back to that utopian world of Keyes Beech, one of "mutual suspicion."

I await your questions.

PROTECTING THE BIG CYPRESS

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. ROGERS. Mr. Speaker, on October 3, the House took one of the most significant environmental actions of the 93d Congress by passing legislation to establish the Big Cypress National Preserve in Florida.

I have worked with my colleagues in the Florida delegation for several years to bring this matter to the attention of the Congress and I am certainly gratified by this recent House action. I represented most of the area know as the Big Cypress for 18 years until congressional redistricting took this area out of my district in 1973, and I am convinced that there is not a more unique, unspoiled area in the Eastern United States than the Big Cypress.

Equally significant is the recent action of the State legislature and the Governor of Florida in approving $40 million of State money for acquisition of lands in the Big Cypress. I am certainly hopeful that the Senate will follow the lead of the House and give this legislation speedy consideration.

At this point in the RECORD, I would like to include the text of an editorial from the October 20 edition of the Washington Post entitled "Protecting the Big Cypress." This is an excellent summary of the needs and goals of the House passed legislation and I commend it to my colleagues in the other body.

PROTECTING THE BIG CYPRESS

Despite the daily abuses to the land by strip mining and continued neglect of such national shorelines as Fire Island, occasional notes of triumph are sounded. One of these recently came when the House of Representatives approved legislation to establish the Big Cypress National Preserve in Florida. The Big Cypress Watershed—a true watershed, not the metaphorical kind—is a subtropical land area of about 2,450 square miles in southern Florida. A significant part of that is a central subbasin not yet exploited by man. It is this subbasin—570,000 acres—that is proposed for preservation.

In few other places is nature so delicately balanced. The flat land of the Big Cypress ecosystem slopes seaward at a barely perceptible two inches per mile and any variation in the water level—due to man's tampering—can change the ecology of several thousand acres of land. The Big Cypress lies north of the Everglades National Park, and more than half of the waterflow into the bays and estuaries of the park comes from the natural drainage systems of the cypress swamp. The House Committee on Interior and Insular Affairs did not exaggerate when it noted that "it is difficult to imagine an area with more oustanding scientific values than (the) Big Cypress-Everglades ecosystem. Students of the evolution of life and the biologists will find the resources of this area almost unequaled. It is equally important as a wildlife sanctuary. In addition to the thousands of migrating birds which utilize the area as a feeding, nesting and resting place, it provides the proper habitat for more than 20 animals whose status has been listed . . . as rare, endangered, or otherwise in jeopardy."

Politics at its creative best has helped protect this national treasure. Florida's state legislature, persuaded by Gov. Reubin Askew, has put up $40 million for land purchases. Committee chairman, Rep. James A. Haley (D-Fla.), combined both local and national interests when he worked energetically for the bill. In addition, the Interior Department has given solid support to the preserve and agrees to the proposed $116 million share of federal money. What is now needed is immediate Senate action to pass similiar legislation. Opportunities for enlightened policies toward the environment do not come along every day.

McCLOSKEY RESOLUTIONS ON IMPEACHMENT AND THE COX INVESTIGATION FILES

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. McCLOSKEY. Mr. Speaker, I have filed today two resolutions, the first seeking to protect the integrity of the files of the Watergate special prosecution force abolished by the President last Saturday, and the second a resolution of impeachment specifying five instances of high crimes and misdemeanors which have been admitted in Presidential speeches and news releases.

The impeachment resolution does not include the President's refusal thus far to comply with the order of Chief Judge Sirica of August 29, 1973, as modified by the decision of the Court of Appeals for the District of Columbia Circuit dated October 12, 1973. I am hopeful that the President will yet elect to comply with Judge Sirica's order, as modified.

The resolutions are set forth in full below:

H. RES. —

Resolved, That the Acting Attorney General of the United States, to the extent not incompatible with the public interest, is directed to furnish to the House of Representatives, not later than fifteen days following the adoption of this resolution, true copies of all papers, documents, recordings, memoranda, and items of evidence in the custody of the Special Prosecutor and Director, Watergate Special Prosecution Force, Archibald Cox, as of noon, Saturday, October 20, 1973.

H. RES. —

A resolution for the impeachment of Richard M. Nixon

Resolved by the House of Representatives, That a Committee be appointed to go to the Senate and, at the bar thereof, in the name of the House of Representatives and of all the people of the United States, to impeach Richard M. Nixon, President of the United States, of high crimes and misdemeanors in office, and acquaint the Senate that the House of Representatives does hereby exhibit these particular articles of impeachment against him, and make good the same.

Articles exhibited by the House of Representatives of the United States, in the name of themselves and all the people of the United States, against Richard M. Nixon, President of the United States in maintenance and support of their impeachment against him for high crimes and misdemeanors in office.

ARTICLE I

Richard M. Nixon, President of the United States, commencing on or about June 18, 1972, and continuing through October 23, 1973, committed high crimes and misdemeanors in that he wilfully and knowingly violated Title 18, Section 3 of the United States Code in that knowing that offenses against the United States had been committed by G. Gordon Liddy, E. Howard Hunt and others during their employment by the United States Government or by the Committee to Re-elect the President, the said Richard M. Nixon assisted the said G. Gordon Liddy and E. Howard Hunt and others in order to hinder and prevent their apprehension, trial and punishment.

ARTICLE II

The said Richard M. Nixon, commencing on or about June 18, 1972, and continuing through October 23, 1973, committed high crimes and misdemeanors, in that he wilfully and knowingly violated Title 18, Section 4 of the United States Code in that having knowledge of the actual commission of a felony cognizable by a court of the United States on the part of G. Gordon Liddy, E. Howard Hunt and others, the said Richard M. Nixon concealed and did not as soon as possible make known the same to some judge or other person in civil or military authority under the United States.

ARTICLE III

The said Richard M. Nixon, commencing on or about June 15, 1971, and continuing until on or about May 11, 1973, committed high crimes and misdemeanors in that he willfully and knowingly violated title 18, section 1505 of the United States Code in that in a proceeding pending before the United States District Court for the Southern District of California, entitled, *United States* v. *Ellsberg,* the said Richard M. Nixon corruptly influenced, obstructed, impeded and endeavored to influence, obstruct and impede the due and proper administration of the law under which such proceeding was being had before such Court.

ARTICLE IV

The said Richard M. Nixon, commencing on or about June 18, 1973, and continuing until October 23, 1973, committed high crimes and misdemeanors in that he willfully and knowingly violated title 18, section 1510 of the United States Code in that he willfully endeavored by means of bribery, misrepresentation and intimidation to obstruct, delay and prevent the communication of information relating to a violation of criminal statutes of the United States to criminal investigators employed by the Department of Justice of the United States and by Archibald Cox, Special Prosecutor and Director, Watergate Special Prosecution Force.

ARTICLE V

The said Richard M. Nixon, on or about July 15, 1970, committed a high crime and misdemeanor by issuing an order entitled Top Secret Decision Memorandum, The White House, Washington, D.C., July 15, 1970, authorizing and directing agencies and employees of the United States Government to violate the constitutional rights of American citizens to be secure in their persons, houses, papers, and effects from unreasonable search and seizure; such order specifically authorized and directed searches and seizures by means of burglary, breaking and entering of the mails and by wiretapping without proper order of the Court; that at the time of issuing such order, the said Richard M. Nixon know the actions he was authorizing and directing to be unconstitutional, illegal, and in violation of his oath of office as President of the United States.

PEACE CORPS CONTINUES TO WIN FRIENDS

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. DERWINSKI. Mr. Speaker, at a time when many people in this country are doubting the validity and effectiveness of our foreign assistance programs, it is encouraging to see that the Peace Corps continues to win friends not only in the United States but, most important, in the countries that it serves, thereby proving to be one of our most effective foreign programs.

In working toward and achieving the three goals mandated by its enabling legislation: To help developing nations meet their needs for trained manpower; to promote better understanding of American people on the part of the people being served; and to promote better understanding of other peoples among Americans, the Peace Corps is, indeed, proving that there is still a spirit of dedication and service among the American people.

I have recently received a copy of a speech delivered by Dr. Robert K. A. Gardiner, Executive Secretary of the Economic Commission for Africa, during a recent Peace Corps country directors conference in Monrovia, Liberia.

Since 1962 Dr. Gardiner has been Executive Secretary of the United Nations Economic Commission for Africa headquartered in Addis Ababa, Ethiopia.

A native of Ghana, he studied at Cambridge and Oxford Universities and has been a lecturer at various universities throughout the world. A career civil servant both in the national and international fields, Dr. Gardiner is a worldwide recognized authority on Africa.

It is, indeed, a great satisfaction for those of us who have supported the Peace Corps to have this man who is so involved in the development problems of Africa speak so highly of the Peace Corps and pay tribute to the work the organization and its volunteers are carrying out in Africa.

At this point I would like to share with my colleagues some excerpts from Dr. Gardiner's speech:

EXCERPTS FROM DR. GARDINER'S SPEECH

It is, however, most unrewarding to concentrate on worldwide and regional negotiations without preparing the domestic base. For instance, in the commodity market only those who produce efficiently and at reasonable costs can compete successfully in the sale of their products. It is only those countries which produce semi-manufactures and manufactures who can hope to gain access for their products into the markets of the industrialized countries. This has actually happened. At present, only about 12 countries are responsible for about 80 percent of the export trade of developing countries in semi-manufactures and manufactures. Benefits from Africa's relations with Europe are also dependent on productivity and ability to take advantage of opportunities offered in a competitive market. This is why the grassroot activities of voluntary agencies are so important. The approach of these agencies is realistic and of the population by the generation of new ideas; the imparting of new skills; the provision of water; the improvement of farming methods, storage, marketing and credit facilities; the increase in food production; and better nutrition and health, etc. In 1970, ECA took a count of the activities of voluntary agencies and realized that they were sponsoring about 20,000 projects. Thus these agencies with their seemingly modest resources, reinforced with commitment and dedication, are fostering fundamental changes.

On close examination one discovers that the international voluntary agencies, the United Nations system, bilateral donor institutions and volunteer services such as the Peace Corps and IVS, are all tackling socio-economic problems in Africa from different angles. It is therefore necessary for us to be familiar with what each member of this very mixed group is doing, not merely in the negative sense of avoiding duplication but rather more positively, to enable the members of this group to complement each other's effort.

Already Peace Corps is involved in a growing number of multilateral programmes in connection with river blindness, rural health, urban planning, smallpox eradication and rural development. This trend has the support of OECD and the World Bank and some of the countries involved include Canada, the Netherlands, Germany, Japan and Austria. Some of the agencies working with the Peace Corps such as CARE, Catholic Relief Service and OXFAM as well as the IVS, have made working arrangements with ECA. It is my hope that as a result of this conference, similar arrangements may be entered into between Peace Corps and ECA.

At the beginning of the First Development Decade, the general idea was that the rate of economic advancement could be measured in terms of increases in the GNP and per capita income. The generally accepted view now is that economic growth is necessary but more as a rough indicator than as a target.

The idea was that overall growth measured in quantitative terms would percolate through the community. This "trickle-down" notion of development does not appear to provide a satisfactory explanation of the persistent poverty of the masses of the population. The percolation of prosperity to all levels of society is not taking place rapidly enough to relieve the poverty and deprivation of a great majority of the community.

The international strategy for the Second Development Decade has shifted its emphasis from the quantitative approach as a measure of economic advancement to the material well-being of populations. In this respect, one may say that the UN system is beginning to catch up with the ideas and programmes of the international voluntary agencies. Agencies such as OXFAM have always placed special emphasis on agricultural development including the training of young farmers; improvement of rural health, water systems for irrigation, livestock and human needs; and basic vocational training in such skills as carpentry, welding and auto-mechanics. All these activities include not just production for one season or provision to satisfy an immediate need, but also the imparting of skills and knowledge which enable communities in developing countries to fend for themselves. A recital of the main topics in the programme of the Peace Corps, namely agriculture and rural development, formal and informal education, health, public works and business advisory services demonstrates how deeply involved the Peace Corps is in the development process in Africa.

I would like to single out certain significant features of the Peace Corps programme. The curricula of African schools are devoid of intensive programmes for the teaching of mathematics and science. African governments appreciate this shortcoming but the lack of teachers, laboratories and equipment has been a serious constraint. The most serious has been the lack of teachers. Peace Corps Volunteers are playing a vital role in meeting this need—over 500 volunteers are teaching these subjects in African schools and the demand is very likely to increase. In teaching these subjects, the Peace Corps is not merely serving the needs of the educational system, it is playing a significant role in laying the basis for the application of science and technology to economic and social development in Africa.

Low productivity is also the result of the general lack of skills. Most African countries have little or nothing in the way of vocational and technical education or even an effective apprenticeship system. True, indigenous tradition provided for some form of apprenticeship but this was mostly in connection with activities which approximate more to subsistence production than to production for a market economy. Moreover, the educational system has led to a structure of the labor force which consists of a large number of unskilled labor on the one hand, and a sprinkling of professionals, with little or nothing, in between. In other words, the middle of thhe pyramid of skills consisting of technicians, craftsmen and ancillary personnel in agriculture, trade and industry is missing. This is where a radical socio-economic change in Africa must start. The masses of farmers and potential middle-grade personnel constitute a very powerful lever for economic expansion. They form the market for agricultural as well as industrial products.

The Peace Corps has been active in the field of vocational and technical training. The urban development and public works sector is involving Africans in activities which were confined until recently, to a few expatriate supervisors in charge of banks of unskilled labourers in such areas as urban planning, housing, water and sewage systems, electricity, road construction and in general, the provision of the physical infra-structure or social capital. There is a training component in the public works programme which allows for formal instruction in organized classes and acquisition of skills on the job. I have cited the public works sector as an illustration, but training on-the-job in courses, seminars and workshops informs all the other sectors in which the Peace Corps operates. By working alongside African technicians and artisans-in-training, Peace Corps Volunteers are helping African States to build up a better appreciation of the middle-level personnel and also giving such personnel a sense of identity and inculcating in them a feeding of pride and work discipline.

Work in the technical field illustrates more than anywhere else, the increasing sophistication of the needs of the African countries. This has already been observed by the Peace Corps and the policy of programming from strength, to use the language of the Peace Corps Plan for 1973, illustrates the flexibility and pragmatic nature of the Peace Corps programme. To paraphrase the implications of the Peace Corps approach: some parts of the US have special skills in irrigation; American universities produce each year a large number of graduates in mathematics and science; the executives and managers of some of the most successful national enterprises and of powerful multinational corporations are products of American Schools of Business Administration; the US can also claim extensive and varied expertise in animal husbandry; in education, experiments in modern techniques of teaching have been carried on, on an immense scale in the US. All these are sources of strength of the Peace Corps and if I interpret the policy correctly, the Peace Corps offers to assist in areas where the US has established a reputation for competence and excellence. I believe that publicity should be given to this principle and if it were done, confidence in the Peace Corps which is already great, would increase and the value of a Peace Corps Volunteer would be more fully appreciated.

Vocational and technical training will unleash forces for development which are at present dormant. The masses of unemployed and underemployed persons are a drag on development. Their contribution to the national product is minimal. Their participation in the exchange economy is insignificant and their place as part of the market, namely consumers, assisting in the circulation of purchasing power is unfilled. With the spread of education, a rapid population growth and the exodus from the rural areas, there is no doubt that the most serious challenge to social and political stability as well as economic advancement in Africa, is the growing number of unemployed. This is an area where all agencies, bilateral, multilateral and voluntary, should explore and institute programmes to cope with the situation. Already, the ILO is taking a lead in this area and has undertaken studies in a number of countries including Kenya. About five other African countries are on the waiting list.

In at least three areas—agriculture, health and rural development—the Peace Corps is playing a significant role in checking what may be described as the "sucking undertow" which drags down societies into poverty or at best, holds back development. Among the multiple causes of low productivity and poverty, hunger, disease and ignorance feature prominently. The underfed and undernourished African worker is often described as being lazy, sluggish and unproductive. The lack of water systems, sanitary and social amenities aggravate health problems which further reduce the output of the debilitated rural worker. Rural communities suffer from ignorance of better techniques to increase their output. African governments have emphasized repeatedly the need to introduce modern ideas into rural areas and this is why most of them accord top priority to agriculture and rural development. The communities in rural areas participate actively in efforts to improve roads in order to break their isolation, and in the construction of clinics to facilitate the provision of medical care, and of schools and cmmunity centres to support formal education and literacy classes. At present, the rate at which new ideas seep through into the rural areas is very slow. Are there quicker ways of promoting change? Are our methods too cumbersome and expensive? These are some of the issues which we need to examine.

The drought in the Sahel has drawn our attention dramatically to the frailty of African economies, especially rural economies. There is a threat of a world-wide grain shortage. Up to now, a large number of African countries have been receiving food support under the PL–480 programme which is now likely to be modified because the surpluses have either already disappeared or are in the process of depletion. These developments put an extra emphasis on the need to increase food production, an effort which the Peace Corps has been supporting actively. In this regard, the Peace Corps operating in 23 countries in Africa can serve as a vehicle for the dissemination of the results of successful experiments. One can think of the possible effect of sharing experience from the minimum package programme of Ethiopia, the Ujama village scheme of Tanzania, the feed yourself campaign of Ghana, etc.

The business and industry advisory programme represents a peace building effort. Historical reasons have confined Africans to the role of small retail shop owners. In some countries, they did not attain even this modest role before independence. As a result, there is intense feeling against foreigners—even non-tribesmen who own and run enterprises. One should mention here the expulsion of aliens from Ghana and several other countries and the nationalization of foreign owned businesses, industries and banks. The feeling is understandable, but African economies are not likely to develop rapidly without the participation of outside skills and capital. Migration of skills has played and still continues to play, an important role in the advancement of economies in all parts of the world. The resentment against foreigners and the fear of economic domination will undoubtedly diminish when enough Africans enter business and industry as sole owners or partners of industrialists and traders already in the field. Moreover, relations between African states and multinational corporations are likely to improve when more Africans understand industrial operations and can negotiate effectively on behalf of their governments. It is therefore very necessary to have a programme which helps small businessmen and trains Africans to qualify as supervisors, executives and managers.

The language training programme of the Peace Corps is a unique service. Technical assistance in language teaching from the former metropolitan countries has been directed to schools in the ex-colonial territories—the United Kingdom to English-speaking countries and France to francophone countries. The Peace Corps, on the other hand, has been teaching English and training prospective teachers of English in French-speaking countries.

As you know, the continent of Africa is virtually cut up into anglophone and francophone segments. Under such circumstances, the teaching of English by about 380 volunteers in French-speaking Africa is a mission of reconciliation. African States have rec-

ognized the need to be able to share ideas in their principal working languages and have resolved that French and English be taught in their secondary schools—English in French-speaking States and French in English-speaking ones. There is another important aspect to the language teaching programme. A modern language is a key to the world beyond the confines of an African State. Sometimes, even within the nation-state in many instances, there is no national language and a foreign language serves as a medium of communication and instruction. Apart from solving the immediate problems, I believe that the techniques introduced by the Peace Corps, if well mastered, can be applied to the teaching of indigenous languages as well.

Peace Corps activities in the field of education, illustrate changes in the demand and the complexity in the requirements of African countries. Assistance has been provided for teaching in primary schools, in secondary schools and teachers training institutes. The pattern has more or less followed very closely the evolution and expansion of education in newly independent States. Provision has been made for specialist courses such as industrial arts, curriculum development, physical training, home economics, use of mass media, library science, audiovisual aids, the organization and operation of national archives and help to African universities to improve the qualifications of their lecturers. The trend has been from direct teaching to the training of trainers. This is as it should be; because the effort of the Peace Corps is expected to have a multiplier effect.

It seems to me that the Peace Corps has grown in stature and matured in ideas. An ideal volunteer is described as "a participant in the process of development, living with people in rural areas, working with them, talking their language". The qualities expected of a volunteer are very exacting and are in this respect, in keeping with the high ideals of the late President Kennedy whose administration created the Corps. The volunteers' methods of working with people is a key factor in development. It makes it possible for people in rural areas to observe change taking place before their very eyes. This in itself, will influence and change attitudes.

