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members of the United Nations Organization with that of New York City.

(See table below.)

Thus, New York City, with a population of 7,781,984, contains more people than 69 (or over half) of the voting member nations of the United Nations Organization General Assembly. Radical discrimination against the people of New York City who have no vote. Unless we are of the opinion that the peoples of Africa and Latin America are more educated, better disciplined, and trained in the art of government and world leadership than are the folks in New York City.

Using again the World Almanac we find one of our smallest States in area, Rhode Island, with a population of 859,488. Yet, 10 members of the UNO General Assembly—with 10 votes—are each smaller in population:

1. Barbados	245,000
2. Botswana	559,000
3. Cyprus	598,000
4. Gabon	462,000
5. Gambia	330,000
6. Guyana	647,000
7. Iceland	208,000
8. Kuwait	468,000
9. Luxembourg	331,000
10. Maldives Islands	97,000

Further, the combined populations of these 10 countries together with the populations of four other UNO voters:

1. Congo (Brazzaville)	900,000
2. Lesotho	858,000
3. Trinidad and Tobago	975,000
4. Mauritania	1,000,000

Total..... 7,678,000

Or a total of 14 General Assembly votes does not represent the combined populations of New York City at 7,781,984. Discrimination against New York City and Rhode Island?

Rather, discrimination against all of us citizens of the United States? The 1960 population of the United States of America was 179,323,175. The total combined populations of a majority, over 51 percent, of the voting member nations of the UNO General Assembly is less than the population of the United States of America. Yet, our country, the United States of America, has but one.

And consider this. The Soviet Union has three votes in the United Nations Organization: U.S.S.R., Byelorussia, and the Ukraine—the latter two countries being Russian states—the United States of America has 50 States, but only one vote. Equal representation?

What has happened to the application of the "one person, one vote" dream? Was it a sincere application or only a tool to be used against local representative government and individual liberty? The same President is in office. Mr. Katzenbach and Mr. KENNEDY are here in Washington. But rather than suggesting irregularity, inequity, discrimination, denial of human rights, they glamorize the "paper bag" monster as if it were holy or sacred. They seem to use the United Nations as a front to stymie American progress.

Arthur Goldberg—UNO's Ambassador to Washington—who has a law degree and some judicial training, was on the same Supreme Court that subjected the

American people to apportionment. Now, he and his fellow judicial mechanics promote and espouse "a world ordered under the law." Whose law? Where is the law to come from? No member of the United Nations organization has ever been voted into office by any nation. No government has commissioned by its representative bodies such drivels. Could he be suggesting law enacted by an "unapportioned" United Nations General Assembly of men who have never been voted into office nor given such authority by their people? Certainly these men have heard of the falling of government usurped from people without representation. It is adequately defined in history as tyranny. The ultraleft extremists are silent, permitting the clock to be turned backward.

Although unelected by our people and approving of this gross discrimination against the people of the United States, even Mr. Goldberg, as a legally trained man, should awaken to the needs of the times and be expected to answer to reason and recognize this conspiracy against "equal rights" for his once fellow countrymen. For as a once jurist he must realize, under his rule of law, nothing enacted or considered by an unapportioned body can become a valid binding law against Americans, whether by treaty, Executive order, or otherwise. It is but a farce. To comply violates the law of our land. To enforce it, treason.