The importance of this is summed up in the observation "Money (all forms of aid) can narrow the gap. Only people can bridge it." We may not all be good linguists, but when the people amongst whom we work notice that we are trying, it increases their confidence in us. I notice that the Peace Corps disavows all claims to being "an economic planning and development agency." Perhaps they do not wish to be mistaken for bodies like the Economic Commission for Africa. I do not blame them. But the important principle which emerges from this disavowal is the recognition of the fact that rural communities have some ideas of their needs even if they are unable to satisfy them. On the other hand, the Corps is not obliged to respond positively to every request. This is a basis for mutual respect and trust. In this sense, a volunteer is essentially a skilled person who responds to a request to perform a specific task.

In the documents concerning the Corps, there are references to bi-nationalism which I interpret to mean that the Corps attempts to find a local base so that it does not appear or act as an alien imposition on host countries. In many parts of Africa, there are signs of the beginnings of local volunteer organizations, work camps as well as national service corps organized by governments. If there is any possibility of some links being established it is possible to find a formula which will enable the youth of the countries which the Peace Corps and other Volunteer organizations serve to emulate the sentiments which inspire them.

NACOA FINALLY HOLDS A PUBLIC MEETING

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. OBEY. Mr. Speaker, the National Advisory Committee on Oceans and Atmosphere—NACOA—will hold a public meeting this Friday and Saturday—at least "to the extent of the very limited seating available on a first come, first served basis"—and it is about time that NACOA did so.

Last May, NACOA gave unlawfully scant 1-day notice that it was going to hold a closed meeting—such brief notice that anyone wishing to challenge the closure decision under the Federal Advisory Committee Act was precluded from doing so. A representative of Science Trends wanting to attend the meeting then challenged in the only way left—by refusing to leave—and was escorted from the premises by four uniformed Federal guards.

On September 18, when NACOA announced in the Federal Register it would be meeting September 27 through 29 and that the first day's session would be closed to the public for "discussion of pending legislation," I inserted the meeting notice in the RECORD and pointed out that—

First. The proposed closure did not appear to comply with the Federal Advisory Committee Act;

Second. NACOA's eagerness to retreat behind closed doors to discuss pending legislation did not square with the tough talk it had used in the annual report to the President and the Congress it filed on June 29.

To provide a detailed account of that NACOA meeting last May, highlight related problems, and indicate what the Federal Advisory Committee Act's open-meeting requirement has meant in terms of the greater availability of health and science news, I should like to insert items from the issues of Science Trends for May 14 and October 8, sent to me by its editor, Art Kranish, as well as NACOA's notice of public meeting from the Federal Register of October 19.

The material follows:

COMMERCE BARS PRESS

Four uniformed Federal guards ejected a representative of Science Trends from a government agency this past week to prevent press coverage of an advisory group drafting a national report on marine and atmospheric policies and programs.

The action was ordered by Commerce Department officials despite a Congresssional mandate opening such meetings to members of the press and public, under the Federal Advisory Committee Act of 1972.

Chairman W. A. Nierenberg of the National Advisory Committee on Oceans and Atmosphere (NACOA) refused to open the scheduled meeting at Commerce Department headquarters until the Trends representative agreed to leave.

The request was declined on the basis of the Advisory Committee Act and the Freedom of Information statutes. In addition, it was pointed out that the Committee had failed to provide the advance notice required by statute and by White House guidelines.

After a delay of almost one hour, four police guards were called in to escort the Trends representative from the building.

Nierenberg is Director of the Scripps Institution of Oceanography and a member of the informal Science and Engineering Council (SEC) organized by supporters of President Nixon in the last campaign. (Science Trends, April 30–May 7, 1973).

NACOA is composed of 25 members appointed by the President from state and local governments, industry, science and other interests. The group is preparing a report requested by Congress, covering such topics as coastal zone management, energy, minerals, living resources, ocean science, atmospheric programs, engineering support and operations.

Trends Publishing has covered a number of similar advisory committee meetings since the Advisory Act went into effect, without encountering any opposition from Departmental or committee officials.

Opening the committees to press coverage in this manner has resulted in news stories on such topics as the artificial heart program, coal/gas conversion, National Science Foundation summer faculty support, cadmium emissions, science information programs, radiation/drinking water standards, energy programs, and other matters of scientific and technical interest.

Committee members have ordered, and Trends has not contested, a policy which closes such meetings when competing grant applications are under discussion, or when classified national security matters are involved.

However, the NACOA action was the first instance in which Trends has been barred on other grounds, which would appear to violate the Congressional mandate that advisory committee meetings "shall be open to the public."

NACOA and Department officials based their action on the grounds that the Committee would discuss "working documents" and "exchanges of opinions and discussions which, if written" would be exempt from Freedom of Information statutes.

The "if written" clause is being viewed by the press as a major loophole which permits agencies to close advisory sessions, virtually at will.

A similar opinion is being pressed in Washington by the Institute for Public Interest Representatibn, which is affiliated with the Georgetown University Law Center.

Jane Dolkart, an attorney-member of the group, which is preparing several court challenges, said that there is nothing in the legislative history of the Advisory Committee Act or the Act itself pertaining to an exchange of views.

"Such committees," she said, "almost by definition, exist to give advice to an agency, and there will almost always be an exchange of views. This kind of rationale could be used to close virtually all advisory meetings."

In their discussions, before the Trends representative was forced to leave the NACOA meeting room, officials generally conceded that they had failed to follow statutory requirements of reasonable advance notice of such meetings, which has been interpreted by the White House Office of Management and Budget as requiring at least ten days advance notice in the "Federal Register."

NACOA did not file its notice with the Federal Register until Tuesday, May 8, for publication in the edition of May 9. The meeting was held Thursday, May 10, as had been planned several weeks ago.

A Committee member suggested that this delay was inadvertent, and added that news

media representatives were probably too sensitive as to such matters as the result of the Watergate scandals.

According to a report released this past week by the Office of Management and Budget, there were more than 1400 advisory committees in existence in 1972; representing a substantial growth from the time when George Washington appointed the first such group, to assist him in dealing with the Whiskey Rebellion.

Officials estimated that such committees cost the government approximately $25 million per year, in addition to the time spent by Federal employees involved in committee efforts.

AGENCIES OPEN ADVISORY MEETINGS

Three Federal agencies decided this past week to open previously-closed advisory committee meetings, following protests by Trends Publishing, Inc., that they were failing to follow laws and regulations.

The protests were made by Trends on the basis of the Federal Advisory Committee Act, which sets forth a National policy of "open" meetings between government officials and advisers from outside the government.

As previously reported (SCIENCE TRENDS, 5/14/73 and 9/10/73), the law, when observed by the agencies concerned, has made available a wide variety of scientific and technical information.

The developments of the past week, opening meetings to the press and public, each represent a reversal of policy, since the sessions were originally expected to be closed.

The agencies and the meetings include:

The National Advisory Committee on Oceans and Atmosphere.—This group, which has never held an open meeting in Washington, held two days of open sessions to discuss, in considerable detail, the status and future prospects of subjects ranging from marine pollution to short-term weather forecasts. This advisory committee deployed uniformed guards earlier in the year to prevent press coverage of similar sessions.

The Atomic Energy Commission.—This agency originally announced that its Research Subcommittee would hold closed meetings in Washington, Oct. 8–9. Trends protested, and also pointed out that, contrary to law, the agenda was being kept secret. AEC subsequently decided to open most of the meeting, and disclosed that basic research aspects of coal as an energy source, including gasification and liquefaction, would be discussed.

The National Science Foundation.—This agency scheduled meetings with representatives of scientific societies and industry, and turned down requests by Trends to have the sessions open. Following a subsequent protest, Director H. G. Stever agreed to permit the press and public to attend his Oct. 24 meeting with members of the industrial scientific research community. They will be permitted to take notes, submit questions or statements in writing, and may ask questions at a closing press conference.

In the case of AEC and NSF, Trends was represented by the Institute for Public Interest Representation, Georgetown University Law Center.

NATIONAL ADVISORY COMMITTEE ON OCEANS AND ATMOSPHERE

NOTICE OF MEETING

The National Advisory Committee on Oceans and Atmosphere (NACOA) will hold a 2-day meeting on October 26–27, 1973. The meeting will be open to the public. All sessions will be held in room 6802 of the U.S. Department of Commerce Building 14th and Constitution Avenue NW., Washington, D.C. Both sessions will begin at 9 a.m.

The Committee, consisting of 25 non-Federal members appointed by the President from State and local governments, industry, science, and other appropriate areas, was established by Congress by Public Law 92-125, on August 16, 1971. Its duties are to: (1) Undertake a continuing review of the progress of the marine and atmospheric science and service programs of the United States, (2) submit a comprehensive annual report to the President and to the Congress setting forth an overall assessment of the status of the Nation's marine and atmospheric activities on or before June 30 of each year, and (3) advise the Secretary of Commerce with respect to the carrying out of the purposes of the National Oceanic and Atmospheric Administration.

A general agenda consists of the following topics:

"Friday the 26th—agency briefings on Federal programs related to multiple-use management in the coastal zone and offshore areas of the United States.

"Saturday the 27th—review of NACOA draft study on marine science. Discussion of NACOA work in progress and plans for future meetings."

The public will be admitted to the extent of the very limited seating available on a first come, first served basis. Questions from the public will be permitted during specific periods announced by the Chairman. Persons wishing to make formal statements must notify the Chairman in advance of the meeting. The Chairman retains the prerogative to place limits on the duration of oral statements and discussions. Written statements may be submitted before or after each session.

Additional information concerning this meeting may be obtained through the Committee's Executive Director, Dr. Douglas L. Brooks, whose mailing address is: National Advisory Committee on Oceans and Atmosphere, Department of Commerce Building, Room 5225, Washington, D.C. 20230. The telephone number is 967–3343.

Issued in Washington, D.C., on October 16, 1973.

DOUGLAS L. BROOKS,
Executive Director.

[FR Doc. 73-22269 Filed 10-18-73; 8:45 a.m.]

NORMAN CHANDLER

HON. DEL CLAWSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. DEL CLAWSON. Mr. Speaker, the loss of Norman Chandler, so long associated with a great newspaper, the Los Angeles Times will be deeply felt in the entire community in southern California served by that newspaper. His leadership in civic affairs will also be keenly missed. Today's issue of the Los Angeles Times contains an editorial tribute which I commend to the attention of my colleagues in the House. The editorial follows:

[From the Los Angeles Times, Oct. 23, 1973]

NORMAN CHANDLER

Norman Chandler, whose memory will be honored by family, friends, associates and civic leaders today in private services, was the principal architect of Times Mirror's rapid growth to its present position as one of the world's leading communications companies.

He built the foundations for this enterprise with his prior leadership of The Times, of which he was the third publisher.

As a businessman, he presided over some of the greatest expansion in the history of The Times, and left it firmly established on a sound economic base.

As a newspaperman, he laid the groundwork for the comprehensive metropolitan daily of news, opinion, entertainment and information that The Times has become.

As a person, he brought to The Times those values he expressed last December while thinking back on his leadership: "I wanted to be fair to all sides, to all people. I wanted The Times to be respected by our readers and by our advertisers. But, above all, I wanted to render the greatest possible public service that a publication could."

To public service in the ordinary sense of the phrase he was no stranger. He served on many boards. He was a trustee of USC and, for more than 30 devoted years, of Caltech. He worked, often quietly but always powerfully, on many civic enterprises. He energetically supported the successful efforts of his wife, Dorothy Buffum Chandler, to keep open the Hollywood Bowl, and then to build the Music Center An abiding special interest of his was the Times financed multitude of facilities and activities for young people.

But for Mr. Chandler, public service meant chiefly public service through The Times and its parent company, Times Mirror, and it was to these that he devoted more than 50 years of wise attention, balancing a sharp eye for detail with a long view of what The Times and Times Mirror were to become.

That view encompassed the future excellence of The Times as a newspaper, and the growth of Times Mirror as an enterprise.

On the business side of the paper, he early undertook a process of modernization that is still going on. On the editorial side, he began the shift from a paper of moderate size and modest ambitions to The Times of 1973.

When he was publisher of The Times, from 1944 to 1960, the paper under his direction campaigned for the economic and cultural development of Los Angeles, for improved highways, for cleaner air. He was a vigorous defender of the free press.

After relinquishing the title of publisher in 1960, he led Times Mirror, as chairman of the board and later as chairman of the executive committee, into the program of expansion that has made it the nation's largest communications company.

To the thousands of persons here and around the world who know Norman Chandler in his business and public capabilities, he was man of dignity and gentle forcefulness. Those who know him more intimately had the great good fortune to know even better his indelible personal qualities: his unfailing thoughtfulness, his natural courtesy, his resolute, unpretentious courage, his steadfast allegiance to family, to friends, to associates and to conscience.

IMPEACHMENT

HON. WILLIAM L. HUNGATE

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. HUNGATE. Mr. Speaker, when the subject of impeachment is under discus-

sion by many, these writings and remarks of Alexander Hamilton, Richard Sheridan, and Edmund Burke may be of interest.

ALEXANDER HAMILTON, 1787, "THE FEDERALIST PAPERS," PAGE 416

The President of the United States would be liable to be impeached, tried, and, upon conviction of treason, bribery, or other high crimes or misdemeanors, removed from office; and would afterwards be liable to prosecution and punishment in the ordinary course of law. The person of the King of Great Britain is sacred and inviolable; there is no constitutional tribunal to which he is amenable; no punishment to which he can be subjected without involving the crisis of a national revolution. In this delicate and important circumstance of personal responsibility, the President . . . would stand upon no better ground than a governor of New York, and upon worse ground than the governors of Virginia and Delaware.

Richard Brinsley Sheridan in 1787 delivered a 5-hour speech against Warren Hastings, Governor General of India. Despite widespread acclaim—Lord Byron called it "The very best oration ever conceived or heard in this country"—no full copy of this address exists. A short excerpt will give an idea of its style.

The public capacity of Mr. Hastings exhibits no proof that he has any just claim to . . . greatness. We see nothing solid or penetrating, nothing noble or magnanimous, nothing open, direct, liberal, manly, or superior, in his measures or his mind. All is dark, insidious, sordid and insincere. Wherever he has option in the choice of his objects, or his instruments, he instinctively settles on the worst. His course is one invariable deviation from rectitude. And the only trace or vestige of system discernible in the whole of a dozen years' administration is that of "acting without any." The serpent may as well abandon the characteristic obliquity of his motion for the direct flight of an arrow, as he can excuse his purposes with honesty and fairness. He is all shuffling, twisting, cold and little. There is nothing open or upright, simple or unmixed. There is by some strange, mysterious predominance in his vice, such a prominence as totally shades and conceals his virtues. There is, by some foul, unfathomable, physical cause in his mind, a conjunction merely of whatever is calculated to make human nature hang its head with a sorrow or shame. His crimes are the only great thing about him, and these are contrasted by the littleness of his motives. He is at once a tyrant, a trickster, a visionary, and a deceiver. He affects to be a conquerer and law-giver, an Alexander and a Caesar; but he is no more than a Dionysius and a Scapin . . . He reasons in bombast, prevaricates in metaphor, and quibbles in heroics.

Like a vulture with her harpy talons grappled into the vitals of the land, they flap away the lesser kites, and they call it protection. It is the protection of the vulture to the lamb.

On June 13, 1788, Sheridan spoke at the Hastings trial:

The inquiry, which now only remains, my lords, is whether Mr. Hastings is to be answerable for the crimes committed by his agents. It has been fully proved that Mr. Middleton signed the treaty with the superior begun in October, 1778. He also acknowledged signing some others of a different date, but could not recollect the authority by which he did it! These treaties were recognized by Mr. Hastings, as appears by the evidence of Mr. Purling, in the year 1780. In that of October, 1778, the jagir was secured, which was allotted for the support of the women of the Khord Mahal. But still the prisoner pleads that he is not accountable for the cruelties which were exercised. His is the plea which tyranny, aided by its prime minister, treachery, is always sure to set up. Mr. Middleton has attempted to strengthen this ground by endeavoring to claim the whole infamy in those transactions and to monopolize the guilt. He dared even to aver that he had been condemned by Mr. Hastings for the ignominious part he had acted. He dared to avow this because Mr. Hastings was on his trial, and he thought he never would be arraigned; but in the face of this court, and before he left the bar, he was compelled to confess that it was for the lenience and not the severity of his proceedings that he had been reproved by the prisoner.

It will not, my lords, I trust, be concluded that because Mr. Hastings has not marked every passing shade of guilt, and because he has only given the bold outline of cruelty, he is therefore to be acquitted. It is laid down by the law of England, that law which is the perfection of reason, that a person ordering an act to be done by his agent is answerable for that act with all its consequences, quod facit per alium, facit per se. Middleton was appointed in 1777 the confidential agent, the second self of Mr. Hastings. The Governor General ordered the measure. Even if he never saw nor heard afterward of its consequences, he was therefore answerable for every pang that was inflicted and for all the blood that was shed. But he did hear, and that instantly, of the whole. He wrote to accuse Middleton of forbearance and of neglect. He commanded him to work upon the hopes and fears of the princesses, and to leave no means untried, until, to speak his own language, which was better suited to the banditti of a cavern, "he obtained possession of the secret hoards of the old ladies." He would not allow even of a delay of two days to smooth the compelled approaches of a son to his mother on this occasion! His orders were peremptory. After this, my lords, can it be said that the prisoner was ignorant of the acts or not culpable of the consequences? It is true he did not direct the guards, the famine, and bludgeons; he did not weigh the fetters, nor number the lashes to be inflicted on his victims; but yet he is just as guilty as if he had borne an active and personal share in each transaction. It is as if he had commanded that the heart should be torn from the bosom, and enjoined that no blood should follow. He is in the same degree accountable to the law, to his country, to his conscience, and to his God!

In the same debate, in 1788, Edmund Burke closed with these words:

I impeach Warren Hastings, Esquire, of high crimes and misdeameanors.

I impeach him in the name of the Commons of Great Britain in Parliament assembled, whose parliamentary trust he has betrayed.

I impeach him in the name of the Commons of Great Britain, whose national character he has dishonored.

I impeach him in the name of the people of India, whose laws, rights, and liberties he has subverted; whose properties he has destroyed; whose country he has laid waste and desolate.

I impeach him in the name, and by virtue, of those eternal laws of justice which he has violated.

I impeach him in the name of human nature itself, which he has cruelly outraged, injured, and oppressed in both sexes, in every age, rank, situation, and condition of life."

PRESIDENTIAL LAWLESSNESS WARRANTS IMPEACHMENT

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. RANGEL. Mr. Speaker, never before in America's history has there been a Presidential administration so marked by lawlessness and callous disregard for human rights.

President Nixon's latest actions in defiance of a court order to turn over the tapes of telephone conversations relating to Watergate is an inexcusable undermining of our system of justice. But we should not be surprised by the events of the past few days. We should not be surprised in the firing of Archibald Cox and the total dismantling of the Special Prosecutor's office. We should not be surprised at the President's attempts to thwart the course of justice. America has had ample warning of the lawlessness of this President.

Tale after sordid tale of the Presidential abuses have emerged since Richard M. Nixon took office in January of 1969. His latest indication of contempt for the courts, the Constitution, and the Congress is consistent with his previous behavior and his prostitution of the highest office in the land.

The entire Watergate episode with its political sabotage, political espionage and attempted coverup is only one example of this lawlessness.

There is also the fact of illegal campaign contributions which helped fund his reelection.

There is also the fact of special favors granted by the Nixon administration to big political contributors.

There is also the fact of the White House plumbers unit which conducted illegal burglary raids on the office of Daniel Ellsberg's psychiatrist.

There is also the fact of the administration's blatant attempt to bribe the Federal judge conducting the Ellsberg trial by offering him the position of Director of the Federal Bureau of Investigation.

There is also the fact that the Department of Justice illegally wiretapped people whose political views differed from those of the President. And the White House illegally wiretapped employees of the National Security Council. And it illegally wiretapped high level officials in Senator MUSKIE'S campaign staff.

There is also the fact of White House lying and covering up the illegal bombing of Cambodia, denying the truth to Congress and the American pepole.

There is also the fact of President Nixon's impoundment of money appropriated by Congress for crucially needed housing, health, employment, and education programs.

There is also the fact of President Nixon's illegal effort to dismantle the Office of Economic Opportunity and to unlawfully allow Howard Phillips to serve as Acting Director of OEO.

There is also the fact of the misuse of Federal funds to improve the value of private property owned by Richard M. Nixon in California and Florida.

There is also the fact of special privileges given by Federal regulatory agencies and executive departments to the personal friends of the President.

It is time to see that the perpetrators of illegal actions connected with Watergate and the 1972 Presidential elections are brought to justice. It is time for impeachment.