United Nations Organization Member Nations Smaller Than New York City

New York City..... 7,781,984

1. Albania	1,865,000
2. Austria	7,255,000
3. Barbados	245,000
4. Bolivia	3,697,000
5. Botswana ¹	559,000
6. Burundi ¹	2,600,000
7. Cambodia	6,200,000
8. Cameroon ¹	5,210,000
9. Central African Republic ¹	1,352,000
10. Chad ¹	4,000,000
11. Congo (Brazzaville) ¹	900,000
12. Costa Rica	1,433,000
13. Cuba	7,631,000
14. Cyprus	598,000
15. Dahomey ¹	2,300,000
16. Denmark	4,758,000
17. Dominican Republic	3,619,000
18. Ecuador	5,084,000
19. El Salvador	2,929,000
20. Finland	4,630,000
21. Gabon (U.N. population) ¹	462,000
22. Gambia ¹	330,000
23. Ghana ¹	7,740,000
24. Guatemala	4,438,000
25. Guinea ¹	3,500,000
26. Guyana	647,000
27. Haiti	4,600,000
28. Honduras	2,284,000
29. Iceland	208,000
30. Ireland	2,563,000
31. Israel	2,563,000
32. Ivory Coast ¹	3,750,000
33. Jamaica	1,800,000
34. Jordan	1,876,000
35. Kuwait	468,000
36. Laos	3,000,000
37. Lebanon	2,152,000
38. Lesotho ¹	858,000
39. Liberia ¹	1,066,000
40. Libya ¹	1,617,000
41. Luxembourg	331,000
42. Madagascar ¹	6,262,000
43. Malawi ¹	3,753,000
44. Maldives Islands	97,000
45. Mali ¹	4,576,000
46. Malta	319,000

United Nations Organization Member Nations Smaller Than New York City—Con.

47. Mauritania ¹	1,000,000
48. Mongolia	1,019,000
49. New Zealand	2,647,282
50. Nicaragua	1,656,000
51. Niger ¹	3,328,000
52. Norway	3,738,000
53. Panama	1,248,000
54. Paraguay	2,030,000
55. Rwanda ¹	3,000,000
56. Senegal ¹	3,490,000
57. Sierra Leone ¹	2,200,000
58. Singapore	1,865,000
59. Somalia ¹	2,500,000
60. Sweden	7,773,000
61. Syria	5,399,000
62. Togo ¹	1,617,000
63. Trinidad and Tobago	975,000
64. Tunisia ¹	4,676,000
65. Uganda ¹	7,551,000
66. Upper Volta ¹	4,858,000
67. Uruguay	2,845,734
68. Yemen	5,000,000
69. Zambia ¹	3,710,000

¹ Following country signifies located in Africa.

The 25th Amendment—Virginia's Continuing Contributors to the Construction of the Constitution

EXTENSION OF REMARKS

OF

HON. CARLETON J. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1967

Mr. KING of New York. Mr. Speaker, last Friday the 38th State ratified the 25th amendment to the Constitution of the United States.

Many are entitled to credit. In the House of Representatives, none deserves more than the distinguished gentleman from Virginia [Mr. POFF]. From the time of Thomas Jefferson and James Madison, Virginians have played a vital role in the constitutional drama. That played by Representative POFF in the conception and birth of the 25th amendment was in the highest tradition of statesmanship set by his Virginia predecessors.

As a mark of tribute to the work he did and the service he performed, and under leave of the House, I quote herewith the text of an article authored by Representative POFF and published in the January-February 1967 issue of Case and Comment:

(By Hon. RICHARD H. POFF)

(NOTE.—RICHARD H. POFF has represented the Sixth Congressional District of Virginia in the United States House of Representatives since 1952, four years after his graduation from the University of Virginia Law School. Prior to his election to Congress, at age 29, he practiced law in Richmond from 1948-1952. In 1958 he was selected as one of the fifteen outstanding young men in American politics. He is a member of the House Judiciary Committee and the seven-man Republican leadership team in the House of Representatives.)

For more than a century, the question of Presidential Inability plagued legal scholars and students and practitioners of government. Because the issue was so complex and

so controversial, the problem was neglected or deliberately ignored. Only in 1965 did the Congress undertake active consideration of what will most surely be the Twenty-Fifth Amendment to the Constitution of the United States.

Why a Constitutional amendment? Why not a statute? Some considered a statute sufficient. In recent years, the great body of legal opinion has held that so far as the question of Presidential Inability is concerned, a Constitutional amendment is not only the proper legal course but the wise course. The difference of opinion arose from the language of Article II of the U.S. Constitution, Section I, clause 5, which reads as follows:

"In case of the Removal of the President from Office, or at his Death, Resignation, or Inability to discharge the Powers and Duties of the said Office, the same shall devolve on the Vice President, and the Congress may by law provide for the Case of Removal, Death, Resignation, or Inability, both of the President and Vice President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected."

That language was first brought into sharp focus in 1841 when President William Henry Harrison died in office. Because it was uncertain whether the "powers and duties" would "devolve" or the "office" would devolve, the question immediately rose, "Will Vice President Tyler become Acting President of the United States?" Tyler answered the question by taking the oath of office of President. Since then the "Tyler Precedent" has been confirmed seven times.

But Tyler's answer concerning succession following death did nothing to clarify the question of succession following inability. Indeed, it complicated that question. Death and inability both are treated in the same clause of the Constitution. Thus, it was argued that whatever should "devolve on the Vice President" on account of the President's death, would also devolve upon the Vice President on account of the President's inability; and, if what devolved in one case was the office itself, then it would have to be the office in the other case. The conclusion of this argument was that if the Vice President should assume the office of President on account of the President's inability, the displaced President could not thereafter, even if he recovered, reclaim his office. Such Constitutional scholars as Daniel Webster so declared.

In the face of such an argument, it is little wonder that Vice Presidents have been reluctant to assume the mantle of the Presidency, even in the most urgent crises. When, in 1881, President Garfield lay incapacitated from an assassin's bullet some 80 days, Vice President Arthur would not act. The same was true in 1919 when President Wilson suffered a stroke which rendered him all but helpless.

CONGRESS HAD LITTLE AUTHORITY TO ACT

In these two crises, surely Congress would have passed a statute in Presidential Inability if Congress felt it had the Constitutional authority to do so. There were those who felt that Congress had such authority. They pointed to the "necessary and proper" clause and to the language in Article II which reads that "... the Congress may by Law provide for the Case of Removal, Death, Resignation, or Inability ..." But the remainder of that clause gave the Congress pause; it gave the Congress power to act only in case of the inability of "both the President and Vice President."

The implication was that Congress had no power to act by statute when only the President was disabled. This implication was tacitly acknowledged by the Congress in 1792 when it passed the first Presidential succession act. That Congress was peopled by contemporaries of the authors of the Con-

stitution, and the statute significantly failed to provide for succession when only the President was disabled.

So far, I have dealt only with the legal justification for a Constitutional amendment. There was a pragmatic reason as well. So long as there was any question about the efficacy of a simple statute, such a statute would be subject to attack. Such an attack would come at a time when the nation could least afford it—when the President became disabled or when the disabled President recovered and sought to reclaim his office.

Yes, I was asked, why couldn't we proceed by both routes? Why couldn't we have a brief Constitutional amendment which would simply empower the Congress to pass a statute dealing with Presidential Inability? The answer was that we could, but in my judgment, we should not. I had two reasons. First, in a matter as vital to our national interests as the continuity of Presidential powers, stability and durability are important; only a Constitutional amendment could guarantee this. Second, the doctrine of separation of powers, which has served us so well for so long, would be blurred by the dual approach. Presidents and Vice Presidents are not always popular with Congress, and at a given time, one may be more popular than the other. Sometimes, the political party which controls the Congress is not the same political party which controls the White House. If a simple majority of the legislative branch had the power to make these rules one day and to change them the next, the executive branch would be subordinate instead of co-equal and the head that wore the crown would indeed be uneasy.

THE PROBLEM OF WRITTEN AGREEMENTS

Then there were those who asked why we couldn't just forget about both Constitutional amendments and statutes and deal with the problem as we had in the past by written agreements between the President and Vice President. There were several answers to that question. A private agreement would not have the same effect as law, and it would be questionable whether the President could in such an informal, bilateral fashion lawfully delegate powers conferred upon him by the Constitution, by treaties and Congressional statutes, to another person. The question would be serious enough to invite legal challenges to every domestic act, and every function in the field of foreign relations would be under a cloud. Moreover, such bilateral agreements have never provided, and in the nature of things could never provide, for an enforceable settlement in the event of a dispute about whether or not the President was disabled. The only real function these arguments served was to dramatize the urgency of having a definitive mechanism built into the basic law of the land where it would be visible to all and where it would remain constant from one Administration to the next.