MRS. BETTY BANKS: QUEENS WOMAN OF THE YEAR

HON. MARIO BIAGGI

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. BIAGGI. Mr. Speaker, on October 25, the Queensboro Council for Social Welfare will bestow their prestigious Queens Woman of the Year Award on Mrs. Betty Banks.

Few women have been as richly deserving of this high honor as Betty Banks. To know her is to know a rare and unique individual, a person with seemingly endless energy and dedication to serve her fellow citizens of Queens. As a long-time resident of Jackson Heights, she has unselfishly devoted both time and energy to philanthropic, humanitarian, civic, and cultural organizations throughout Queens.

Her particular work on behalf of the Queens Chapter of the American Red Cross has earned her the respect and recognition by the residents of Queens for the truly wonderful individual she is.

In addition, Mrs. Banks has contributed much to such varied and important organizations as the Queens Botanical Gardens Association, the National Conference on Christians and Jews, and the Committee for Italian Migration.

Betty Banks' work has not gone unnoticed in the past. She is the recipient of a number of prestigious awards, including the Cardinal Cushing Award, she is a past honoree of AMITA and she was cited in 1969 as the Outstanding Citizen of Queens by the borough president. Yet the Queens Woman of the Year Award still has a special significance for Betty Banks, because she is being honored by her fellow friends and neighbors of Queens for her outstanding work on their behalf.

I would also like to pay tribute to the Queensboro Council for Social Welfare, the presenters of this Queens Woman of the Year Award. The council serves a vital role in the Queens Community as the main coordinating agency for all the various health and welfare agencies in Queens. The council has provided thousands of residents of Queens with expert referral and informational services to help make life a little brighter for these people in hours of need.

Despite all the time Betty Banks donates to working with the aforementioned organizations, she still finds enough time to be a dedicated and loving wife. In fact she and her husband, Jack, will be celebrating their 50th wedding anniversary next year. Let me at this time be the first to offer them my sincerest congratulations and best wishes for continued happiness. Betty Banks over the years seems to have an uncanny ability to defy age. Her boundless energy and youthful looks at age 68 make women 20 years younger envious.

Mr. Speaker, it has been my distinct honor to pay tribute to this fine humanitarian and good friend, Betty Banks. I am confident that the coming years will find her continuing in the work she loves so much. I congratulate the Queensboro Council for Social Welfare for their excellent choice of Betty Banks as Queens Woman of the Year, and assure them that they could not have made a more appropriate choice.

THE IMRE NAGY CASE AND ITS REPERCUSSIONS

HON. FRANK HORTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. HORTON. Mr. Speaker, on June 17, 1958, the Hungarian and Soviet news agencies simultaneously reported that Imre Nagy, Prime Minister of Hungary during the revolution of October 1956, and several other leaders of the revolution had been tried and sentenced, and that four of them, Imre Nagy, Pál Maléter, Miklós Gimes and József Szilágyi had been executed.

Today, the 17th anniversary of the Hungarian Revolution, rekindles our memory of these events and offers us an opportunity to assess the case of Imre Nagy and his codefendants.

The Soviet troops crushed the popular uprising on November 4, 1956. Imre Nagy, the duly appointed Prime Minister of Hungary, and his associates were forced to seek asylum at the Yugoslav Embassy at Budapest. After the end of the fighting, Imre Nagy and his government were removed from office and János Kádár was appointed Prime Minister. The Kádár government concluded diplomatic negotiations with the Yugoslav Government, according to which Imre Nagy and his entourage were granted safe conduct, including a promise that they "will not be molested for their past political activities."

On the basis of this agreement Imre Nagy and the others decided to leave the Yugoslav Embassy but they were immediately arrested by Soviet military personnel in front of the Embassy building.

Contemplation of this action leads one to two alternative conclusions. If the Soviet authorities acted with the approval of the Government of Hungary, then the latter violated its international obligation "not to molest" Imre Nagy and his associates. If, however, the Soviet military personnel acted without the Kádár government's approval, or in spite of that government's wishes, then this step was the precursor of the "limited sovereignty" formulated by Leonid Brezhnev 10 years later to justify the Soviet intervention in Czechoslovakia.

If the arrest of Imre Nagy and his associates was illegal, his trial was an even more flagrant violation of both the international obligations undertaken by the Government of Hungary and the Hungarian law in force at that time.

The safe conduct granted Imre Nagy obviously became fully operative again the moment the Kádár government gained custody of Imre Nagy and the others arrested with him by the Soviets, even if the arrest had been made without their complicity. The subsequent move by the Hungarian Government to convict persons granted safe conduct must be considered, by any lawful standard, as a serious violation of an international undertaking. That this arrest was regarded as such is proven by the fact that the Yugoslav Government described the actions of the government of Hungary in its protest note as "a gross and unprovoked attack on Yugoslavia."

The fact that Imre Nagy and his codefendants were tried and sentenced by a Special Bench of the Supreme Court during a secret trial was also a serious violation of several Hungarian laws in force at the time. Section 27(1) and (2) of the constitution of the Hungarian People's Republic, as in force in 1958 explicitly provided that—

(1) The Council of Ministers shall be responsible for its activities to Parliament. It shall regularly render reports on its work to Parliament.

(2) The Chairman ([or] his deputy) and the members of the Council of Ministers shall also be individually responsible for their actions and conduct. A special law shall regulate the manner of impeachment.

The special law referred to in section 27(2) of the constitution has never been adopted by the legislature. Therefore, Law No. III of 1848 on the Creation of a Responsible Hungarian Government was still applicable, because the provisions of this law have not been repealed or superseded, even up to the present day.

According to this law only Parliament has jurisdiction in a case instituted against the Prime Minister or a member of the Council of Ministers for any malfeasance or misfeasance committed in their official capacity. Reading the official communications there cannot be any doubt that, apart from minor details, all acts charged to Imre Nagy and his codefendants had been committed in their official capacity. Thus, the Special Bench of the Supreme Court lacked jurisdiction in the cases of Imre Nagy, Pál Maléter, Zoltán Tildy, and Géza Losonczy.

The secrecy of the trial was another violation of the existing laws. The Code of Criminal Procedure in effect in 1958 provided that the public may only be excluded from a criminal trial by the court if such a measure is required for the preservation of state, military, or official secrets, or for moral reasons. The official announcement on the trial and convictions—which is even today the only source material regarding this case—does not give any justification for the exclusion of the public from the trial.

In retrospect it may be said that the

reasons for the extreme secrecy were not legal, but entirely political. Less than 2 years after the revolution, the Government of Hungary probably did not feel secure enough to withstand the possible reverberations of an open political trial. Neither was the Soviet Union prepared to bear the burdens of a long lasting trial in the face of publicity from the world press.

The facts that this secrecy has lasted for 15 years and that during this period not a shred of evidence concerning the trial has come to light raise serious doubts as to whether such a trial was ever held at all. It is indeed remarkable that for the past 15 years not one of the participants; that is, judges, clerical staff, prosecutors, defense counsel, surviving defendants, family members of the former—in such an important event of recent history has yet come forward to reveal the slightest detail of the alleged trial. The official announcement carefully avoided any legal or personal references, and the charges listed in it were given in a narrative form without including the citations of the laws on which the charges or the convictions were supposedly based. Even less was said about the evidence on which the sentences were justified. No person participating in the trial, except for the defendants, was ever named. Such secrecy is very unusual in the history of Communist regimes not only in Hungary, but also in the other Communist-dominated countries, including the Soviet Union.

In view of this secrecy and the lack of sources and evidence it would be an exercise in futility to deal in detail with the charges of conspiracy to overthrow the government, treason, and the other "crimes" mentioned in the official announcement.

It should be enough to mention that it is difficult to understand how a duly and lawfully appointed prime minister could conspire to overthrow by force a government led by himself. Neither is it clear how treason may be said to exist, if a high official of a country wants to rid his own country from any occupying force. Questions like these would probably have been innumerable had any solid evidence of the trial ever been available.

Instead of such a guessing game it seems more worthwhile to try to assess the effects of the revolution of October 1956, and the supreme sacrifice of Imre Nagy and his fellow martyrs.

It may be paradoxical to state that one of the most important consequences of the Hungarian revolution was the détente between the United States and the Soviet Union. It is true that during and after the revolution, and again in 1958, after Nagy's execution was announced, the official circles and public opinion of the West, including the United States, openly condemned the Soviet Union for the suppression of the revolution in Hungary, and later for the execution and imprisonment of its leaders. However, nothing was done to aid the Hungarians in their fight for freedom. The reasons for this inactivity may be found in the Yalta Agreements in which the United States agreed to regard Hungary as belonging to the sphere of Soviet interest.

Prior to 1958 the Soviet Government had not been certain whether or not, beyond the occasional outburst resulting from the cold war, real adherence to the former agreements could be expected. The total passivity of the Western World, following the example of the United States, gave proof that the American Government would strictly observe any agreement to which it was a party, even if the other parties violated the same agreement.

A thaw in cold-war relationships had begun, and this process—despite some relapses like the Cuban missile crisis, or the 1968 intervention in Czechoslovakia—led to a better understanding between the two superpowers.

But the obvious question still remains: has the sacrifice of Imre Nagy and that of the other known and unknown heroes of the Hungarian revolution benefited Hungary and her much tormented people? The answer to this question must also be given in the affirmative.

It is undeniable that the fate of the Hungarian nation today is better than it was before October 1956. This, of course, does not mean that the free world may be satisfied with its progress, nor are the Hungarians satisfied. The process of liberalization is very slow indeed. Soviet troops in large numbers are still on Hungarian soil because of the Warsaw Pact which Imre Nagy attempted to renounce. Political oppression and the one-party system are still the main features of life in Hungary today, but the methods used to enforce them are less harsh than before.

It is undoubtedly the result of October 1956, that the ruling regime realized, and apparently were able to convince even the overlords in the Kremlin, that at least some regard must be given to the wishes of the consumer, the man in the street, and this has resulted in the reform of the country's economic management.

One of the most important demands of the revolutionary youth in 1956 was that the government put an end to the isolation of Hungary from the Western countries, their civilizations and cultures. The flight of 300,000 refugees over a few weeks gave dramatic emphasis to this demand. Most of those who left their homeland fled for political reasons; or simply because they wanted to live the rest of their life in freedom. But a great number of them, especially the young people, came out, because they were curious to know what lay beyond the Iron Curtain, so carefully guarded by the Communist rulers.

Slowly the Government of Hungary realized that such isolation is an untenable policy, and today more Hungarians may travel abroad in 1 year than have been allowed in a decade prior to 1956. Similarly, more foreigners, particularly from the Western countries, may visit Hungary, thus giving rise to a cultural exchange for which the world may be grateful to Imre Nagy and his fellow martyrs.

The increasing cultural intercourse has inevitably led to economic and political connections between Hungary and the rest of the non-Communist world, even with the United States. Although the major share of Hungary's foreign trade is still tied to the Soviet Union and its satellites in COMECON, economic connections with the West are slowly growing, and even the Soviet Union is following the example of Hungary. This is also an important result of the October revolution of 1956.

It is impossible to tell what would have happened to Hungary and to the rest of the world if the 1956 revolution and Imre Nagy's declaration of neutrality had been successful. But it is safe to say that even though the revolution was crushed and Imre Nagy and his associates, both named and nameless, paid with their lives, it was not a worthless sacrifice because, for their efforts, the world and the fate of the Hungarians therein is a little better today.

MURDER BY HANDGUN: THE CASE FOR GUN CONTROL, NO. 36

HON. MICHAEL HARRINGTON

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. HARRINGTON. Mr. Speaker, I have received many letters in response to my daily gun control inserts. One of the major points in these letters is the belief that handgun legislation would not reduce violent crime. A recent article in the Washington Post clearly demonstrates that this assertion is wrong. In this article, Dr. Czajkoski, expert on criminology, concludes:

Gun control legislation would reduce the murder rate.

I would like to ask when Members of Congress are going to respond to the facts of gun control, rather than to their emotions. The facts show conclusively that gun control would prevent many of the murders committed by handgun.

I include a murder that might have been prevented, and the article from the Washington Post entitled, "Gun Laws Linked with Murders."

The material follows:

DICE-GAME DEATH BRINGS 6 YEARS

A 6-year prison sentence was given yesterday to a 33-year-old man convicted of manslaughter in the fatal shooting of another man after an argument over whether crooked dice were being used in a dice game.

Bernard Baskerville, of the 200 block North Mount street, received the sentence for the shooting of David L. Powell, 35, of the 1600 block West Fayette street, last November 10 at a tavern in the 1500 block West Fayette street.

Baskerville had been accused by the shooting victim of using crooked dice. Even though Mr. Powell was assured by the tavern manager that the dice were not irregular, he nevertheless continued his complaint and approached Baskerville, who whipped out a pistol and shot him, according to testimony produced by Mark Van Bavel, the prosecutor.

Judge Albert L. Sklar imposed the term in Criminal Court.

GUN LAWS LINKED TO MURDERS

ATLANTA, GA., September 25.—An absence of gun control legislation in Southern cities may be one reason why those metropolitan areas are dominating the nation's murder statistics according to some professional observers.

FBI data show Atlanta leading the nation in 1972 with a rate of 23 slayings per 100,000 population, followed by Gainesville, Fla.; Little Rock, Ark.; Greenville, S.C.; Columbus, Ga.; Tuscaloosa, Ala.; Richmond, Va., and Savannah, Ga.

Out of 53 metropolitan areas that reported 12 or more homicides per 100,000 population, 42 were in a 12-state Southern region.

"Generally in the South, restrictions on gun ownership are rather loose," said Dr. Eugene Czajkoski, chairman of the department of criminology at Florida State University.

He said although statistics are unreliable, he is personally convinced that gun control legislation would reduce the murder rate. In a telephone interview from his Tallahassee office, he claimed Northern cities have tighter gun restrictions.

Based on per 100,000 population, New York reported 19.1 murders last year while Los Angeles reported 12.8. Las Vegas had 18.3, Baltimore 17.6, Detroit 17.3 and Chicago 11.5.

By comparison, Gainesville had 22.3, Little Rock and Greensville 20.4, Columbus and Tuscaloosa 20.2, Richmond 19.8, Savannah 19.2, Raleigh, N.C., 18.7, Lubbock, Tex. and Memphis, Tenn., 18.6, New Orleans and Jackson, Miss., 17.9, Charlotte, N.C., 17.6, Chattanooga, Tenn., and Jacksonville, Fla., 17.4.

Houston reported 17.3 murders per 100,000 population, Birmingham, Ala., and Augusta, Ga., reporterd 17.1 and Wilmington, N.C., had 17.

"If I had my way they would take every handgun ever made and throw them in the river," said Georgia Division of Investigation Director William Beardsley.

ESEA

HON. EARL F. LANDGREBE

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. LANDGREBE. Mr. Speaker, on October 2 of this year I introduced H.R. 10639, a bill to phase out over a 4-year period Federal aid to education authorized by the Elementary and Secondary Education Act. The reasons the passage of such a bill is urgent are many: first, Federal aid to education is unconstitutional; second, Federal aid has not in fact aided education, but has generally had no measurable effect on the education of children, and where its effects have been measurable, they are generally detrimental to education; third, Federal aid has accelerated the removal of the control of children from parents and has given it to the State; and fourth, Federal aid has increasingly been directed toward noncognitive learning, that is, away from education altogether and toward the modification of the behavior of children and the inculcation of alien values in the minds of children. In view of these facts, it is deceitful to label H.R. 69 as Federal aid to education: It is not designed for education, and it has not aided education. The only slightly truthful word in the phrase "Federal aid to education" is "Federal", and that is a weasel word that obscures the source of the money expended under the ESEA: the American people.

Miss Solveig Eggerz, in an article which appeared in the July 14, 1973 issue of Human Events, has ably described and enlarged upon reasons 2, 3, and 4 given above for the phaseout of Federal aid. I commend her article to the attention of my colleagues in the House and ask that it be printed in the RECORD:

FEDERAL AID TO EDUCATION SHOULD BE ABOLISHED

(By Solveig Eggerz)

The liberal-dominated House Education and Labor Committee is about to press upon the public's back a new version of the multi-billion-dollar Elementary and Secondary Education Act (ESEA), the federal government's most potent vehicle for intervening in local school affairs. Sponsored by Chairman Carl Perkins (D-Ky.), and backed by the Republicans' ranking member, Rep. Albert Quie of Minnesota, the legislation will not only cost some $2-billion-plus per year but is designed to commit the taxpayer to funding ESEA for at least five more years.

While many of the ESEA advocates may think this legislation contributes to the welfare of children, there is no more reason to think it will solve our education ills than there is to believe bloodletting will cure a hemophiliac. A closer look at the projects for deprived children under Title I, the experimental programs of Title III and the similar fare offered under Title V forces the question—what in the world did the kids ever do to deserve this?

If test scores and evaluations are any indication, the $8.77 billion spent thus far on compensatory education under Title I has all been wasted.

Indeed, the progressive infusion of federal funds into education appears to parallel a downward trend in test scores in basic skills. While it may be too much to say that federal funding is the sole cause of this, it's clear that governmental programs controlled from Washington have done nothing to improve the knowledge of children and in many cases have worsened the educational situation.

The National Assessment of Educational Progress revealed recently that 15 to 20 per cent of the nine-year-olds cannot read at all, ranging from 7 per cent in the affluent suburbs to 35 to 45 per cent in the extreme inner city. Despite the fact that more Americans go to school for more years than ever before, some 15 to 20 per cent of adults are functionally illiterate.

Children in cities such as Washington and Chicago read below grade level and the situation seems to be deteriorating. In Boston, the head of the school board has proposed that the amount of time pupils spend on reading be doubled because reading scores have dropped to a record low.

In New York, the percentage of public school pupils reading below grade level has increased every year. In May 1966, 45.7 per cent of the city's second-graders were reading at or above the national norm for that grade. On the national reading test last year, the figure had dropped to 42.3 per cent. The reading scores had fallen off even more sharply in other grades.

An idea of just how bad things have become can be gleaned from the actions of an 18-year-old graduate of Galileo High School in San Francisco who recently filed a million-dollar suit charging that the school system had failed to teach him how to read.

Traditional reservations about federal aid to education were overcome in 1965 by selling ESEA to Congress as basically an anti-poverty bill. Those who should have balked at involving the federal government in a multi-million-dollar school program were soothed into support when ESEA was described as aid to children rather than as aid to schools.

But Title I programs, far from really aiding children, seem aimed more at decorating the schools with new equipment, "innovative" programs, and courses that patronize the poor rather than in teaching the tough, basic skills necessary for children to succeed in later life.

"For all their variety, the programs have generally suffered from one fundamental difficulty: they are based on sentiment rather than on fact," states Prof. Edmund W. Gordon who coauthored the book, *Compensatory Education for the Disadvantaged*.

Much of the compensation comes in the form of arbitrary material gain. Mark Arnold, congressional correspondent for the *National Observer*, in his survey of Title I schools in Washington, D.C., found in one school, among other things, 33 record players, 37 film strip projectors, 24 radios, three sewing machines and three washer/dryer combinations.

Of Title I programs he says, "From the first time the first $5.4 million was received in 1965 with little time for advance preparation, the program has been characterized by poor planning, sloppy management, superficial evaluation, and until recently, precious little concern with results."

Many of the innovations introduced through Title I do not nourish the intellect, but focus on mental health concerns such as "self-image" or "self-awareness." Moreover, there is an abnormal amount of money spent on complicated machinery, new teaching methods and "cultural enrichment" programs.

Black psychologist Kenneth B. Clark, who believes in a tough curriculum for children, shows a marked lack of enthusiasm for this variety of innovation, much of it funded through Title I.

For minority children, Clark says, "there is a proliferation of enrichment programs . . . in fact, one of the burdens of being a child in a predominantly minority school is that you have no way of protecting yourself from innovative programs."

A large portion of Title I funds go for the hiring of "para-professionals" to aid the schools. Most of these people come from the neighboring community and many of them cannot provide assistance to the children beyond helping them tie their shoelaces and put on their galoshes. Any cutback in Title I funds threatens this army of "para-professionals" with unemployment, thus making such cutbacks politically unpopular.

Dr. Rhoda L. Lorand, a clinical psychologist in New York City, has been sharply critical of the para-professionals and the programs they're engaged in. People are "fooling themselves if they think these programs give the children what they need," she says. "You can't kill two birds with one stone—both provide the children with the kind of people they need and find general employment for the community."