WHEN THE PRESIDENT IS IRRATIONAL

When we speak of the problem of Presidential Inability, we are speaking of two categories of cases. The first is that in which the President recognizes his inability (or the imminence of his inability) and wishes voluntarily to vacate his office for a temporary period. (The classic example is when the President expects to undergo an operation.) The second category is that in which the President, by reason of physical or mental debility, is unable to perform his duties but is unable or unwilling to make a rational decision to relinquish the powers of his office, even for a temporary period.

Section 3 of the bill passed by Congress provides for the first category. Simply by sending a written declaration of inability to the Heads of the two Houses of Congress, the President makes it possible for the Vice President, as Acting President, to discharge

his duties so long as the President feels that his inability has not terminated. When he chooses to do so, he may reclaim and reoccupy his office by sending another written declaration to Congress. Unlike the second category, his declaration of restoration is not subject to challenge by the Vice President and Cabinet. The reason for this distinction is obvious. A President would always hesitate to utilize the voluntary mechanism if he knows that a challenge could be lodged when he sought to recapture his office.

Section 4 of this bill as finally approved by Congress provides for the second category of cases. There are two illustrative examples. One is the case when the President by reason of some physical ailment or some sudden accident is unconscious or paralyzed and therefore unable to make or to communicate the decision to relinquish the powers of his office. The other is the case when the President, by reason of mental debility, is unable or unwilling to make any rational decision, including particularly the decision to stand aside.

It was the second category of cases which gave scholars so much concern. The problem is best defined here by a series of questions. Who would first raise the question and who would make the decision concerning inability? Should the word "inability" be defined? What procedure should be used in restoring the President to his office after his recovery? These questions and questions subsidiary to each of them were answered in Section 4 of the bill.

The original draft required the Vice President to initiate the action and required only the subsequent concurrence of the Cabinet that the President was disabled. However, the Vice President historically has been reluctant to take the first step for understandable reasons. Thus, Section 4 is in the conjunctive and places the power and responsibility jointly upon the Vice President and a majority of the Cabinet or "such other body as Congress may by law provide."

In the second step, these same people make the decision about inability and transmit that decision in writing to Congress, upon the receipt of which "the Vice President shall immediately assume the powers and duties of the office as Acting President." While others had been proposed, we decided that these were the people who should have this power and who should make the decision. The Vice President, a man of the same political party, a man originally chosen by the President, a man familiar with the President's health, a man who knows what great decisions of state are waiting to be made, and a man intended by the authors of the Constitution to be the President's heir at death or upon disability, surely should participate in a decision involving the transfer of Presidential powers. The same is true of the Cabinet whose members were appointed by the President and are closest to him physically and most loyal to him politically.

While the Vice President and Cabinet seem to be the ideal people to be entrusted with the power of decision, Section 4 recognizes that future experience may dictate the naming of "some other body" by the Congress to act with the Vice President. Presently, the Cabinet as defined in 5 U.S.C. 1 consists of 10 members. It is possible that an even-numbered Cabinet might divide evenly, thus effectively stultifying the system erected in Section 4. For this reason, or some other good reason, Congress may sometime find it necessary to name some "other body" which of course it could do simply by adding to the Cabinet as the decision-making body one non-Cabinet member.

Authors of the legislation struggled with the problem of defining the word "inability." It was decided that it would be unwise to attempt such a definition within the framework of the Constitution. To have done so

would have given the definition adopted a rigidity which, in application, might sometimes be unrealistic. In my judgment, it would also have been unwise to attempt such a definition by statute. The slightest imprecision in such a definition would be the target of legal attack if and when it should become necessary to exercise the procedures of Section 4. It is highly unlikely that the responsible government officials entrusted with this great power would abuse it by declaring a President elected by the people of this country disabled when in fact he was not, especially when the Congress is given the ultimate voice in this determination.

PROCEDURES FOLLOWING RECOVERY

The procedures to be used in restoring a disabled President to his office following his recovery constituted one of the critical phases of the problem. The procedures specified in Section 4 deal with the problem in a careful deliberate manner. Herein lay the principal difference between the House bill and the bill first passed by the Senate. Under the Senate bill, the President could resume his office after his written declaration of restoration to the Congress unless within two days the Vice President and a majority of the Cabinet sent a written declaration to the Congress challenging his restoration. If under the Senate bill the Congress by a two-thirds vote upheld the Vice President's challenge, the Vice President would continue to hold the office as Acting President; otherwise, the President would resume his office. The difficulty with the Senate version was that the Congress, which might not even be in session, could delay by filibuster or deliberate inaction for an indefinite period of time, during which the Vice President would remain in office. This difficulty would be especially great if a majority of the Members of Congress (but less than two-thirds) were hostile to the President.

The House Committee felt that any delay on the part of Congress should inure to the benefit of the President rather than the Vice President. Accordingly, the House Committee adopted two consequential amendments. Under the first, the Congress, if not in session when it received the Vice President's challenge, would be required to assemble immediately. On the Floor of the House, at the request of the Speaker, I offered an amendment to this amendment which required the Congress if in recess to assemble within 48 hours. Under the Second Amendment adopted in the House Committee, the Congress would be required to act within 10 days after receipt of the Vice President's challenge. Later, the Conference Committee changed this to 21 days and the two-day period to four days. This is self-executing; if the Congress fails to act, the President will resume his office after the lapse of 21 days. In effect, the procedure as outlined under the House version, which adopted, gives the Congress three options:

First, the Congress can act and by a two-thirds vote uphold the Vice President's challenge. Second, the Congress can act and by one more than a one-third negative vote in either House, reject the Vice President's challenge. Third, the Congress can allow the 21-day period to expire without acting at all.

The net effect of the second and third options is the same; the President is restored to his office. The chief merit of the House version is obvious. Circumstances may be such that the Congress by tacit agreement may want to uphold the President in some manner which will not amount to a public rebuke of the Vice President who is then Acting President. The third option furnishes the graceful vehicle. And this system renders impossible the awful stalemate which would have resulted under the Senate version from a filibuster or deliberate inaction in either House.

It will be observed that the procedure fixed in Section 4 gives the Congress no voice in the decision for the initial involuntary removal of the disabled President. As soon as Congress receives the written declaration of inability from the Vice President and a majority of the members of the Cabinet, the President is removed and the Vice President becomes Acting President. However, the President who regards himself capable and objects to the Vice President's action is not left without recourse. He has the right as soon as he is removed to send Congress his written declaration of restoration, and at that point the Vice President or Acting President has four days in which to challenge the declaration and the procedure for Congressional review becomes operative.

No one claims that this bill in its final form is foolproof or that it covers every hypothetical case which might present itself to the inventive mind. If one assumes that the Vice President and most of the members of the President's Cabinet are charlatans, revolutionaries and traitors, we were foolish to attempt any solution. Rationally, we made no such assumption. Rather, we assumed that the American form of government with its system of checks and balances is so structured; that the freedom of the American press is so secure; and, that the conscience of the American electorate is so sensitive and its power so effective, that rogues in public office are foredoomed to exposure and swift retribution. Certainly, we want a government of laws and not of men, but somewhere in the process of administration of the laws, we must commit our fate to the basic honesty of the administrators. Somewhere, sometime, somehow, we must trust somebody.

General Kosciuszko: A Patriot of Two Lands

EXTENSION OF REMARKS OF

HON. ROMAN C. PUCINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1967

Mr. PUCINSKI. Mr. Speaker, at this time, the 221st anniversary of his birth, I should like to pay tribute to the memory of Gen. Tadeusz Kosciuszko.

Illustrious heroes of many nations of the world joined us during the Revolutionary War so that freedom could establish a beachhead on this continent. Kosciuszko was one of those brave men.

General Kosciuszko today symbolizes, throughout the world, the spirit of the indomitable Poles who for 1,000 years have toiled in defense of freedom. There is no better example of the Polish spirit and dedication to freedom than this man.

The spirit of Kosciuszko indicates that the Polish Nation will never acquiesce to the tyranny of communism. Today Polish emigrants who cannot return to their native land because of Communist domination carry on the struggle for ultimate liberation of that country. Within Poland the spirit of freedom continues to flourish, despite the presence of dogmatic communism.

Kosciuszko is the symbol of a gallant people who have for 10 centuries inspired the world in the firm belief that man was created to be free and that the dignity of the individual is the greatest force on earth.