"These children should only be taught by teachers who *choose* to teach in the ghetto, by people who really care," says Dr. Lorand. "Just having a lot of people around, just hiring anyone who happens to be in the neighborhood, isn't going to help. Just throwing a lot of money at them isn't doing any good."

George Weber of the Council for Basic Education has done a study of inner-city schools in the hope of finding successful ones. In his booklet, *Inner City Children Can Be Taught to Read: Four Successful Schools*, Weber lists several qualities common to successful inner-city schools. Among them are strong leadership and high standards at the top, emphasis on reading, the use of phonics, special reading personnel and individualized attention.

While all four schools were Title I schools, this was not the reason for their success, Weber points out. "Rather it's just the opposite. It's a sign of the failure of Title I that I came up with only four successful schools."

A disbeliever in the value of federal funds to education, Weber says Title I is based "on the simplistic faith that money can do the job. . . . Although some schools have made good use of Title I money, most of it has been spent to no effect."

Harvard sociologist Christopher Jencks,

who views things through Socialist-tinted glasses and might be considered an ally of Title I, has acknowledged its shortcomings. He states in his expansive study of the schools, *Inequality*, that "students in Title I programs do worse than comparison groups as often as they do better. . . . These programs have often been misspent. Often they have been widely diffused. Their aims are typically hard to pin down.

"Most announce improved reading or mathematics achievement as their principal goal, but many also seek to improve students' self-concept, eliminate truancy, prevent dropouts, improve school community relations, increase parent involvement or prevent fallen arches."

While some short-term evaluations of Title I programs have shown gains in achievement, these gains have proven to be temporary in nature. More importantly, the average inner-city child continues to drop farther behind the national norm, whether he has been in a Title I program or not.

One of ESEA's original sponsors, former Rep. Roman Pucinski (D.-Ill.), called the program "a monumental flop."

The conclusions of Title I evaluations have been more depressing each year. In its first report on Title I in 1967 the Office of Education disclosed that in 19 tests covering basic skills participating children had diminished their lag on 10 tests but increased it on the other nine. The second-year report showed the Title I child to be farther behind national norms after going through the program than he had been before.

Harry Piccariello did an evaluation of Title I for the Office of Education in 1969 in which he noted that significant change occurred in 108 of the 198 projects studied and that of these 58 were significant positive changes. He points, however, to the 50 significant *negative* changes and states that "the implication here is that participation in Title I programs for these children resulted in lower achievement than would have been the case had they not participated in these Title I projects at all."

The most conclusive evaluation of Title I to date, done by the American Institute for Research in March 1972, found that "ESEA Title I has never been implemented nationally as intended by Congress," and that, "there is little evidence at the national level that the program has had any positive impact on eligible and participating children."

Despite this mass of negative data on Title I, Congress apparently is still under the delusion that by pouring out huge doses of federal funds "deprived" children will be miraculously educated. But a number of experts in the field have demonstrated that good education does not depend on the sums spent per pupil.

James S. Coleman of Johns Hopkins University, who in 1965 and 1966 headed the largest and most thorough examination of American public schools ever undertaken, discovered the following: "The evidence revealed that within broad geographic regions, and for each racial and ethnic group, the physician and economic resources going into a school have very little relationship to the achievements coming out of it." He concluded that "if it were otherwise, we could give simple prescriptions: increase teachers' salaries, lower classroom size, enlarge libraries and so on. But the evidence does not allow such simple answers."

The *New York City School Fact Book* found in 1969: "The evidence we have accumulated is somewhat surprising. We have recorded traditional variables that supposedly affect the quality of learning: class size, school expenditure, pupil/teacher ratio, condition of building, teacher experience and the like. Yet, there seems to be no direct relationship between these school measurements and performance. . . ."

Harvard's Prof. Jencks said in 1969 that "Variations in schools' fiscal and human resources have very little effect on student achievement—probably even less than the Coleman Report implied." In his 1972 magnum opus on education, *Inequality*, Prof. Jencks elaborated on the point:

"More specifically, the evidence suggests that equalizing educational opportunity would do very little to make adults more equal. If all elementary schools were equally effective, cognitive [by which Jencks means the ability to manipulate words and numbers, assimilate information and come to logical conclusions] inequality among sixth-graders would decline less than 3 per cent. If all high schools were equally effective, cognitive inequality among twelfth-graders would hardly decline at all, and disparities in their eventual attainment would decline less than 1 per cent.

"Eliminating all economic and academic obstacles to college attendance might somewhat reduce disparities in educational attainment, but the change would not be large. Furthermore, the experience of the past 25 years suggests that even fairly substantial reduction in the range of educational attainments do not appreciably reduce economic inequality among adults.

"The schools, of course, could move beyond equal opportunity, establishing a system of compensatory opportunity in which the best schooling was reserved for those who were disadvantaged in other respects. The evidence suggests, however, that educational compensation is usually of marginal value to the recipients. Neither the over-all level of educational resources nor any specific, easily identifiable school policy has much effect on the test scores or educational attainments of students who start out at a disadvantage. Thus even if we reorganized the schools so that their primary concern was for the students who most needed help, there is no reason to suppose that adults would end up appreciably more equal as a result. . . ."

In short, there is no reason whatsoever to believe that federal aid to education is anything but a drain on the taxpayer. Yet Congress does not even question the value of these programs. The primary source of discord in the House Education and Labor Committee at the present time is not whether to continue ESEA, but just how the funds should be divided.

Traditionally, Title I funds have been channeled into the most impoverished school districts. Rep. Albert Quie (R.-Minn.), the ranking Republican on the committee, proposes a somewhat different method, which seems to have caught the fancy of many of the members. Quie would like to spend the most funds in areas where students score the poorest in national standardized tests as judged by the National Assessment of Educational Progress. The Quie proposal not only ignores the studies cited above, but adds a new wrinkle in placing a premium on having the students do poorly; i.e., a negative incentive. The worse the students, the more money from Washington.

Under the Quie plan, moreover, the NAEP, funded by such liberal outfits as the Office of Education, the Ford Foundation and the Carnegie Corporation, would not only assess student skills but student progress in becoming a good citizen (the "Attainment in Citizenship" program). The development of national goals for citizenship could obviously be controversial, particularly under the auspices of an organization dependent on liberal sources for money.

Title I, however, is not the only problem with ESEA. Funded at only $146 million a year, as opposed to the $1.8-billion figure for Title I, Title III is frequently not seen as the sometimes silly, sometimes pernicious provision that it is.

With emphasis on exporting "experimental" and "innovative" pilot projects to school districts throughout the country, projects filled with sham are often aimed at altering the values of Middle America. Title III has a great potential for rendering harm.

"Change agent" is a household word in Title III projects. Gerald Kluempke, secretary of the National Advisory Council on Supplementary Centers and Services, ESEA, Title III, urged the Appropriations Labor-HEW subcommittee in recent testimony not to abolish Title III, but to reexamine "the role of the Office of Education as a change agent."

The Office of Education is presently planning an evaluation of Title III and four other OE programs to assess their "impact as agents of change."

What sort of change? Instead of being content with the goal of getting students to develop basic skills, a goal it has distressingly failed to attain, the Office of Education, through Title III programs, wants to mold children in the image of the liberal. Title III projects often focus on making a child skeptical of religion, the police and parental authority. Title III projects also indulge in much foolishness. For instance:

On-the-Job Training in Human Relations Education is a project in Buffalo, N.Y., which sets "attitudinal and behavioral objectives." Among the Title III projects to win the "Educational Pacesetter Award" this year are many behavior modification programs. While some "behavior mod" programs are merely a method whereby good learning behavior is reinforced through rewards, many are geared toward developing certain liberal values and attitudes.

An award winner is *Project Adventure* in Hamilton, Mass., which received $86,800 in federal funds and promises to "transmit a sense that life should be entered into fully, actively and compassionately."

A typically unintellectual endeavor is *Self-Direction Through Group Dynamics* in Danvers, Mass. The $75,000 in federal funds and $30,000 in local funds go toward "helping students and faculty improve their concepts of themselves, their awareness of their own and others' feelings, their communication skills and their capacity to function effectively in a group."

Project on Student Values in Grand Rapids, Mich., promises to test students for their "value orientation." Because of Title III's orientation toward change, clues to what we can expect in the future as a result of funding these projects can be read out of Title III projects.

Project Redesign, for example, already covers 10 per cent of the schools in New York. It calls for a "New System of Education" which instead will emphasize "direct, real and relevant experiences," "human interaction," and "positive self-concept."

In short, federal aid to education is a monstrous waste of money. Because it has been a massive failure, ESEA can be abolished without qualms of conscience that a small child's education is at stake. Indeed, it would be argued that a small child's education depends on the elimination of ESEA.

IMPEACHMENT OF PRESIDENT RICHARD M. NIXON

HON. JEROME R. WALDIE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. WALDIE. Mr. Speaker, I rise today to introduce a resolution of impeachment against the President of the United States. I wish to assure the Speaker and my colleagues that I sincerely wish this moment had not come. If there were any other recourse, even within reasonable sight, of restoring public confidence in Government; of as-

suring that the President obeys the Constitution and the laws of the land as every other American must; and of determining that the President actually did not authorize, concur in, or cover up burglary, breaking and entering, illegal wiretapping, espionage, and perjury—I would then not take this course of action.

However, this Nation is now confronted with a constitutional crisis of unprecedented proportions. The events of the past weekend alone are simply staggering. The President first defied an order of one of the Nation's highest courts to produce tape recordings and documents, memorandums, and other material relevant to the investigation of the sordid affair we now know as "Watergate."

The President then fired Special Prosecutor Archibald Cox and dismantled and abolished his entire office. He then forced the resignation of the Nation's two top law enforcement officers, Attorney General Elliot Richardson and Deputy Attorney General William Ruckelshaus.

Within hours, therefore, the President had disobeyed a court order and substituted his own arrangement which was called a "compromise" but was actually an order to cease further inquiry into a number of legitimate areas, and then divested himself and the country of the services of three men of high principle and honor, characteristics which have been sadly lacking in many of the President's closest associates and advisers.

Mr. Speaker, the events of the past weekend are the culmination of President Nixon's repeated attempts to institutionalize his notion that the Executive has unlimited powers and is accountable to no one, and they make it abundantly clear that the President does not intend to obey the law of the land, nor keep promises made to Congress, nor abide by his oath of office made twice to the people.

It is indeed regrettable that the President, by the acts of the past weekend, and the many others which he has undertaken to systematically obstruct the investigation of the "Watergate" and related incidents, has made a resolution of impeachment necessary. However, we can no longer avoid the conclusion that impeachment is the only legal and proper avenue remaining for us to preserve the integrity and form of our Government as provided for in our Constitution. Thomas Jefferson wrote:

> An elective despotism was not the government we fought for, but (we fought for) one which should not only be founded on free principles, but in which the powers of the government should be so divided and balanced among several bodies . . . as that no one could transcend their legal limits, without being effectually checked and restrained by the others.

The President has ignored the traditional separation of powers and thereby brought about this constitutional crisis. We have no other reasonable and effective choice but impeachment.

The people of this country have every right to expect Congress to zealously protect our constitutional form of government. In addition, the people of this country have a right to know the truth about activities, such as "Watergate," which may have subverted our free electoral processes. The people have a right to expect the executive branch of Government to be free from personal misconduct, and to operate in conformity with the legal and moral system; the people have the right to know that no member or branch of the Government, and no citizen, is above or beyond the law.

We are now faced with a President who, by ignoring the Constitution and by obstructing justice, may limit or destroy these rights. The President has made clear that he will not comply with the law as interpreted and set forth by the U.S. Court of Appeals. The President has systematically sought to delay and obstruct the investigation of misbehavior surrounding the 1972 Presidential elections. In addition, we know by the personal admissions of certain participants, that this misbehavior involved high-ranking staff members of the administration; and we cannot escape the fact that at least one individual has charged that the President himself had knowledge of this misbehavior long before the facts were made public. Finally, some criminal indictments have been issued in connection with activities undertaken during the 1972 Presidential election and, at the time of his discharge, Special Prosecutor Cox was in the process of presenting further indictments.

When Mr. Cox was told late Saturday that he was fired as special prosecutor—President Nixon having finally found an Acting Attorney General willing to do the deed—he responded with one sentence:

> It is now up to the Congress and the people to uphold the principle that ours is a government of laws, not of men.

Congress and the people are now left with only one way to vindicate the rule of law and the constitutional structure of this Nation. That way is impeachment. All other courses of action have been blocked by the President.

It has been said that last Saturday was not "7 days in May," but 1 day in October. In Communist countries, fascist dictatorships, "banana republics," and other nations where democracy is supposedly more fragile than in America, it is all too familiar for the head of state or the leader of a coup to announce that he has regretfully decided, in the best interests of the state, to dissolve the legislature. Last week President Nixon announced that the process of justice in the United States was being dissolved, insofar as it relates to the high crimes, obstruction of justice, and attacks on our electoral system that have come to be known as Watergate. This was a Presidential coup directed at the rule of law on which the Nation is based, and at the judicial and legislative branches in their attempts to meet their constitutional responsibilities.

Impeachment is not a course to be taken lightly; to shrink from it now, however, is to take our constitutional system and the rule of law lightly. But it must be remembered that impeachment is what the Founding Fathers intended should be used in such a time as we now find ourselves—where the President deems himself answerable to no one, not even the courts. Impeachment is part of the law—it is mentioned in the Constitution five times. Unless the House faces up to its duty, the people will again perceive the House as unwilling to assert its legitimate role as one of the equal branches of the Government.

Mr. Speaker, impeachment is serious business. But in my view, all other ways within our constitutional system for dealing with the scandal and crisis of Watergate have been tried, and have now been ruthlessly cut off by the President himself:

First, the regular processes of criminal justice were tried first, and failed.

The trial of the "seven" Watergate defendants is now universally acknowledged to have been a sham, shot through with perjury and obstruction of justice designed to protect the higher-ups in the White House and the Committee To Reelect the President. This was why a special prosecutor was appointed, President Nixon having specifically authorized Attorney General Richardson to do so, and why the Senate's Select Committee was established. The work of the Special Prosecutor and the Select Committee reassured the American people that their processes of law and government were working. President Nixon has now defied and repudiated those processes.

Second, President Nixon now stands in open defiance of a final order of a Federal court.

The Court of Appeals, affirming District Judge Sirica, has ordered the President to turn over his tapes to the court, so it may determine what portions, if any, are needed by the grand jury. When President Nixon last Friday refused to appeal that order to the Supreme Court, it became final and binding. President Nixon declares openly to the Nation that he will not obey the court's order. This abrogation of the judicial process not only withholds evidence needed by the grand jury, but may result in dismissal of all cases brought against Watergate defendants, since the defendants can demand dismissal if the Government refuses to produce relevant evidence in its possession. This defiance would equally block the efforts of any other prosecutors, regular or special.

Third, President Nixon has abrogated the prosecutorial function by dismissing the Special Prosecutor, dismantling his entire investigation, and compelling the the two Attorneys General who refused to go along to resign.

President Nixon authorized Attorney General Richardson to appoint a special prosecutor; with the President's approval, Richardson promised that the Special Prosecutor would be independent, would not be interfered with, could contest claims of executive privilege in court, would not be fired except for extraordinary misconduct. In firing Cox because he pursued his duty, the President has abrogated the prosecutorial function just as he repudiated the judicial one.

He seeks to assure that there will be no real or independent prosecution of the Watergate offenders. This is a coverup of a coverup, an obstruction of process

of justice aimed at those guilty of obstructing justice. Any notion that the Justice Department can step into the shoes of the special prosecutor is negated, not only by the original Justice Department performance, but by the President's obvious reason for firing the special prosecutor—his prosecution was too good for the President's comfort—and by the President's firing of the two Attorneys General who dared to assert their independence last Saturday.

Fourth. President Nixon has also defied the Congress and repudiated its processes.

In at least two ways, he has undercut and frustrated the attempts of Congress to uphold the rule of law, to inform the public, and to develop necessary legislation regarding the events of Watergate.

He has refused to make available to the Senate Select Committee evidence it needs for its investigation.

By dismissing the special prosecutor for pursuing his investigation, the President has reneged on his commitment to the Senate, through Attorney General Richardson, to appoint a special prosecutor and give him appropriate independence and powers.

So the efforts of Congress to use two of its constitutional powers in the Watergate crisis—the power to investigate, and the power of the Senate to advise and consent to Cabinet nominations—have met with obstruction, repudiation, and deception on the part of the President.

The other branches of the Government, acting in good faith and within their constitutional authority, have thus tried various ways to uphold the rule of law and the interest of the public with regard to Watergate, but all their attempts have been blocked by President Nixon. The legitimate actions of the grand jury and the courts, of the special prosecutor, and of the Congress have all been defied and repudiated.

However, as I noted earlier, Mr. Speaker, the most recent events are but the last in a long series of actions which constitute a systematic and concerted attempt by the Nixon administration to subvert the Constitution of the United States.

The litany of impeachable offenses that have accumulated during the past 5 years are truly shocking. I will simply list the most salient.

First, the President personally approved plans for political surveillance by such methods as burglary, breaking and entering, and wiretapping. At the time of approval, Mr. Nixon was advised that certain aspects of the "Huston Plan" were illegal, and yet the plan was ordered implemented, and were stopped after 5 days only at the insistence of J. Edgar Hoover.

Second, the Nixon administration conducted a clandestine bombing campaign in Cambodia for over 14 months, and not only withheld information from the American people and the Congress concerning this matter, but also told the American people that such raids were not occurring. This subversion of the war-making powers necessitated a falsification of records and documents by the executive branch, and, in my view, because the funds spent on the bombing was obtained from the Congress under "false pretenses," they were spent in an unconstitutional manner.

Third, the Nixon administration established within the White House a super secret police force known as the "plumbers" which acted outside of the law for the political purposes of the Nixon administration.

The list of potentially impeachable offenses would also include:

A deliberate assault on civil liberties.

The use of governmental powers to harass critics.

Interference with peaceful assembly and protest.

A continuation of the impounding of funds, notwithstanding the fact that every court decision on this subject has found impoundment to be unconstitutional and,

The attempt to pervert and subvert the various agencies of the executive branch, including the Justice Department, the State Department, the Defense Department, and the Central Intelligence Agency.

Therefore, Mr. Speaker, it is clear that the House should impeach the President. The reasons for impeachment are not limited to events of the past weekend, but are rooted in the concerted and systematic attempt by the President to subvert the Constitution.

The events of this weekend were indeed symbolic, however, for in dismissing three men who have clearly demonstrated a high degree of character, honesty, and courage, Mr. Nixon placed in unmistakable contrast his parting accolades to Mr. Haldeman and Mr. Ehrlichman.

In this regard, I would like to quote James Madison, on the responsibility of the Executive for the acts of his subordinates:

> I think it absolutely necessary that the President should have the power of removing from office. It will make him, in a peculiar manner, responsible for their conduct and subject him to impeachment, if he suffers them to perpetrate with impunity high crimes and misdemeanors against the United States or neglects to superintend their conduct as to check their excesses.

Mr. Speaker, in view of the myths that abound as to the various grounds for impeachment, I feel it appropriate to state why there are presently existing grounds for impeachment, even if one assumes the absence of proof of indictable crime.

One of the grounds for impeachment is "high crimes and misdemeanors." Because these words are familiar words in criminal law some persons have erroneously concluded that this ground of impeachment necessarily involves an indictable offense as that term is used in the criminal law. However, precedent in the Senate clearly confirms that impeachment for "high crimes and misdemeanors" does not require an indictable offense. As Prof. Raoul Berger, the country's leading expert on impeachment, recently wrote:

> The great preponderance of authority, including extrajudicial statement by Chief Justice Taft and Justice Hughes, regards "high crimes and misdemeanor" as not confined to criminal conduct.

The country's Founding Fathers well understood that the institution of impeachment had a much broader base than the criminal law. Hamilton said impeachment was to reach misconduct of public men in abusing or violating some public trust. It was for injuries done immediately to the society itself. It was a method of national inquest into the conduct of public men. In No. 65 of the Federalist Papers, Hamilton pointed out that England and several of the States regarded the practice of impeachment "as a bridle in the hands of the legislative body upon the executive servants of the Government."

The Senate has appreciated the broad meaning of "high crimes and misdemeanor." For example, the Senate has convicted a judge in an impeachment proceeding on the ground that his conduct was "to bring his court into scandal and disrepute, to the prejudice of said court and public confidence in the administration of justice."

Although I would not go so far, evidently this history of impeachment led the minority leader GERALD FORD to conclude as follows in 1970:

> What, then is an impeachable offense? The only honest answer is that an impeachable offense is whatever a majority of the House of Representatives considers it to be at a given moment in history; conviction results from whatever offense or offenses two-thirds of the other body considers to be sufficiently serious to require removal of the accused from office—there are few fixed principles among the handful of precedents. CONGRESSIONAL RECORD, volume 116, part 9, page 11913.

By what I have just said I do not mean to imply that crimes in the sense that term is used in criminal law may not be involved in the proposed impeachment proceeding. There is every reason to suspect that criminal activity is involved and will be revealed in an investigation that cannot be thwarted by coverups and the discharge of prosecutors when they begin to uncover the crimes. However, my point is that the institution of impeachment has a higher purpose than the ferreting out of crime and criminals. As Hamilton said, it is a "national inquest" into the conduct of public men, or as John Pym said at the impeachment of the Earl of Strafford—

> To alter the settled frame and constitution of government is treason in any state. The laws whereby all other parts of a Kingdom are preserved should be very vain and defective, if they have not a power to secure and preserve themselves.

I suspect that there will be efforts to compare this impeachment with the impeachment of Andrew Johnson. There is no similarity in the two cases. The impeachment of Andrew Johnson was undertaken for the basest of political motives, and was not founded upon the sort of misconduct which is present here. Andrew Johnson was the victim of an aggressive Congress intent on pursuing a personal vendetta against a particular individual. Here, as I have already dis-

cussed, every effort has been made to avoid this final choice. We now know that, because of the actions of President Nixon, impeachment is the only procedure which can guarantee a full resolution of the issues before us. We have tried to use every mechanism of government within our control, and President Nixon has impeded each of our efforts. Accordingly, we must turn to impeachment.

Just before the Constitution was signed in Philadelphia on September 17, 1787, Benjamin Franklin addressed the Convention and focused upon the nature of the people and their government. He said:

[T]here is no Form of Government but what may be a Blessing to the People if well administered; and I believe farther that this is likely to be well administered for a Course of Years, and can only end in Despotism as other Forms have done before it, when the People shall become so corrupted as to need Despotic Government, being incapable of any other.

I reject the notion that we, the people of the United States, have become so corrupted as to need despotic government. It is specifically for this reason that we must regrettably make use of the impeachment process.

Moreover, Mr. Speaker, the people are demanding action on this matter. Responsible Members of the Congress should no longer talk about the impossibility of impeachment, but about the need to cleanse our Nation. Impeachment is not so much designed to remove Richard Nixon from office, as it is to preserve the Constitution, and it is the only alternative for saving the Nation's democratic form of government from Executive fiat and tyranny.

DOCTOR IMMIGRATION TERMED HARMFUL

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. ROGERS. Mr. Speaker, in recent years, I have become more and more concerned about the numbers of foreign doctors immigrating to the United States. Not only does this situation have an adverse effect on those nations from which these doctors are emigrating, but it points up the reliance of the U.S. medical system on these foreign-trained physicians. I recently read an article in the October 17 edition of the New York Times entitled "Doctor Immigration Is Termed Harmful in U.S. and Abroad."

This article was written about the remarks of Dr. Richard Warren of Harvard at the recent Congress of the American College of Surgeons in Chicago. It is a most interesting article and I would like to insert it in the RECORD at this point for the benefit of my colleagues.

DOCTOR IMMIGRATION IS TERMED HARMFUL IN UNITED STATES AND ABROAD

CHICAGO, October 16.—Immigration of doctors to the United States must be stopped, a Harvard professor, Dr. Richard Warren, says.

Instead of allowing foreign doctors to immigrate, the United States should provide for medical training for Americans, Dr. Warren says. He spoke as a panelist on surgical manpower at the annual clinical congress of the American College of Surgeons.

Dr. Warren said at a news conference that although many foreign-trained physicians were outstanding, others had inferior training.

He added that it was unfair for these doctors to leave their homelands, which have invested vast amounts of money in their education.

About half of the doctors graduating from medical schools in the world outside the Communist nations are trying to get into the United States, he said.

Seven per cent of doctors practicing in the United States in 1971 were foreign medical graduates, Dr. Warren reported, and 3,000 of the net increase of 7,000 doctors in the United States in 1971 were foreign medical graduates.

While 7,000 Filipino doctors practice in the United States, he said, there are only 6,000 American black doctors.

Dr. Robert A. Chase of Stanford University said it was "a national shame" that the United States did not have space for those who wanted to attend medical school.

Dr. Francis D. Moore, of Harvard, added that there were 70,100 applications for the 13,500 openings in the most recent freshman medical school classes.

THE "HOLIDAZE"

HON. EDWARD J. DERWINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. DERWINSKI. Mr. Speaker, the Star Tribune publications, serving south suburban Cook County, Ill., have a well-deserved reputation for the quality of their editorial commentary. I believe it is appropriate that I insert in the RECORD today that publication's editorial of Thursday, October 18, on the subject of Monday holidays.

Since we observed one of the most traditional holiday dates yesterday, the point made in this editorial certainly applies:

THE "HOLIDAZE"

Tradition, it appears, is stronger than expediency. Or at least that is one conclusion that can be drawn from recent efforts by governmental groups and others to manipulate the calendar in the name of leisure.

In 1970 the Illinois General Assembly, in accordance with recommendations of the federal government, adopted legislation switching five commemorative holidays from the traditional dates to a Monday close to the original date. The date was to create more "three-day" weekends. Now, however, less than three years later, three of the official state observances have been restored to their former dates.

The latest about-face in the "holidaze" sweepstakes in Illinois involves Memorial day—or Decoration day, as it was once known. Originally it was observed on May 30. Then it was switched to the last Monday in May. Now, by action of the state legislature, it's back to May 30.

Other observances that have been restored to their traditional dates are Lincoln's birthday (February 12) and Veterans day (November 11).

The only survivors of the 1970 edict are Washington's birthday (from February 22 to the third Monday in February) and Columbus day (from October 12 to the second Monday in October).

To date, we're happy to report, there are no plans to switch the traditional observance of Independence day. It would be a little silly to celebrate the Fourth of July on any other date. Tradition deserves more consideration than it enjoyed for a time.

MR. TERRY JONES—FATHER OF THE YEAR, 1973

HON. FORTNEY H. (PETE) STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. STARK. Mr. Speaker, I would like to take this opportunity to say a few words about Mr. Terry Jones, a constituent of mine who has recently been named "Father of the Year, 1973," by the Minority Adoption Committee—MAC. He has been selected as the adoptive father who best typifies the essential qualities of parenthood which MAC is seeking for all children in need of love, security, and permanent homes.

Mr. Jones, at the age of 31, is a fine example of a concerned and active citizen who any child would be proud to claim as his or her father. While pursuing his goal of teaching social science on the university level, Mr. Jones has been actively involved in serving his community. He has worked as an assistant human relations coordinator for the city of Berkeley and has assisted in the development of the Berkeley model cities program. He has also done individual and group counseling for the Contra Costa County Probation Department. Most recently Mr. Jones has been a teaching assistant at the University of California at Berkeley and the director of the health care outreach project in Richmond, Calif.

Mr. Jones has made an invaluable contribution to the community by volunteering his time, knowledge, and effort to better the economic, social, and political lives of the black citizens of Vallejo by helping to organize and develop the Black Society on Unity and Liberation. He has developed and staffed a tutorial project in the Vallejo area as well as having recruited black students to the school of social welfare, working closely with the black caucus and black faculty of the University of California, Berkeley.

In addition to his many other activities, Mr. Jones is a member of the California Association of Afro-American Educators and the Associated Bay Area Black Social Workers. In 1972, to make their lives more complete, Mr. Jones and his wife adopted a baby boy through MAC.

I am sure that his family and all who have seen his efforts will attest to the fact that Mr. Jones is one of the most outstanding men of our community. A man of fine character, Mr. Jones' concern for others is admirable. Thank you, Mr. Jones, for all that you have done to make our community a better place to live.

ON LEGISLATION TO DECRIMINALIZE THE PERSONAL USE OF MARIHUANA

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. KOCH. Mr. Speaker, the national movement toward removing or substantially reducing the criminal penalties against the possession for personal use of marihuana has taken a major step forward as a result of two recently enacted Oregon statutes.

The statutes, passed in the 1973 session of the Oregon State Legislature and signed by Governor McCall, have as their aim the substantial reduction of penalties for private possession and use of marihuana. The statutes provide that possession of less than 1 ounce of marihuana be classed as a violation, that is, neither a felony nor a misdemeanor—punishable by a maximum of a $100 fine. Possession of more than 1 ounce of marihuana may be treated by the court, at its discretion, as a misdemeanor—which in Oregon is punishable by no more than 1 year imprisonment and/or $1,000 fine.

The other new substantive legal change provides that the prior record of a convicted marihuana possessor and/or user may be expunged upon a successful petition to the court by the individual, 3 years after the person's conviction.

A civil law suit has been filed in Federal District Court in Washington, D.C. by the National Organization for the Reform of Marihuana Laws—NORML—to have prohibitions against personal marihuana use presently in existence on the Federal, State, and local levels declared unconstitutional as "an unwarranted intrusion into the private lives of millions of Americans." In addition, the suit seeks to establish the position that current penalties for marihuana use constitute cruel and inhuman punishment, and that the present laws deny "equal protection of the laws" since the use of potentially more harmful substances such as alcohol and cigarettes have no penalty attached.

The National Commission on Marihuana and Drug Abuse—the Shafer Commission—appointed by President Nixon has stated as its first recommendation that possession of marihuana for personal use no longer should be considered as a criminal offense, though it does urge that marihuana possessed in public remain contraband, subject to seizure and forfeiture.

Such prestigious and conservative organizations such as the American Bar Association and the National Education Association have urged that possession for personal use be decriminalized. The ABA ever. supports the dropping of penalties for "casual distribution of small amounts not for profit." Texas has made the possession of two ounces or less of marihuana a misdemeanor punishable with a maximum of a 6-month jail sentence and a $1,000 fine. The new penalty is in sharp contrast to the previous situation in Texas where the average sentence for marihuana violators was 9½ years, with one defendant receiving the incredible sentence of 30 years for the use, not sale, of marihuana.

It is clear that a profound rethinking on this subject is occurring and in light of these developments I am surprised that my bill, H.R. 6570 which would decriminalize, not legalize personal use of marihuana, has garnered only eight sponsors.

The Javits-Koch bill has four straightforward provisions: a. Possession of marihuana for personal use whether in public or private of 3 or less ounces would no longer be a crime, b. marihuana in an individual's lawful possession would no longer be considered contraband subject to seizure and forfeiture, c. marihuana intoxication would not be a valid defense to any violation of Federal law, and d. that the sale, distribution, or transfer for profit would continue to be a crime.

My bill, I believe, would put into legislation what is now accepted as the reasonable attitude of the medical, legal, and sociological professions—and most importantly, the bill reflects the attitude of the people of this country.

The Shafer Commission in its original report found that 24 million Americans have tried marihuana at least once, that 8,300,000 still use the drug occasionally, and that 500,000 are heavy users. The Shafer Commission's most recent figures as of February 1973, showed that 26 million Americans, or 16 percent of the adult population has used marihuana at least once, and that 13 million Americans smoked marihuana on a regular basis. The number of potential felons under present law that thus exist is simply staggering. This wholesale disregard for the marihuana statutes by a substantial segment of our population can only serve to bring law in general into disrepute and public contempt. We must remove the present savage penalties that apply to the mere possession of marihuana. And remember, my bill does not in the least affect the current criminal penalties against sale for profit of marihuana, which will continue.

Let us not try to enforce the unenforceable. Let us bring our laws in line with reality. Let us change the law by decriminalizing possession for personal use of marihuana.

The following are two articles from the Washington, D.C., Star-News and Time magazine which deals with the Oregon and other governmental actions to reduce penalties for marihuana possession. I have also included the Congressional Research Service summary of the Federal legal recommendations of the National Commission on Marihuana and Drug Abuse—the Shafer Commission.

[From the Washington Star-News, Aug. 7, 1973]

OREGON POT PENALTY NOW JUST A TICKET

(By William Hines)

For the next several months at least, the state of Oregon is likely to be happy land for members of the drug subculture.

In a move unparalleled on the state level in this country, the Oregon legislature passed—and Gov. Tom McCall late last month signed—a measure removing nearly all penalties for simple possession and use of marijuana.

As a result, since July 23, under Oregon law, possession of up to an ounce of pot has been not a felony or even a misdemeanor but a mere "violation," similar to a traffic ticket, punishable only by a fine of no more than $100 and not carrying with it the stigma of a permanent criminal record.

The purpose of the law, as perceived by McCall and the majority of the state legislators, was not to foster the drug habit, but to remove a lifelong blot from the records of youngsters guilty of nothing more than smoking a disapproved but not very dangerous weed. Trafficking in marijuana remains a felony in Oregon as elsewhere.

Owing to a technicality unintended by the law's framers, criminal penalties for possession of up to an ounce of hashish or "hash oil" also were eliminated. As any "head" will testify, an ounce of either of these marijuana derivatives is a substantal amount.

McCall said upon signing the measure that he was aware of the hashish loophole but was reluctant to veto the bill because of it, lest a death blow be dealt to the worthwhile objective of decriminalizing marijuana. He urged the legislature to close the loophole when it meets early next year.

[From Time magazine, Sept. 10, 1973]

GRASS GROWS MORE ACCEPTABLE

It could be written off to the kids last year when the city council of Ann Arbor, Mich., voted to make marijuana use a misdemeanor subject to a maximum fine of $5, payable by mail. And this spring the radicals were apparently responsible as 60% of Berkeley, Calif., voters passed the "marijuana initiative," which ordered police to give marijuana laws "their lowest priority" and required authorization of the city council for any "arrest for possession, use or cultivation" of the weed. Both cities' policies were later knocked out. But last month in Washington, D.C., a still more revolutionary idea came from an unexpected source: the American Bar Association proposed the total removal of criminal laws against marijuana possession in small amounts.

POPULAR DRUG

With the A.B.A. behind decriminalization of pot, can the rest of the nation be far behind? Perhaps not. Since 1971 state legislatures across the nation, with the notable exception of Rhode Island, have reduced possession of small amounts of grass from a felony to a misdemeanor. Supporting the trend are prestigious organizations like the National Conference of Commissioners on Uniform State Laws (lawyers, judges, law professors and state officials who draft model legislation). The American Medical Association favors the misdemeanor penalty for possession in "insignificant" amounts, though it advocates more research on the drug. A National Commission on Marijuana and Drug Abuse survey shows that 26 million Americans have tried grass, and 13 million are regular users.

Just how far the weed has come with the middle class since the first furtive puffs in college dormitories in the 1960s was evident at the A.B.A. convention. A year ago, Whitney North Seymour Sr., past president of the A.B.A., helped water down a decriminalization motion. This year Seymour was the first speaker in favor of the revised resolution. Says he: "Reflecting on the consequences of criminal penalties to the 20-odd million young people using marijuana. I decided that we ought to concentrate on trying to stop sales and start removing penalties for possession." Seymour was joined by a host of law-and-order spokesmen, and the motion even received personal endorsement from a representative of the hard-line National District Attorneys Association. When the votes were counted, the A.B.A. was solidly behind dropping penalties for both posses-

sion of limited quantities and "casual distribution of small amounts not for profit." The lawyers' vote showed concern that police and courts have been busy with pot cases at the expense of more serious crime. The A.B.A. was also distressed over the dangerous legal precedent of open disregard for marijuana laws. Concluded Frank Fioramonti, legislative counsel to NORML (National Organization for the Reform of Marijuana Laws): "When the A.B.A. delegates get around to advocating a progressive step, you know it's an idea whose time has come."

The idea has arrived in some other surprising places.

Until this year Texas was known as a dangerous place indeed to smoke. Eight hundred marijuana offenders were in jail, serving an average sentence of 9½ years for possession. Thirteen were in for life, and Lee Otis Johnson, a black activist arrested in 1968, was sentenced to 30 years for having passed a marijuana joint to an undercover agent. Last May the Texas legislature voted to make possession of two ounces or less of marijuana a misdemeanor punishable with a maximum six-month jail sentence and $1,000 fine.

In 1968 pot-smoking hippies were a key target of Atlanta police. Virtually all of Georgia drug-law enforcement resources were directed against pot. Then last year the state legislature reduced first-offense possession of one ounce or less to a misdemeanor. Today only 20% of the state's anti-drug campaign is aimed at marijuana.

On Oct. 5, Oregon will become the first state to remove completely criminal penalties for the private possession and use of grass. The new law reclassifies possession of up to one ounce as a "violation," with a maximum penalty of a $100 fine. Offenders will receive no criminal record, in effect making pot smoking no more criminal in Oregon than illegal parking.

Elsewhere in the country, resistance to softer pot laws continues. Though possession of marijuana in small quantities is now just a misdemeanor in Maine, police around Baxter State Park this summer are conducting a campaign to arrest campers who light more than camp fires. So far, raiders have busted more than 150 vacationers and slapped them with a total of $40,000 in fines. In Massachusetts, despite reduced penalties for marijuana use, 47% of all drug arrests in the state are still for pot. Florida Circuit Court Judge Edward Cowart declares: "The thing that bothers me most is that authorities say they have yet to find someone on the hard stuff who didn't start with marijuana." Says Albert Le Bas, chief of the civil division of the Los Angeles County sheriff's office: "Our concern is that there is still conflicting medical testimony on how harmful it is to the body."

California legislators voted last year to reduce marijuana possession to a misdemeanor, but Governor Ronald Regan vetoed the bill. State law now offers a range of penalties for first-offense pot possession from probation to a ten-year jail term. The nation's harshest drug law is New York's, making life sentences mandatory for some hard-drug offenses but leaving marijuana possession punishable as either a misdemeanor or a felony. State police officials say that enforcement will be minimal against pot smokers. Prosecution of pushers in New York, as in all other states, will remain a top priority. * * *

CONGRESSIONAL RESEARCH SERVICE SUMMARY: NATIONAL COMMISSION ON MARIHUANA AND DRUG ABUSE

RECOMMENDATIONS

"The Commission is of the unanimous opinion that marihuana use is not such a grave problem that individuals who smoke marihuana, and possess it for that purpose, should be subject to criminal procedures. On the other hand, we have also rejected the regulatory or legalization scheme because it would institutionalize availability of a drug which has uncertain long-term effects and which may be of transient social interest.

"In general, we recommend only a decriminalization of possession of marihuana for personal use on both the State and Federal levels. The major features of the recommended scheme are that: production and distribution of the drug would remain criminal activities as would possession with intent to distribute commercially; marihuana would be contraband subject to confiscation in public places; and criminal sanctions would be withdrawn from private use and possession incident to such use, but, at the State level, fines would be imposed for use in public."

RECOMMENDATIONS FOR FEDERAL LAW

Possession of marihuana for personal use would no longer be an offense, but marihuana possessed in public would remain contraband subject to seizure and forfeiture.

Casual distribution of marihuana for no remuneration or insignificant remuneration not involving profit would no longer be an offense.

A plea of marihuana intoxication shall not be defense to any criminal act committed under its influence, nor shall proof of such intoxication constitute a negation of specific intent.

TAX-FREE VACATION—FOR DOCTORS ONLY

HON. PAUL N. McCLOSKEY, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. McCLOSKEY. Mr. Speaker, I believe all of us have wondered from time to time at the rising expression of resentment over Congress failure to move with meaningful tax reform.

A doctor in my district recently sent me the enclosed advertisement with the words:

Any workingman earning a marginal income should justifiably be outraged at this kind of robbery of tax dollars.

After reading the advertisement, offering expensive trips to Mexico tax free, but only to doctors, I am forced to agree. Is it not time we insisted on a comprehensive tax reform which will more fairly distribute the privileges and burdens of being an American citizen?

The advertisement follows:

[Advertisement]

TAX DEDUCT A GLORIOUS VACATION IN THE SUN

MCI PROUDLY PRESENTS ITS EXCLUSIVE TAX DEDUCTIBLE DECEMBER VACATIONS, YOUR CHOICE OF JAMAICA OR ACAPULCO

The Club: Medical Convocations International is a club for doctors only. The purpose of the club is to arrange a variety of exciting trips throughout the year (at least one per month) and combine them with medical conferences so that the doctor may deduct the cost of the trip.