Thaddeus Kosciuszko Birthday Ceremonies

EXTENSION OF REMARKS

OF

HON. RAY J. MADDEN

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, February 13, 1967

Mr. MADDEN. Mr. Speaker, on yesterday, February 12, ceremonies were held honoring Gen. Thaddeus Kosciuszko here in Washington at the statue of this great Polish general in Lafayette Park.

Charles Burke, Washington representative of the Polish American Congress, was chairman of the ceremony. I had the honor of participating in the program along with former Polish Ambassador Jan Ciechanowski, Congressman LUCIEN NEDZI, of Michigan; and Thaddeus Drweski, president of the Polish Club of Washington. I am hereby submitting excerpts of the remarks which I made on the occasion and also the speech of former Ambassador Jan Ciechanowski.

SPEECH OF CONGRESSMAN MADDEN

Mr. Chairman, I am, indeed, happy on this occasion to participate in the annual ceremony honoring the Great soldier, statesman and Polish patriot, General Thaddeus Kosciuszko. It is fitting that on this day that he is being honored simultaneously with another great fighter for freedom and liberty—President Abraham Lincoln. It is also fitting that General Kosciuszko's statue and the ceremonies today are taking place across the street from the White House in Lafayette Park. The American people join the Polish people in commemorating the heroic deeds of this great Polish hero because he not only fought for liberty and free government in his homeland but, as a young man came to America and greatly aided our colonies during the Revolutionary War so that this new land of ours and future generations of Americans could enjoy liberty, freedom, and self-government.

General Kosciuszko was also an engineering genius, and one of the greatest masters of artillery tactics in his day. No officer serving under Washington was more vital to the success of our Revolutionary War than this son of Poland who so well exemplifies the contribution of the men and women of Polish blood to the history of our Nation.

It was he who directed the building of the military defenses at Philadelphia and at West Point before and during the war for American Independence. To him is attributed the winning of the Battle of Saratoga, the turning point of the long and painful struggle of the Colonies. Thomas Jefferson said of him; "He is as pure a son of liberty as I have known and of that liberty which is to go to all, and not to the few and rich alone."

It is well that the world is reminded of patriots like Kosciuszko, a man who fought for the independence of our Nation and his native land with dedicated zeal. The struggle for liberty is endless. Each period of history has its challenges, its own dictators, and its own despots, but this should not discourage us or lead us to despair. Instead we should draw courage and inspiration from the example of valiant men such as General Kosciuszko and rededicate ourselves again to the unfinished task to which they devoted their lives.

I wish to congratulate the Polish American Congress, the Polish Club of Washington, D.C., the Polish Combatants Association, the

had become during the Allende Government's attempts to impose drastic Socialism opposed by the majority prompt pacification and reconciliation could not be expected. But the junta will surely render these imperative long-run goals impossible if it carries out what seems to be a plan to try every major figure of that Government within its reach before military tribunals on charges of treason.

The trial of Luis Corvalan, the Communists party secretary-general, is a case in point. Strange as it seems to those unfamiliar with Chilean politics, the Communists not only had played by the democratic rules but had been a force for moderation and compromise within the Allende coalition, repeatedly critical of the more revolutionary Socialists. In the absence of solid evidence in open court, the junta will have difficulty convincing the world that Mr. Corvalan was guilty.

Apart from its zeal to punish Allende associates and to root out Marxists, the junta has hinted at a long stretch of military rule under something like a corporate state structure. A new Constitution will reportedly provide for a continuing military role in gov-

ernment, including representation in legislative bodies. And in one of its most ominous actions, the junta is replacing all rectors of Chilean universities with military officers.

If it persists in measures so destructive of Chile's democratic tradition, the junta will court not merely the hostility abroad that seems to worry it but eventual disaster for itself at home. The hope must be that many of these actions are stopgap measures taken in haste and that the military leaders will ultimately reject the corporate state, opting instead for a return to democratic, constitutional government, with the armed forces returning to their traditional place on the sidelines.

PERSONAL EXPLANATION

HON. JOHN BRECKINRIDGE

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, October 12, 1973

Mr. BRECKINRIDGE. Mr. Speaker, due to a death in the family of a mem-

ber of my staff in my district office in Lexington, Ky., I was unable to attend House proceedings on October 11, 1973.