Future Vacations: M.C.I. offers vacation-conferences with a wide and varied list of itineraries. M.C.I. will offer at least one trip per month and several during holidays and vacation seasons. M.C.I. is anticipating trips of varying types: long and short, conducted tours and simple vacations, to resorts and to places unique and exotic. M.C.I. looks forward to serving your travel needs while keeping you up to date on your profession.

AN EXCITING WEEK IN GLAMOROUS ACAPULCO

Acapulco: Mexico's gift to the jet-set and to anyone else who loves sand and sea. A lively town . . . yet with miles and miles of uncrowded beaches. Dance all night or retire early and be on the beach at dawn. Glittering sun, gleaming waters and beautiful people. Join us at Las Brisas . . . the jewel of Acapulco. Here you will enjoy your own private casita, with private terrace, bar, refrigerator and private (or sharing) pool. Las Brisas is situated on a bluff overlooking Acapulco Bay and you will enjoy the panorama from your own private terrace with your own private bar stocked with ice, soft drinks, alcoholic beverages and fresh fruit. After the sun has slipped into the sea, lively Acapulco awaits you. Join us . . . December 1–8.

SPLENDID, LUXURIOUS MONTEGO BAY YOURS FOR A WEEK

Jamaica: Translated means "land of wood and water." The legendary beauty of Jamaica is still unspoiled . . . tropical birds sing, exotic flowers and fresh fruit grow wild, sparkling rivers wind through blue-green mountains. Jamaica is the Old World, the New World . . . a world unto itself. Make it your world for one glorious week at the Half Moon Hotel and Cottage Club, in Montego Bay. This distinguished hotel boasts gourmet cuisine, a mile long beach, 60 exotic areas, an 18 hole golf course, 7 tennis courts, fishing and sailing. The Half Moon . . . where an exclusive club atmosphere is the keynote. . . . Jamaica . . . where everyone seems to be happy. Join us . . . December 10–17.

The details: Since these fabulous vacations are available only to M.C.I. club members, a fee of $50.00 will make you a member and enable you, your family and guests to enjoy these and/or any other M.C.I. vacations. Acapulco: Price is $257.00 per person, plus air fare and includes a double room at Las Brisas, continental breakfast, transfers and baggage, all taxes and gratuities, all seminars, and a special cocktail party for all club members.

Montego Bay: Price is $360.00 per person, plus air fare and includes double room at the Half Moon, breakfast and dinner daily, six days of green fees, transfers and baggage, all tips and taxes, all seminars and a special cocktail party for all club members.

Upon receipt of reservations, M.C.I. will arrange your air transportation from your home town. Air arrangements must be made through M.C.I. and our travel department will secure the most economical fares available.

Instructions: To join M.C.I., just fill out the top of the coupon and enclose a check or charge No. in the amount of $50 which is also tax deductible. To reserve space on this trip, fill out the entire coupon and enclose your $50 membership fee and a deposit of $100 per person travelling. We will immediately forward to you your Club membership kit and confirmations. Payment in full is due by October 15, 1973.

THIS IS A GOOD TIME

HON. JOHN M. ZWACH

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. ZWACH. Mr. Speaker, to say that the world is plagued by problems is a gross understatement.

War in the Middle East, unrest, violence, and revolution in many countries; hunger and famine; lack of ethics in governments; crime and immorality, all constitute an indictment of our way of life.

Some people ask, "Was the world ever in a worse state?"

The answer is easy—"Yes."

Almost every age has had its period of deep dispair from which we always arose to new heights.

Margery Burns, a rural newspaper columnist in our Minnesota Sixth Congressional District, pointed this out in a recent article which I would like to share with my colleagues by inserting it in the RECORD:

THIS IS A GOOD TIME

You are enjoying this wonderful world, aren't you? You have a good life. Really good.

To help you realize how lucky you are to be living today, take a quick look at another time . . . the 14th century. The Pulitzer Prize winning writer, Barbara Tuchman, tells of that time as an epidemic of plague, famine, war, violence, bad government, oppressive taxes, decline of morals, and many other unbelievable things.

That was the time of the Black Death, the plague that swept over the known world and killed a third of the population. The people were already weakened by famine which was brought on by over-population in proportion with the primitive way food was produced. And then came a series of heavy rains and floods with even a sudden Little Ice Age. Miss Tuchman says, "This makes it the most lethal episode known to history, which is of some intrest to an age equipped with the tools of overkill."

The plague killed with a "terrifying speed". Whole families died, leaving empty houses and property a prey to looters. Wolves came down from the mountains to attack plague-stricken villages, crops went unharvested, dikes crumbled, salt water reinvaded and soured the lowlands, the forest crept back.

"For lack of gravediggers, corpses piled up in the streets or were buried so hastily that dogs dug them up and ate them . . .

"People reacted variously, as they always do; some prayed, some robbed, some tried to help, most fled if they could, others abandoned themselves to debauchery on the theory that there would be no tomorrow."

That was the time, too when the Church was divided under two popes. There was no conflict of ideology, it was simply a squabble for the office of the papacy, and it lasted for 50 years. Countries, principalities and towns took sides, and that brought on endless wars. The public lost confidence in the Church and its integrity.

This was the time of the Hundred Years' War which actually lasted from 1337 to 1453. Everyone fought against everyone else constantly. Fighting was the way of life for all the landed nobles and knights.

Miss Tuchman writes, "Every one of these conflicts threw off Free Companies of mercenaries, organized for brigandage under a professional captain, which became an evil of the period as malignant as the plague."

When a sovereign halted his war for the time being, he quit paying his soldiers, and that's when they started plundering on their own. They ravaged the countryside, "burned, pillaged, raped and slaughtered their way back and forth across Europe. No one was safe, no town or village knew when it might be attacked. . . . Smaller bands, scavenged like jackals, living off the land plundering, killing, carrying off women, torturing peasants for their small horde of grain or townsmen for their hidden goods, and burning, always burning. . . . Destruction and cruelty became self-engendering, not merely for loot but almost one might say for sport."

The plague came back at intervals of every twelve to fifteen years over the second half century. And because of all the terrible things happening, the working class erupted time and again against the cost of constant wars which the people paid for in "hearth taxes, salt taxes, sales taxes, and the debasement of coinage."

Yet they came through that horrible period in history.

So, when you look around you today, knowing you can live the way you want to, say the things you want to say, enjoy these beautiful summer days in any way you wish you must feel very thankful you are living now.

AMERICAN DENTAL HYGIENISTS CELEBRATE GOLDEN ANNIVERSARY

HON. PETER N. KYROS

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. KYROS. Mr. Speaker, I would like to call attention to the observance by the American Dental Hygienists' Association of their golden anniversary this month. At the 50th anniversary meeting of the association in Houston, October 28 to November 1, some 2,000 dental hygienists from across the Nation will meet to celebrate an era that has seen the profession of dental hygiene play a significant role in maintaining the oral health of the Nation.

From a nucleus of only 46 dental hygienists representing 11 States—California, Colorado, Connecticut, Illinois, Iowa, Massachusetts, Michigan, New York, Ohio, Pennsylvania, and West Virginia—the association has grown to include over 12,000 active members representing the 50 States, the District of Columbia, and Puerto Rico.

With the primary goal of providing oral hygiene care and instruction, the dental hygienists of the Nation, since their organization in September 1923, have assumed the basic responsibilities fundamental to every profession. The ADHA, headquartered in Chicago since 1958, has fostered organizational growth and dental hygiene education. It has produced a journal and other publications along with maintaining liaison with the communications media. It has sponsored a loan and scholarship program for students, a junior membership status for students, and an office of educational services. The ADHA now has some 8,100 junior members.

With all States licensing dental hygienists since 1951, more than 140 accredited dental hygiene education programs now exist. In addition, the association has become involved with dental hygiene developments worldwide, sponsoring four international symposia on dental hygiene.

The association has cooperated with other agencies in developing accreditation of dental hygiene programs, achievement and aptitude testing procedures, licensure in all States, and national board examination in dental hygiene. Working relationships have been established with the American Dental Association, American Dental Assistants' Association, and many other related organizations, thereby strengthening the role of the dental hygienist on the oral health care team.

The concept of preventive dentistry is not a new idea. Dentists have advocated and taught effective oral hygiene habits to prevent tooth decay since the invention of the toothbrush, but the idea of turning over to a dental assistant the primary responsibility for maintenance and instruction of oral hygiene for patients was not formalized until the early 1900's.

Today, dental hygienists are trained for a minimum of 2 years, and are engaged in much more than the polishing and cleaning of teeth, although this remains one of their primary duties. They prepare dental X-rays, and instruct patients in proper techniques for the cleaning of teeth, gum treatment, and the role of nutrition in oral health. Working under the supervision of dentists, many dental hygientists have expanded their functions to include curettage and root-planing in the treatment of periodontal disease and administering anesthesia, as well.

As dental hygienists have become more involved in organizational efforts to make the public more aware of their role in providing dental care, the ADHA has expanded to operate on various levels. A Washington office was established in 1971 to maintain liaison with Federal health programs affecting dental hygiene practice and education, as well as make known the association's views on significant items of health legislation.

Educating the public to good oral health as an integral part of total physical well-being continues to be a major concern of the profession, as well as encouraging the continuing education of dental hygienists and setting standards for implementing innovative dental hygiene techniques in keeping with State practice acts.

It is apparent, then, that dental hygienists have established themselves as an indispensible part of the dental health team by relieving the dentist of those responsibilities for which the hygienist is specially trained, thereby increasing dentists' productivity, and by offering the patient professional expertise to aid establishment of a good oral health regimen.

Although dental hygiene has come into its own as a profession in recent years, it has by no means reached a static stage. ADHA's constant innovation and continuous involvement with dental health concerns at every level—educational, legislative, and direct care delivery—are evidence that the association is still striving to fulfill its goals and thereby, better address the Nation's oral health needs.

I am happy to salute the ADHA and the dental hygiene profession as they commemorate 50 years of growth and service to the Nation.

LUDWIG VON MISES

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, October 18, 1973

Mr. CRANE. Mr. Speaker, Ludwig von Mises, one of the foremost economists of the century and one of the most dedicated advocates of freedom and of a free economy, died at the age of 92 on October 10, 1973.

Professor von Mises was a firm opponent of government intervention in the economy and developed a complex theory of the business cycle resulting from the expansion and contraction of the money supply. Booms, he said, resulted from the expansion of fiduciary bank credit, which inflated the money supply and artificially lowered interest rates. This in turn led to overinvestment, which set the economy up for a slump. Depression would follow as the expansion of the money supply was brought to a halt. Rational economic organization, he believed, was logically impossible in the absence of free markets.

The economist was born in Lemberg, Austria, on September 29, 1881. He left his professorship at the University of Vienna as the Nazis approached Austria, and became professor of International Economic Relations at the Graduate Institute of International Studies in Geneva.

Discussing his career, Leonard Silk, writing in the New York Times, noted that:

> Professor von Mises was credited with helping to revive respect for free-market economics in Europe. He was considered by some the intellectual godfather of the German post-war "economic miracle."

While Professor von Mises believed in government, the kind of government in which he believed was noninterventionistic. He wrote:

> In stark reality, peaceful social cooperation is impossible if no provision is made for violent prevention and suppression of anti-social action on the part of refractory individuals and groups of individuals.

The failure of socialism, he believed, lay in its denial of the sovereignty of the consumer. Only 5 years after the Russian Revolution he wrote in his volume, Socialism, that Marxist economics lacked an effective means for "economic calculation," or an adequate substitute for the critical resource-allocation function of the market pricing mechanism. Thus, he pointed out, socialism is inherently condemned to inefficiency, if not disorder.

The real threat in the West, Professor von Mises believed, was not outright socialism, but Government intervention in the economy. Discussing the career of Ludwig von Mises, Prof. William H. Peterson, a former New York University faculty colleague, notes that, for Von Mises, intervention by Government was "ever undermining if not outrightly supplanting the marketplace. Interventionism from public power production to farm price support, from pushing minimum wages up and to forcing interest rates down, from vigorously expanding credit to contracting, however inadvertently, capital formation."

In his important book, Bureaucracy, Professor von Mises pointed out that Government agencies have essentially no criterion of value to apply to their operations, while "economic calculation makes it possible for business to adjust production to the demands of consumers."

In an era when lesser minds accepted the intellectual fads of the moment, Ludwig von Mises stood for what he believed to be time-tested truths. Professor Peterson notes that:

Ludwig von Mises, the antithesis of sycophancy and expediency, the intellectual descendant of the Renaissance, believed in anything but moving with what he regarded as the errors of our times. He sought the eternal verities. He believed in the dignity of the individual, the sanctity of contract, the sovereignty of the consumer, the limitation of the state, the efficacy and democracy of the market. He opposed the planned society, whatever its manifestations. He held that a free society and a free market are inseparable.

It is with a real regret and sense of loss that we mark the passing of Ludwig von Mises. I wish to share with my colleagues the essay written in memory of Professor von Mises by Prof. William H. Peterson, as it appeared in the Wall Street Journal of October 12, 1973, and insert it into the RECORD at this time:

[From the Wall Street Journal, Oct. 12, 1973]

LUDWIG VON MISES: IN MEMORIUM

(By William H. Peterson)

"Laissez faire does not mean: let soulless mechanical forces operate. It means: let individuals choose how they want to cooperate in the social division of labor and let them determine what the entrepreneurs should produce. Planning means: let the government alone choose and enforce its rulings by the apparatus of coercion and compulsion." Ludwig von Mises—"Planning for Freedom." 1952.

A generation of students at New York University's graduate business school who took the economics courses of Ludwig von Mises remember a gentle, diminutive, soft-spoken, white-haired European scholar—with a mind like steel.

Professor von Mises, who died Wednesday at the age of 92, was an uncompromising rationalist and one of the world's great thinkers. He built his philosophical edifice on reason and individualism, on freedom and free enterprise. He started with the premise that man is a whole being with his thought and action tightly integrated into cause and effect—that hence the concept of "economic man," controlled by impersonal force, is in error.

All this was subsumed under the title of his 900-page, magnum opus, "Human Action," first published in 1949. Mr. von Mises, a total anti-totalitarian and Distinguished Fellow of the American Economic Association, was professor of political economy at New York University for a quarter-century, retiring in 1969. Before that he had a professorship at the Graduate Institute of International Studies in Geneva. And before Geneva he had long been a professor at the University of Vienna—a professorship which the oncoming Nazi "Anschluss" take-over of Austria, understandably, terminated.

Among his students in Vienna were Gottfried Haberler, Friedrich Hayek, Fritz Machlup, Oskar Morgenstern and Karl Popper who were to become scholars of world renown in their own right.

Starting right after World War II, Mr. von Mises gave three courses at NYU: Socialism and the Profit System, Government Control and the Profit System, and Seminar in Economic Theory. In each course he carefully established the primacy of freedom in the marketplace. He stated that the unhampered pricing mechanism, ever pulling supply and demand toward equilibrium but never quite reaching it, is the key to resource optimization and, indirectly, to a free and creative society.

Mr. von Mises believed in choice. He believed that choosing among options determines all human decisions and hence the entire sphere of human action—a sphere he designated as "praxeology." He held that the types of national economies prevailing across the world and throughout history were simply the various means intellectually, if not always appropriately, chosen to achieve certain ends.

His litmus test was the extent of the market; accordingly, he distinguished broadly among three types of economies: capitalism, socialism, and the so-called middle way—interventionism, or government intervention in the marketplace.

A BELIEF IN CHOICE

Mr. von Mises believed in government but in limited, non-interventionistic government. He wrote: "In stark reality, peaceful social cooperation is impossible if no provision is made for violent prevention and suppression of antisocial action on the part of refractory individuals and groups of individuals." He believed that while the vast majority of men generally concurs on ends, men very frequently differ on governmental means—sometimes with cataclysmic results, as in the various applications of extreme socialism in fascism and communism or of extreme interventionism in the "mixed economies."

He reasoned that regardless of the type of economy the tough universal economic problem for the individual in both his personal and political capacities is ever to reconcile ends and choose among means, rationally and effectively. Free—i.e., noncoerced—individual choice is the key to personal and societal development if not survival, he argued, and intellectual freedom and development are keys to effective choices. He declared: "Man has only one tool to fight error—reason."

Mr. von Mises thus saw something of an either/or human destiny. While man could destroy himself and civilization, he could also ascend—in a free society, i.e., a free economy—to undreamed-of cultural, intellectual and technological heights. In any event, thought would be decisive. Mr. von Mises believed in the free market of not only goods and services but of ideas as well—in the potential of human intellect.

The failure of socialism, according to Mr. von Mises, lay in its inherent inability to attain sound "economic calculation," in its denial of sovereignty to the consumer. He argued in his 1922 work, "Socialism," published five years after the Bolshevik Revolution that shook the world, that Marxist economics lacked an effective means for "economic calculation"—i.e., an adequate substitute for the critical resource-allocation function of the market pricing mechanism. Thus is socialism inherently self-condemned to inefficiency if not disorder, unable to effectively register supply and demand forces and consumer preference in the marketplace.

Socialism must fail at calculation because an effective economy involves the simultaneous decisions of many individual human actors—which creates far too large a task for any central planning board, argued Mr. von Mises.

The problem, as Mr. Hayek later pointed out, is of the use of knowledge in society. A central planning board cannot obtain the knowledge of the decentralized market. To do so ultimately would be to require the central planning board to know as much as each human actor. Thus this knowledge is far beyond the reach of any centralized agency, even with the aid of computers.

Some years afterwards, Oskar Lange, then of the University of California and later chief economic planner of Poland's Politburo, recognized the challenge of the von Mises critique on Socialist economic calculation. So he in turn challenged the Socialists to somehow devise a resource allocative system to duplicate the efficiency of market allocation. He even proposed a statue in honor of Mr. von Mises to acknowledge to invaluable service the leader of the Austrian School had presumably rendered to the cause of socialism in directing attention to this as yet unsolved question in Socialist theory. The statue has yet to be erected in Warsaw's main square.

But probably to Mr. von Mises the more immediate economic threat to the West was

not so much external communism as internal interventionism—government ever undermining if not outrightly supplanting the marketplace. Interventionism from public power production to farm price supports, from pushing minimum wages up to forcing interest rates down, from vigorously expanding credit to contracting, however inadvertently, capital formation.

As in socialism, interventionism also incurs the problem of economic calculation, of denial of consumer sovereignty. In his "Bureaucracy," he held that government agencies have essentially no criterion of value to apply to their operations, while "economic calculation makes it possible for business to adjust production to the demands of the consumers."

On the other hand, he maintained, "if a public enterprise is to be operated without regard to profits, the behavior of the public no longer provides a criterion of its usefulness." He concluded, therefore, "the problem of bureaucratic management is precisely the absence of such a method of calculation." Indeed, interventionism, he maintained, usually achieves results precisely opposite to those intended; subsidies to industries make them sick, minimum wage laws boomerang on labor, welfare hurts the poor, industrial regulation reduces competition and efficiency, foreign aid undermines developing countries.

So, citing German interventionist experience of the 1920s climaxing in the Hitlerian regime and British interventionism of the post-World War II era culminating in devaluations and secular economic decline, he held so-called middle-of-the-road policies sooner or later lead to some form of collectivism, whether of the Socialist, Fascist or Communist mold.

INTERVENTION BREEDS INTERVENTION

He maintained economic interventionism necessarily produces friction whether at home or, as in the cases of foreign aid and international commodity agreements, abroad, What otherwise would be simply the voluntary action of private citizens in the marketplace becomes coercive and politicized intervention when transferred to the public sector. Such intervention breeds more intervention. Animosity and strain if not outright violence become inevitable. Property and contract are weakened. Militancy and revolution are strengthened.

In time, inevitable internal conflicts could be "externalized" into warfare. Mr. van Mises wrote: "In the long run, war and the preservation of the market economy are incompatible. Capitalism is essentially a scheme for peaceful nations. . . . To defeat the aggressors is not enough to make peace durable. The main thing is to discard the ideology that generates war."

Mr. von Mises had no stomach for the idea that a nation could simply deficit-spend its way to prosperity, as advocated by many of Keynes' followers. He held such economic thinking is fallaciously based on governmental "contracyclical policy." This policy calls for budget surpluses in good times and budget deficits in bad times so as to maintain "effective demand" and hence "full employment."