Had I been present on the floor of the House on October 11, I would have voted in favor of House Joint Resolution 727, a bill providing further continuing appropriations for fiscal year 1974. I also would have voted in favor of H.R. 10614, the military construction authorization for fiscal year 1974.

In my absence I was given a live pair against recommitting the conference report on House Joint Resolution 727 to the conference committee, and a live pair in favor of final passage of the bill.

Since there were so few Members against the military construction authorization, H.R. 10614, I was unable to receive a live pair; however, I was given a general pair.

HOUSE OF REPRESENTATIVES—Saturday, October 13, 1973

The House met at 10 o'clock a.m. The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

If any of you lack wisdom, let him ask of God, who giveth to all men liberally; and it shall be given him.—James 1: 5.

"God give us men! A time like this demands

Strong minds, great hearts, true faith and ready hands;

Men whom the lust of office does not kill;

Men whom the spoils of office cannot buy;

Men who possess opinions and a will; Men who have honor, men who will not lie;

Men who can stand before a demagog, And damn his treacherous flatteries without winking!

Tall men, sun-crowned, who live above the fog

In public duty and in private thinking."

—JOSIAH GILBERT HOLLAND.

And now, O God, help us to make a wise decision regarding the nomination of our new Vice President, particularly since he is an honored Member of our own body. God bless GERRY FORD. 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 PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Geisler, one of his secretaries.

NOMINATION OF VICE PRESIDENT—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 93-165)

The SPEAKER laid before the House the following message from the President of the United States; which was read and referred to the Committee on the Judiciary and ordered to be printed: *To the Congress of the United States:*

Pursuant to the provisions of Section 2 of the Twenty-fifth Amendment to the Constitution of the United States, I hereby nominate Gerald R. Ford, of Michigan, to be the Vice President of the United States.

RICHARD NIXON.

THE WHITE HOUSE, October 13, 1973.

GENERAL LEAVE

Mr. ARENDS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the transmittal of the letter from the President of the United States on the nomination of our colleague, GERALD R. FORD.

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

There was no objection.

PROPOSED MODIFICATION OF 25TH AMENDMENT

Mr. GONZALEZ. Mr. Speaker, it is not my intention at this time to take this unanticipated half hour at this particular juncture. However, the reason I did make the request was because of an overriding sense of necessity to speak at this particular time with respect to, among other things, the announcement just received from the President.

I know that everybody is more or less in a congratulatory mood, particularly in this House and on this side of the Capitol. However, I must remind my associates and fellow citizens generally that

there are many disturbing elements that should preoccupy our thoughts at this time.

The quick succession of events that have literally shaken everybody in the country I do not think will be removed permanently, or at least removed from this penumbra of suspicion and doubt that seems to permeate our country, particularly in the highest offices. I think it solves the problem that was created by the manner in which the Vice President submitted his resignation, but since this matter has been referred to the Committee on the Judiciary, I think it is proper that we ought to remind this committee that not only should it consider this particular nomination submitted for its consideration, but it should look into the ominous aspects of the 25th amendment in the light of developments today.

There were some of us who opposed that amendment in 1966. There were some of us who spoke against it. I hate to say that some of the specific examples that we feared have come to pass.

Another section of the 25th amendment—and God forbid it—could easily be resorted to at this time in a way that we cannot foresee now. Therefore, I think it is very, very necessary that this committee examine not only the nomination but the need for the entire Congress and the Nation to reexamine whether or not we should modify this 25th amendment.

At the time it was being debated, I did not think that the committee or its chairman at that time were serious about its consideration because it had many, many escape hatches that were nebulous, that in unsettled times, as I said then, could confirm the fears of such men as Madison, who at the time they were deliberating in the Constitutional Convention the section on the President were warning about "bold and venturesome men."

It seems to me that where it is possible in a setting of very unsettled

troubled times that we could have a cabal in the Cabinet reaching the conclusion that they wanted to rid themselves of the President, and two-thirds or three-fourths of the Cabinet could declare the President incapable of discharging his duties.

Therefore, I look with great misapprehension at this time to the continuation of our Nation's business without this committee seriously going into a revision and a modification of the 25th amendment.