He maintained the formula ignored the political propensity to spend, good times or bad. And it ignored market-sensitive cost-price relationships and especially the proclivity of trade unions and minimum wage laws to price labor out of markets—i.e., into unemployment.

Thus, he held Keynesian theory in practice proceeds through fits of fiscal and monetary expansion and leads to inflation, controls and ultimately stagnation. Further, it results in the swelling of the public sector and shrinking of the private sector—a trend that spells trouble for human liberty.

To be sure, many economists and businessmen have long felt that Mr. von Mises was entirely too adamant, too impolitic, too "pure," too uncompromising with the real world on its terms and assumptions. If that is a fault, Mr. von Mises was certainly guilty.

But Ludwig von Mises, the antithesis of sycophancy and expediency, the intellectual descendant of the Renaissance, believed in anything but moving with what he regarded as the errors of our times. He sought the eternal verities. He believed in the dignity of the individual, the sanctity of contract, the sovereignty of the consumer, the limitation of the state, the efficacy and democracy of the market.

He apposed the planned society, whatever its manifestations. He held that a free society and a free market are inseparable. He gloried in the potential of reason and man. In sum, he stood for principle in the finest tradition of Western civilization. And from that rock of principle, during a long and fruitful life, this titan of our age never budged.

Mr. Speaker, Ludwig von Mises was ignored by many in the academy because his belief in freedom and in the free market ran counter to the intellectual orthodoxies of the day. He was not concerned, however, with the passing academic fads of the moment, but with the eternal truths about the nature of man and society.

Slowly, men of equally independent mind began to gather about him, and at his death he began to witness a revival of philosophy of freedom and free enterprise. Discussing this fact, one of his close friends, Prof. Murray Rothbard, writes that:

I am confident that Mises was heartened by these signs of a new awakening of freedom and of the sound economics which he had carved out and which was for so long forgotten.

I would like to share with my colleagues Professor Rothbard's very personal farewell to Ludwig von Mises as it appeared in Human Events of October 20, 1973, and insert it into the RECORD at this time:

LUDWIG VON MISES: 1881–1973

(By Murray N. Rothbard)

For those of us who have loved as well as revered Ludwig von Mises, words cannot express our great sense of loss: of this gracious, brilliant and wonderful man; this man of unblemished integrity; this courageous and lifelong fighter for human freedom; this all-encompassing scholar; this noble inspiration to us all. And above all this gentle and charming friend, this man who brought to the rest of us the living embodiment of the culture and the charm of pre-World War I Vienna.

For Mises' death takes away from us not only a deeply revered friend and mentor, but it tolls the bell for the end of an era; the last living mark of that nobler, freer and far more civilized era of pre-1914 Europe.

Mises' friends and students will know instinctively what I mean: for when I think of Ludwig Mises I think first of all of those landmark occasions when I had the privilege of afternoon tea at the Mises': in a small apartment that virtually breathed the atmosphere of a long lost and far more civilized era. The graciousness of Mises' devoted wife Margit; the precious volumes that were the remains of a superb home library destroyed by the Nazis; but above all, Mises himself spinning in his inimitable way anecdotes of Old Vienna, tales of scholars past and present, brilliant insights into economics, politics and social theory, and astute comments on the current scene.

Readers of Mises' majestic, formidable and uncompromising works must have been often surprised to meet him in person. Perhaps they had formed the image of Ludwig Mises as cold, severe, austere, the logical scholar repelled by lesser mortals, bitter at the follies around him and at the long trail of wrongs and insults that he had suffered.

They couldn't have been more wrong; for what they met was a mind of genius blended harmoniously with a personality of great sweetness and benevolence. Not once has any of us heard a harsh or bitter word escape from Mises' lip. Unfailing gentle and courteous, Ludwig Mises was always there to encourage even the slightest signs of productivity or intelligence in his friends and students; always there for warmth as well as for the mastery of logic and reason that his works have long proclaimed him.

And always there as an inspiration and as a constant star. For what a life this man lived! Ludwig Mises died soon after his 92nd birthday, and until near the end he led his life very much in the world, pouring forth a mighty stream of great and immortal works, a fountainhead of energy and productivity as he taught continually at a university until the age of 87, as he flew tirelessly around the world to give papers and lectures on behalf of the free market and of sound economic science—a mighty structure of coherence and logic to which he contributed so much of his own creation.

Ludwig Mises' steadfastness and courage in the face of treatment that would have shattered lesser men, was a never-ending wonder to us all. Once the literal toast of both the economics profession and of the world's leaders, Mises was to find, at the very height of his powers, his world shattered and betrayed. For as the world rushed headlong into the fallacies and evils of Keynesianism and statism, Mises' great insights and contributions were neglected and scorned, and the large majority of his eminent and formerly devoted students decided to bend with the new breeze.

But shamefully neglected though he was, coming to America to a second-rate post and deprived of the opportunity to gather the best students, Ludwig Mises never once complained or wavered. He simply hewed to his great purpose, to carve out and elaborate the mighty structure of economics and social science that he alone had had the genius to see as a coherent whole; and to stand four-square for the individualism and the freedom that he realized was required if the human race was to survive and prosper. He was indeed a constant star that could not be deflected one iota from the body of truth which he was the first to see and to present to those who would only listen.

And despite the odds, slowly but surely some of us began to gather around him, to learn and listen and derive sustenance from the glow of his person and his work. And in the last few years, as the ideas of liberty and the free market have begun to revive with increasing swiftness in America, his name and his ideas began to strike chords in us all and his greatness to become known to a new generation.

Optimistic as he always was, I am confident that Mises was heartened by these signs of a new awakening of freedom and of the sound economics which he had carved out and which was for so long forgotten. We could not, alas, recapture the spirit and the breadth and the erudition, the ineffable grace of Old Vienna. But I feverently hope that we were able to sweeten his days by at least a little.

Of all the marvelous anecdotes that Mises used to tell I remember this one the most clearly, and perhaps it will convey a little of the wit and the spirit of Ludwig Mises. Walking down the streets of Vienna with his friend, the great German philosopher Max Scheler. Scheler turned to Mises and asked, with some exasperation: "What is there in the climate of Vienna that breeds all these logical positivists [the dominant school of

modern philosophy that Mises combatted all his life]?" With his characteristic shrug, Mises gently replied: "Well, after all, there are several million people living in Vienna, and among these there are only about a dozen logical positivists."

But oh, Mises, now you are gone, and we have lost our guide, our Nestor, our friend. How will we carry on without you? But we have to carry on, because anything less would be a shameful betrayal of all that you have taught us, by the example of your noble life as much as by your immortal works. Bless you, Ludwig von Mises, and our deepest love goes with you.

SUPERPORT CONTROL

HON. GILLIS W. LONG

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. LONG of Louisiana. Mr. Speaker, the energy crisis is one of the paramount issues of the day. How we solve this problem will affect all future generations. Playing no small part in the ultimate solution will be the deepwater harbor—the superport. Because of this, I wanted to share with my colleagues a most interesting editorial which appeared in the October 13, 1973, edition of the New Orleans States-Item. The text follows:

The Nixon Administration is attempting to convince Congress that states should not have the final say concerning the construction of superports off their coastlines. The argument should be resisted.

As the people of Louisiana are well aware from experience with the offshore oil industry, superports will mean added responsibilities in the area of support facilities, and added environmental dangers.

It is only right that those who must assume the responsibilities and dangers should have the final say over such installations.

Transportation Secretary Claude S. Brinegar, representing the administration before the House Subcommittee on Water Resources and Energy, urged rejection of a bill that would give states veto power over superport construction off their coasts.

"The cumulative impact of a bunch of no's is that we are rationing gasoline and running out of fuel oil," he argued.

He contended that oil is a vital element of the nation's transportation system and the final authority for the construction of a superport must be made at the federal level.

All of this may be true, but the fact remains that the states have a right to oversee the development and operation of facilities with such a direct bearing on the lives of those most closely associated with them.

That is why Louisiana has a Superport Authority. If a superport is to be built off the coast of Louisiana, it must be done right.

Outside of the Nixon Administration there is considerable agreement for final state jurisdiction. Those who believe that the states should have the final say in the matter include the members of the Louisiana Deep Draft Harbor and Terminal Authority (the Superport Authority), and the Southern Governors' Conference.

The Nixon Administration is attempting to stampede Congress with doomsday predictions on the energy crisis.

Congress should not bow to the administration arguments. The final decision on the construction of superports should be made by the states required to live with them.

AMNESTY MUST NOT BE FORGOTTEN

HON. RONALD V. DELLUMS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. DELLUMS. Mr. Speaker, the bitterness of the war years lives on. More than ever we need comprehensive amnesty legislation, so that we may—to use a current phrase—move beyond the obsessions of the past. More and more people are beginning to realize that amnesty legislation may set a good precedent in these troubled times.

One of the most determined opponents of amnesty has recently received a suspended sentence. No one has suggested that he now wear a distinguishing mark, as he once did in the case of resisters. I say this in no spirit of taunting bitterness, but—could this man now find it in his heart to advocate suspending the penalties of those who transgressed the law, not through greed, but through conscience? Who stood up and received the penalties Mr. Agnew understandably wished to spare himself and his family?

All around us the powerful are toppling, betrayed by their distorted view of the world. But let us not allow the sound of the crashing pillars of state smother the sound of those languishing in our prisons, or living in barren flats in Sweden and Canada, or looking for a job with the stigma of a bad military discharge. There is no greater duty than to remember the weak, and I ask my colleagues to take time from their pressing concerns to undo the damage the war has wrought—more for our sake than theirs.

At this point I would like to put in two statements on amnesty and tax resistance that have been prepared by the Church of the Brethren and adopted by their annual conference of this year. I think these are excellent statements that bring out all aspects of the question in a fair, clear manner. The statement on amnesty is especially to be commended for emphasizing the duties and opportunities of local communities to do the job of amnesty on the concrete, human level. I hope these statements will remind us of an issue that should not be forgotten, and will not be forgotten until it is resolved:

CONFERENCE STATEMENT, 1973—AMNESTY

AN ANNUAL CONFERENCE STATEMENT

The following "Statement of the Church of the Brethren on Amnesty" was adopted by the Church of the Brethren Annual Conference, Fresno, CA, June, 1973.

INTRODUCTION

There are thousands of persons today who have felt the effects of the dividing wall of hostility which has been generated by war. Social relationships in the family and between families have been damaged because persons have had different beliefs and convictions about war. Even after the war has been declared over, there remain divisions which cause suffering for persons and groups in our society.

The Church of the Brethren regards this situation with concern and sorrow not only because we believe that war is sin, but also because we understand that the gospel message can bridge the walls of hostility which exist, between exiles, families, and government.

At its root, the concept of amnesty had to do with the biblical understanding of reconciliation. How can there be reconciliation between parents and children in the United States? How can there be reconciliation between the government and exiles? How can there be reconciliation between those with different opinions on war? How can we restore the unity of our nation while maintaining integrity both for the country and its people?

We, the members of the Church of the Brethren, believe that reconciliation is most likely if the following things occur:

1. The United States Government should grant unconditional amnesty to all those who are alienated from their nation because of their personal acts of conscience in relation to war.

2. Christians, both individually and as denominations, should become agents of reconciliation wherever such service is needed.

BIBLICAL BASIS

In the New Testament, the theme of reconciliation is central to the understanding of God's love for persons in Jesus Christ. The gospel calls us to a ministry of reconciliation.

First, according to Ephesians 2:14, reconciliation is a gift of God. *For he is our peace, who has made us both one, and has broken down the dividing wall of hostility . . .* Through God's action in Jesus Christ, there is reconciliation between people while there are differences (John 10:16,; Galatians 3:28). Even though the disagreements on many issues separate people within our nation, there can be reconciliation if we accept it as God's gift.

A declaration of amnesty follows this model. Through amnesty, a government can forget the legal penalties connected with the actions of a group of persons, and thereby declare that the unity of its people is more important than continued hostility and division. Amnesty can bring reconciliation even though significant differences remain on the issues at stake, because such an action removes the punitive measures related to such differences. Reconciliation is a gift of God and he will bring peace if we trust him (Psalm 118:8–9).

Second, according to II Corinthians 5:18, the church is called to be an agent of reconciliation. (*All this is from God who through Christ reconciled us to himself and gave us the ministry of reconciliation.*) The Church of the Brethren has always taken this Scripture seriously and we have set out to be reconcilers. As Christ was the mediator between sinners and God, so the Church is called to a ministry of reconciliation between persons and God and between people in conflict with one another.

Whatever the government does about amnesty, there will be need for reconciliation. Many men have become alienated from their families and local communities and now want to be reunited. Many young people could return home now without legal difficulties, and may if they have a supportive community. Some may decide to return and face the legal penalties rather than remain as exiles. On many levels there is work of reconciliation which could be done by the Church. The Scriptures lead us to such a ministry.

HISTORICAL BACKGROUND

Throughout its history, the Church of the Brethren has taken seriously the task of bringing persons together. During the Revolutionary War the Brethren refused to side with either army, but worked to bring peace in their communities. It was Elder John Kline in the War between the States who

tirelessly rode the circuit of reconciliation to keep persons as one in faithfulness to Christ. During and following World War II, Brethren took in and aided Japanese-American refugees. The present situation presents the Brethren another opportunity to be involved in healing the wounds of war and to be faithful to the ministry of reconciliation.

THE PRESENT CRISIS

The question of amnesty is being debated in the press, discussed on radio and television, and kept much alive in our nation's capital. Several amnesty bills and resolutions have been introduced since the present session of Congress began.

In any discussion of amnesty, we are talking about hundreds and thousands who have suffered some legal disability because of war. For instance, tens of thousands of these persons have come out of the military service in the Indochina War with less than honorable discharges, have been convicted of Selective Service violations or have become exiles, for conscience's sake.

CONCLUSION

Therefore, we come to these conclusions on the question of amnesty:

1. As United States citizens, we believe that reconciliation is more important for our nation than the punitive wrath of the law. We favor unconditional amnesty for all those who due to an act of conscience are alienated because of war. We recommend the officers of Annual Conference make these views known to the President and appropriate persons in Congress.

2. As Christians we believe that our ministry of reconciliation begins now. Whatever the government does, we must begin working now to bring reconciliation between those who have become separated because of their views on war. We recommend the following action:

(a) We recommend that our members and local congregations provide a supportive community for all persons who desire reconciliation with their government, families, and/or local communities. This might involve such activities as providing a context in which persons can talk with their parents or children, providing a home for those who need a place to live while becoming reestablished in a community, helping men who choose to face a prison experience.

(b) We recommend our General Board provide program and resources to help members and local congregations be agents of reconciliation for persons alienated from their government, their families and/or their local communities. This might involve communication with and support of exiles and deserters in various parts of the world, publicity on the services, and education of local congregations.

We pray that reconciliation can become a reality and that our nation can become unified around purposes which reflect the will of God in our time.

Adopted by the Church of the Brethren Annual Conference, 1973. A related statement is available:

"A Statement of the Church of the Brethren," Annual Conference, 1970, 15¢.

CONFERENCE STATEMENT, 1973—TAXATION FOR WAR

AN ANNUAL CONFERENCE STATEMENT

The following statement on "The Christian's Response to Taxation for War" was adopted by the Church of the Brethren Annual Conference meeting in Fresno, CA, June 1973.

THE REPORT OF THE COMMITTEE

This study assumes as its background the church's long-established position regarding peace and war and, in particular, the Statement of the Church of the Brethren on War as adopted by the 1970 Conference. What is affirmed there, that all war is sin and that the gospel calls us to the way of peace, is taken for granted in this paper without further investigation.

That the payment of federal taxes inevitably involves one in war and preparation for war is self-evident (See Exhibit A. This and other exhibits are in a separate printed piece.) Yet when the Christian understanding is applied to this issue, the matter immediately becomes complex and problematic. On the one hand, our calling is to obey God rather than men, to witness for Christian peace and presumably, also, to protest the evil of war. But on the other hand, the New Testament makes it clear that the Christian just as certainly has been called to stand alongside his fellowmen, to participate in their common life, and to take a responsible role in the larger world.

Regarding taxes, then, the first calling would seem to imply that the Christian should entirely divorce himself from that society which has dedicated its energies to the waging of war and refuse to support it in any way—including, of course, tax support. However, the second calling would imply a Christian obligation to participate fully in the social effort of humanity—including, of course, the payment of one's fair share of taxes. The problem is to find the proper balance between these two callings.

This finding of balance is complicated by the difficulty in distinguishing between "war taxes" and other taxes when the government itself makes no such distinction. Still further complication is introduced when the question arises as to whether one actually is able to withhold tax money or in any way affect the amount that ultimately is spent for war purposes. That matter is not an easy one.

NEW TESTAMENT GUIDANCE

As we turn to the New Testament we realize that the early Christians had to seek the same balance that we do; undoubtedly there have been few if any times in history when a Christian's tax bill did not include "war taxes." And it is certain that money paid to the Roman Empire went not only to support war but also idolatry, slavery, and other evils as well.

The New Testament, of course, is consistent in its opposition to war and violence; yet at every point where the particular issue of taxes is raised, the counsel is to pay them; no explicit precedent for withholding them is to be found.

Paul, in Romans 13:4–8 (NEB), speaks in terms of general principle: "You are obliged to submit. It is an obligation imposed not merely by fear of retribution but by conscience. That is also why you pay taxes. The authorities are in God's service and to these duties they devote their energies. Discharge your obligations to all men; pay tax and toll, reverence and respect, to those to whom they are due. Leave no claim outstanding against you, except that of mutual love (cf. 1 Peter 2: 13–17).

When faced with the specific question of paying taxes to Caesar, Jesus' response was "Pay Caesar what is due to Caesar, and pay God what is due to God." (Matthew 22:15–22; cf. Mark 12:13–17 and Luke 20:19–26). The intended implication would seem to be that what belongs to God is much more inclusive and in every way prior to what belongs to Caesar. And yet if Jesus' statement means to indicate as legitimately belonging to Caesar, it is precisely that coin of taxation which Caesar himself had minted.

Finally, in Matthew 17:24–27, Jesus, in order "not to cause offense," shows himself willing to pay even that tax which, he asserts, could not rightly be claimed of him. The reference may be to the temple tax, although Jesus does speak of "earthly monarchs" collecting it. Be that as it may, the temple came under just as strong a judgment from Jesus as the state did. And it seems clear that the gospel writer wants to use this incident to teach, with Paul, that the liberty of the Christian is not a license for him to disregard his civic obligations in matters such as tax payment.

Certainly, all of the above texts must be held in tension with such commands as obeying God rather than men, separating oneself from evil, not conforming to the world, and so on. But the evidence is that, in this tension, the New Testament Christians found their proper balance to include the paying of taxes rather than the withholding of them (see Exhibit B).

THE BRETHREN TRADITION

Historical research (see Appendix) indicates that the official position of the church consistently has been that of paying all taxes, including some that were much more directly "war taxes" than any that can be so identified today. Indeed, even the *possibility* of withholding taxes was given almost no consideration until very recently. When such consideration was given, the church in every instance granted the right of conscience to tax resisters even while declining to recommend their action. It should be noted, too, that some of the Brethren who have been most honored for their peace witness also took a stand in favor of paying taxes; the person's position regarding tax payment was not made a test of his commitment to Christian peace.

THE CURRENT SITUATION

One complicating aspect of tax resistance is the fact that tax monies are not clearly differentiated into military and non-military categories; most of the functions of government are financed out of the same general fund. Money withheld (if that actually is possible) is withheld as much from the humane programs of the government as from military programs; and it takes some care to make it clear that what one is protesting is *war* and not taxation in and of itself. In our day, the telephone tax comes the closest to being an explicit "war tax"—although even that situation is debatable (see Exhibit C).

The Christian's problem is further complicated by the fact that he cannot actually withhold taxes, deprive the war effort of funds, or prevent his money from being used for war purposes—short of doing without a telephone (and perhaps other items subject to federal excise taxes), keeping his income below taxable level, or resorting to questionable dodges (see Exhibit D). Whatever taxes the individual does not pay voluntarily, the government is able to collect by means of liens and confiscations (and penalties which have the effect of actually increasing the amount of one's money that goes to the government).

In its effect, then, tax resistance must be understood simply as one means of registering strong and dramatic opposition to war—a protest which may or may not be more effective than other means of protest. In fact, unless it is also accompanied by some other form of witness, tax refusal, in and of itself, has the disadvantage of being sheerly negative protest against war rather than a positive witness to the Prince of Peace and his way.

THE FINDING

We find no specific biblical counsel directing that taxes should be withheld, while we do find some calling for the payment of taxes even to a sinful, militaristic government. However we can appreciate the fact that a number of Brethren, out of a truly Christian aversion to war based on the total Spirit and life of Jesus and the overall teachings of the New Testament do feel led of God to make protest by means of tax refusal. But whatever action the Christian takes, it should mark a serious and dedicated effort to realize the lordship of Jesus Christ and become obedient only to him. It should never be merely the practice of a current political

technique on the one hand or a heedless and cowardly way of avoiding trouble for oneself on the other.

RECOMMENDATIONS

Although the Brethren cannot agree as to whether tax withholding is proper, they all can recognize the propriety of using the means of dissent which the social order itself recognizes and provides. We recommend, therefore, that all who feel the concern be encouraged to express their protests and testimonies through letters accompanying their tax returns, whether accompanied by payment or not, in correspondence with appropriate legislators and officials, and in other such ways.

We recommend, also that both the denomination and individual Brethren give strong and active support to appropriate legislation providing alternative tax arrangements for peaceful purposes for those persons conscientiously opposed to war.

A FINAL PLEA

We plead for a mutual and brotherly honoring of one another in this matter. To those whose reading of scripture leads them conscientiously to pay their full tax requirement, may they recognize the sincere Christian intention of the withholders in their desire to protest against what the New Testimony clearly identifies as the sinfulness and demonism of war. To those who because of their Christian conviction conscientiously feel that they must withhold payment in some degree, may they realize that their brethren who pay are themselves striving to be obedient to the instruction of scripture and dare not be assumed to be any less dedicated to the Prince of Peace than are those who withhold.

Finally, we would consider it most unfortunate if, because of the taxation issue, the church allows its peace emphasis to become focused upon this on particular technique of anti-war protest and so be diverted from the much more important matters of deepening our biblical and theological understanding of the Christian peace position and of being about the positive work of reconciliation at all levels of human interaction through our witness to Him who is our Reconciliation.

Adopted by the Church of the Brethren Annual Conference, 1973. (G–4) 9–27–73, Price: 20c, 1150–750–250. Related statements available: the Appendix to this statement called "The Historical Tradition of the Brethren Regarding the Payment of Taxes for War Purposes," free, attached; "A Statement of the Church of the Brethren on War," Annual Conference, 1970, 15c; and "Taxes for War Purposes," a statement adopted by the General Board, November 1967, 5c).

CONGRESS MUST REESTABLISH THE OFFICE OF SPECIAL WATERGATE PROSECUTOR

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. RANGEL. Mr. Speaker, President Nixon's decision to turn over the Watergate tapes to District Court Judge John Sirica for judicial review indicates that the cries of the outraged public and Congress have reached the President's Camp David mountain top. The President has obviously decided that he cannot maintain his arrogant position of total defiance of the courts, the Congress, the Constitution, and the American people.

To celebrate this as a victory of reason over arrogance, however, is premature. The President has decided to comply with the court order to produce specific tapes and documents requested by Special Watergate Prosecutor Archibald Cox. He has, however, succeeded in removing the special prosecutor and by so doing has succeeded in insulating himself and his White House associates from further investigation of Watergate and other campaign finance-related matters.

We do not know what is on the tapes Mr. Nixon is giving over to Judge Sirica. We can be sure, however, that the President is not turning over material that will directly implicate him in any of the Watergate crimes. We can also be certain that despite assurances the Department of Justice will not vigorously pursue a Watergate investigation. It is clear that no Attorney General can conduct such an investigation and keep his job.

What is needed is the establishment of an independent prosecutor by the Congress who will be able to investigate the President's role in Watergate related crimes and deliver his evidence to the Watergate grand juries. I am cosponsoring legislation to establish an independent Office of Special Prosecutor which will be filled by judicial appointment and will be charged with the responsibility of conducting a full, unimpeded investigation of White House involvement in all the Watergate and campaign finance-related crimes.

UNITED STATES—SHOCKED AND DISCOURAGED

HON. WILLIAM M. KETCHUM

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. KETCHUM. Mr. Speaker, I was shocked and discouraged, as were millions of people across the United States, at the President's precipitate and ill-advised action in firing Special Prosecutor Archibald Cox and thus causing the resignations of Attorney General Richardson and Deputy Attorney General Ruckelshaus.

When we consider the assurances given Mr. Cox at the time of his appointment and repeated thereafter, we realize that Mr. Richardson and Mr. Ruckelshaus had no alternative to resignation when ordered to fire Mr. Cox. I congratulate and commend Mr. Cox for his tenacity and his courage in his long struggle to work through the courts and to see that the court's order concerning the tapes be respected.

I think that it is easy to understand the willingness of Senators ERVIN and BAKER to accept the President's suggested compromise. After all, Judge Sirica had quite properly denied them any other legal access to the tapes. After all the Senate committee is an investigative, not a judicial body.

The issue remains as to whether the compromise satisfies the directive of the U.S. Court of Appeals. After that court upheld Judge Sirica's order, the President chose not to appeal to the Supreme Court. Although I am not a lawyer, this implied to me that the President intended to comply with the court's order. Now Judge Sirica must decide whether the order has been complied with. I rather doubt that he will rule in the affirmative.

Mr. Speaker, the President in his action has thrown down the gauntlet to the people of this country through their Congress. We in this body dare not yield, for to do so would be to admit that one man is above the law. This must never be.

So now, let us wait for the judgment of the court and study Judge Sirica's opinion before embarking on any crash course. Then, at the appropriate time, let us undertake whatever actions are necessary for the good of this Nation.

MR. GEORGE VICTOR, POET LAUREATE, OF THE 19TH OHIO CONGRESSIONAL DISTRICT

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. CARNEY of Ohio. Mr. Speaker, on Saturday, September 29, 1973, new congressional district offices to serve the citizens of the 19th Ohio District who reside in Trumbull County were officially opened. On that occasion, Mr. George Victor, of 1135 Ward Avenue NW., Warren, whom I have designated "Poet Laureate of the 19th Ohio Congressional District," presented a poem he wrote entitled, "Liberty."

In his poem, Mr. Victor expresses appreciation for my efforts to improve communication between the citizens of the 19th Ohio District and their Government in Washington, and pride at being an American. Mr. Speaker, it is people like Mr. Victor that make public service so rewarding. I insert his beautiful poem in the RECORD at this time:

LIBERTY

(By George Victor)

As I look out and see you folks from here
upon this dias,
I do believe I am a man who does not have
any type of bias,
I wear a title for which I'm proud, I'll share
it with every man—I am a Warrenite
and a nephew of dear old Uncle Sam.
To me he is the greatest and gives me quite
a thrill, because my friends and neighbors "my liberty I have still."
Today before your eyes a working man am I
and as I look upon you, I see many a
wonderful eye,
Yes you have your problems—this I really
know—but really good Americans—
this is the way, life does go,
So as I stand here and speak I really am so
proud—cause I'm just a working millwright and yet in this great land—
"me", I can speak out loud.
So cheer up—be happy and really friends
be gay—for now our Congressman has
given us another easier way—
To come and speak and say our words of
what we would like to see done and if
you as true Americans use this facility
I'm sure you will enjoy some fun.
Its great to be an American—living in this
city I love—I really enjoy—you people
your like the stars above,

Thank God that we have this freedom—like me standing here to speak—just step forth my neighbors—please don't be mild and meek.

This office has been opened for you my friend—come in and speak the truth and if you just look over at that flag you will see it—as living proof.

Good luck—God bless you Congressman—and I thank God I'm a nephew of Uncle Sam and I have met you folks that care and really give a dam.

ATTEMPTS AT ENERGY CONSERVATION BY THE GENERAL SERVICES ADMINISTRATION

HON. HOWARD W. ROBISON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, October 23, 1973

Mr. ROBISON of New York. Mr. Speaker, the uncertainty of the depth of the energy crisis confronting us has given us all pause to consider our stewardship of the energy we consume. Too often we, both individually and collectively, talk a good deal about what can, or should, be done but without actually taking positive, concrete steps to accomplish meaningful energy conservation.

For that reason, it is refreshing and encouraging to note the initiative which is being taken by the General Services Administration to conserve energy. The efforts of the General Services Administration deserve our support, and it is my hope that the following remarks by Larry Roush, Commissioner of the Public Building Service, will become a pattern for not only Government, but for the private sector as well. The kind of commitment to energy conservation evidenced in these remarks need to be shared by all Americans.

Mr. Speaker, I intend to do what I can to bring these energy-saving ideas to the attention of the larger and industrial building operators in my congressional district. At the moment, the most practical way of doing so would seem to be through my area's chamber of commerce, with the hope in mind that they, in turn, will pass this information along to where it could do some good. This is essential because since the saving of energy ought to be a nationwide, cooperative effort, the Federal Government—with its responsibility for only 200 million square feet of building space out of some 2.5 billion square feet in private use—can only lead and encourage others to follow. In conclusion, I now encourage my colleagues to follow my example in this regard.

The remarks of Commissioner Roush follow:

ENERGY CONSERVATION IN BUILDINGS

(By Larry F. Roush)

For the people present in this meeting today, the word "conservation" needs no definition in ordinary conversation. It is my contention, however, that as we develop an energy conservation policy for public office buildings, the general understanding of "conservation" is not enough. We have recognized that this word means more than just "saving," and that energy conservation must be a continuing effort to achieve the *best balance between the benefits and costs* of energy use.

The Public Buildings Service has been vitally concerned with the conservation of energy for many years. In our primary role as the builders and operators of office space for the Federal Government, we have attempted to use the most economical source of energy, while using it in the most efficient manner. We have had several on-going energy conservation programs to reduce energy consumption in 2,600 GSA-owned and operated buildings nationwide. These programs were not based primarily on the development of new technologies, but rather emphasized more efficient use of energy in existing buildings.

We quickly realized, however, that new technologies needed to be developed and tested, and their energy conservation features quantified, if we were to achieve optimum energy utilization in existing office buildings and those planned for the future. GSA's energy conservation policy for public office buildings is to incorporate features which insure the best possibilities of energy use. To do this we have attempted to recognize the trade-offs in terms of energy conservation, work area, costs and the environment in general.

For example, in considering the trade-offs between energy conservation and the work area, we must consider the people and the services they provide. For any energy conservation system to be viable, it must be compatible with the comfort and safety requirements of the occupants. We must answer many questions such as: How much light is really required to do specific kinds of work? What noise levels can be tolerated before they become distracting? How "good" are our current air purification and odor control systems? What levels of heat, humidity, and air movement provide the optimum level of thermal comfort for the building occupants? The answers to these and similar questions can provide the information necessary to balance energy usage against an adequate work environment. To do this we must apply the latest systems for measuring these factors in an actual work situation where we can correlate the human response with the environmental conditions.

To evaluate these and other energy conservation related questions, we needed a laboratory—a place where we could accurately measure and compare various energy conservation systems and their impact. And, in June 1972 Mr. Sampson designated the new Federal Office Building in Saginaw, Michigan, as the GSA Environmental Demonstration Building. Most of the experimental features of the Saginaw Project are directly related to environmental concerns. The prime energy conservation feature of the Saginaw Project is the proposed solar energy collector.

Recognizing the need for additional experimental work in energy conservation, the Administrator designated the new Federal Office Building in Manchester, New Hampshire, as the GSA Energy Conservation Building.

For the Manchester Project, we put together a design team consisting of the architect-engineer, an energy conservation consultant, the National Bureau of Standards and GSA. Energy conservation was made a prime design parameter to be considered equally with function, firesafety, life cycle cost and aesthetics. Determinations were made regarding features, systems, and equipment which would contribute greatly towards reduction in energy requirements *before* developing a concept for the building. From the very beginning of the design process, energy conservation possibilities were given major attention.

The final design of the building is expected to make a positive contribution to the urban surroundings and provide a pleasant interior environment for employees and visitors. We expect the building to operate with at least 20 percent less energy consumption than other comparable existing buildings.

In addition to energy conservation features in the basic architectural design, we intend to demonstrate energy savings in the mechanical, electrical, lighting, plumbing, and space conditioning areas. We have included such energy conservation features as heat recovery systems, computer programmed mechanical and electrical systems, and a solar collector. Once the building is complete with the various energy conservation systems installed, they will be monitored and evaluated, based on built-in instrumentation and occupant reaction. From this experimentation we will be able to develop guidelines and criteria for use in the design and constructon of future buildings.

I would like to pause for a moment—to quote the President—as he said on September 10: "while energy is one of our Nation's most pressing problems, and while the preservation and effective use of our natural resources is an imperative policy goal, it is presently impossible to administer these related objectives in a coordinated way. Our ability to manage our resources and provide for our needs should not be held hostage to old forms and institutions." I couldn't agree more and commend the President for his initiative to create Governor Love's office and his proposal for the new Energy Research and Development Administration.

The NBC white paper on the Energy Crisis, aired over two weeks ago, emphasized that there were over 40 Federal government agencies involved in some way or another with the energy question. To my way of thinking this indicates that; first, there is a great deal of enthusiasm to solve the problem and second that it must become a coordinated effort if we are going to effectively manage the solutions to our problems. Governor Love's office is a great step toward pulling us all together. GSA hopes that the Manchester and Saginaw projects will help act as a catalyst for the coordination of the *technical* effort.

But the need to conserve energy is *real* and *now*. Therefore, our greatest efforts are being made toward reduction of energy use in the buildings we presently operate.

As you all know, President Nixon has established a requirement to reduce the Federal Government's anticipated energy consumption by 7 percent. In this regard, GSA views its responsibility as the overseer of energy utilization in Federally-occupied buildings and of eliminating wasteful practices and concepts which developed during the past period of apparent energy abundance.

In order to fulfill this requirement we established a task force to develop and implement GSA's accelerated energy conservation program. When we considered that our annual utilities cost exceeds *$90 million* and that all resources in our buildings equate to over 5 billion kilowatt hours. We also had to review those current building operating practices which result in the consumption of substantial quantities of energy, such as nighttime cleaning operations, lighting levels and the temperature being maintained in our buildings.

It is imperative that you as executives in your organizations gear onto what we're doing. And, it is important to emphasize that, in revising operational procedures, it is critical that the employees at the grass roots level be aware of what you're doing and why you're doing it. This is a voluntary effort and when dealing with existing buildings, the occupants must be educated to energy saving actions.

Accordingly, to the extent feasible, the following changes in operating practices are being initiated in all GSA-operated/owned buildings and GSA's 7,800 leased buildings. I think you can do the same things in your space:

We have advanced nighttime force-account cleaning operations *from* the 5 p.m.–1:30 a.m. time frame *to* 11 a.m.–7:30 p.m. daily.

We have reduced the amount of lighting

required in various space throughout a building without reducing the level at work stations;

We have raised (by 4 degrees) the setting on room thermostats serving office space during the airconditioning season to a range of 76–78 degrees;

And, we have lowered the setting (4 degrees) on room thermostats serving office space during the heating season to a range of 70–72 degrees; and

In addition we have made appropriate temperature and lighting changes in other types of space to realize similar energy savings.

Lessors who provide building services and utilities have been notified by the regional PBS offices to take appropriate action to reduce the anticipated energy consumption during the next 9 months by 7 percent.

Federal agencies have been notified that the aforementioned practices are being initiated, to the extent feasible, in all GSA-managed buildings in a way which will not impair the provision of vital services, nor curtail the proper functioning of the departments and agencies. In addition, each Federal agency has been requested to designate a headquarters representative as a point of contact to assist in realizing these objectives.

These revised operating practices already have been adopted in our Central Office and Regional Office Building, both in Washington, with excellent results.

As an example of savings that may be realized, 22 percent of the fluorescent light tubes have been removed from buildings here in Washington, with an opportunity to do more. Assuming we are able to achieve similar savings throughout the nation, we will eliminate approximately 1.2 million tubes and save 164 million kilowatts of electrical energy each year.

We believe that with the changes in operation, we will be able to reduce our overall energy consumption by approximately 20 percent. This equates to over 1 billion kilowatt hours of electricity or 600,000 barrels of oil or 580,000 tons of coal that may be saved per year. But we're not stopping here:

—We have begun a building profile study to determine the energy consumption characteristics of existing buildings as affected by their physical features.

—We are conducting an Air Change Rate Study to determine the minimum number of air changes required for acceptable heating and air conditioning of buildings.

—We are conducting a study of lighting levels and distribution required for the performance of the various work tasks in Federal buildings.

—And we are conducting a study to develop a fully automated building control system using computer techniques and sophisticated equipment to optimize operations, manpower and energy utilization.

The research and the efforts in existing buildings will help GSA accomplish the President's conservation goal. They can be far more valuable, however, if we can get them out to industry and local government. To that end, we have written to all of the nation's governors and the mayors of 20 of our largest cities to urge their cooperation in the energy conservation effort.

We think we have a strong start in the race to alleviate an energy crisis. But all of our efforts are really minimal when you consider that we only have the responsibility for 200 million square feet out of 2.5 billion square feet of space. 200 million out of 2.5 billion!! That means that you are very important. Have your employees turn off lights, lower thermostats, etc. I hope we can rely on you for this assistance in our effort, and we will assist you in yours, because it will take the voluntary cooperation of many Federal employees if it's going to be a complete success.

Thank you.

HOUSE OF REPRESENTATIVES—*Wednesday, October 24, 1973*

The House met at 12 o'clock noon.

Charles F. Betts, associate conference council director, North Alabama Conference, the United Methodist Church, offered the following prayer:

O living God, who has made today a time for greatness, be to this House of Representatives a sign that hope's promised hour is now.

May all of us receive this day's alarms as a call to choose for the truths we cherish. Against the winds that push toward war, may we take one step toward lasting peace. Surrounded by broken dreams of personal glory, may we act with a stronger trust in common people. Pressured by the insistent demands of human need, may compassion claim a new place in our hearts.

Stir us, O Lord, to live as those who intend the future. Give us courage to right those wrongs nearest us. And give us energy to shape the swirling forces of change for mankind's good. In Thy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate had passed without amendment a bill and concurrent resolutions of the House of the following titles:

H.R. 5943. An act to amend the law authorizing the President to extend certain privileges to representatives of member states on the Council of the Organization of American States;

H. Con. Res. 275. Concurrent resolution providing for the printing of 1,000 additional copies of the hearings before the Subcommittee on the Near East of the Committee on Foreign Affairs entitled "U.S. Interests In and Policy Toward the Persian Gulf"; and

H. Con. Res. 322. Concurrent resolution to reprint and print the corrected Report of the Commission on the Bankruptcy Laws of the United States.

The message also announced, that the Senate receded from its amendment to the amendment of the House of Representatives to the amendment of the Senate numbered 5 to the bill (H.R. 9639) entitled "An act to amend the National School Lunch and Child Nutrition Acts for the purpose of providing additional Federal financial assistance to the school lunch and school breakfast programs," and concur in the amendment of the House of Representatives to the amendment of the Senate numbered 5 with an amendment.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 184. Concurrent resolution to print as a House document the Constitution of the United States.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1526. An act to amend the International Organizations Immunities Act to authorize the President to extend certain privileges and immunities to the Organization of African Unity.

REV. CHARLES F. BETTS

(Mr. BEVILL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BEVILL. Mr. Speaker, I was honored today to have my brother-in-law, the Reverend Charles F. Betts, from my State of Alabama, give the opening prayer on the floor of the U.S. House of Representatives.

Reverend Betts is from Birmingham, Ala., and received the bachelor of arts degree from the University of Alabama, bachelor of divinity degree from Emory University, and served for 3 years as director of the Wesley Foundation at the University of Alabama.

He has served as pastor of several United Methodist Churches in Alabama and at the present time is the associate conference council director, North Alabama Conference, of the United Methodist Church.

I am very happy to have this member of my family to offer prayer here today.

TANKS AND PLANES FOR PEACE

(Mr. DORN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORN. Mr. Speaker, we must not let Watergate—serious and critical as it is—prevent an opportunity for lasting peace in the Middle East and throughout the world. Make no mistake, Mr. Speaker, there are those in the world who would take advantage of the Washington situation to advance their sinister ends. The second cease-fire in 24 hours has been broken by the aggressors, apparently fearful that their aggressive war is ending disastrously. When the third cease-fire is reached we must make sure that this is not a trick or stalling tactic by the aggressor nations, designed to stop the Israeli flanking movement and gain time to regroup and reattack with new Russian armament.