We must not allow our enthusiasm over the nomination of our colleague to obscure our judgment. This is no time to lose sight of the critical situation our Nation faces, nor of the enormous potential for danger and mischief contained in the 25th amendment.

It is assuredly our duty to examine the nominee and render a judgment on his nomination. But it is also our responsibility to understand the Nation's difficulties and needs.

One such need is to modify the 25th amendment.

It would be possible in unsettled times for the Cabinet to assemble a cabal and declare the President incompetent, which God forbid. But if this did ever happen, we would be confronted with the necessity of determining how to establish a commission to determine the facts. In the midst of this sort of crisis, anything could happen, including a forceful takeover of the Presidency. For power does not exist in a vacuum; the creation of a crisis might lead to a still greater crisis.

It would be possible under the 25th amendment for a President to plot the downfall of the Vice President, or vice versa. This may never happen, but it is possible, and given the high stakes of the respective offices, we should beware of any device which would enable plots to take place.

We did not wish to think that this is possible, but in the past months we have seen clearly how willful men, seized of power, have willingly plotted to undermine the electoral process. We do not know what such people would have done had there been a strong contest for the Presidency. But we know this: we know that this country is capable of producing ruthless and unprincipled people, and putting such people in position of high responsibility, and we have seen what they are capable of doing. Who is to say that in less settled times such persons would not take advantage of the 25th amendment to seize power one way or another?

We need to think of the unthinkable. We have after all just witnessed unthinkable, astounding events. We need soberly to reflect on these events, and ponder what might have been, and whether we need to revise the 25th amendment.

The political crisis of the Nation is not all that we must consider. We must consider that problems undreamed of when the 25th amendment was enacted have come to pass, and must be taken into account. We cannot allow our warm feelings for a fellow Member interfere with our deeper responsibility to consider the constitutional crisis we face, and the potential flaws lying in the very amend-

ment which it is now our duty to carry into effect.

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

CONFERENCE REPORT ON H.R. 9286, MILITARY PROCUREMENT AUTHORIZATION, 1974

Mr. HEBERT submitted the following conference report and statement on the bill (H.R. 9286) to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each reserve component of the Armed Forces and the military training student loads, and for other purposes:

CONFERENCE REPORT (H. REPT. No. 93-588)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 9286) to authorize appropriations during the fiscal year 1974 for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons, and research, development, test and evaluation for the Armed Forces, and to prescribe the authorized personnel strength for each active duty component and of the Selected Reserve of each reserve component of the Armed Forces and the military training student loads, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

TITLE I—PROCUREMENT

Sec. 101. Funds are hereby authorized to be appropriated during the fiscal year 1974 for the use of the Armed Forces of the United States for procurement of aircraft, missiles, naval vessels, tracked combat vehicles, torpedoes, and other weapons as authorized by law, in amounts as follows:

Aircraft

For aircraft: for the Army, \$168,000,000; for the Navy and the Marine Corps, \$2,912,600,000 of which amount not to exceed \$693,100,000 shall be available for an F-14 aircraft program of not less than 50 aircraft, subject to no increase being made in the ceiling price of \$325,000,000 specified in the fiscal year 1974 F-14 contract between the Navy and the primary airframe contractor, except in accordance with the terms of such contract, including the clause providing for normal technical changes; for the Air Force, \$2,964,635,000; *Provided*, That \$158,800,000 of the funds available to the Air Force for aircraft procurement shall be available only for the procurement of twelve F-111F aircraft.

Missiles

For missiles: for the Army \$565,000,000; for the Navy, \$680,200,000; for the Marine Corps, \$32,300,000; for the Air Force, \$1,519,600,000.

Naval Vessels

For naval vessels: for the Navy, \$3,737,000,000, of which sum \$79,000,000 shall be only for the long lead-time items for the DLGN-41 and DLGN-42. The contracts for the DLGN-41 and the DLGN-42 shall be entered

into as soon as practicable unless the President fully advises the Congress that their construction is not in the national interest.

Tracked Combat Vehicles

For tracked combat vehicles: for the Army, \$193,800,000; for the Marine Corps, \$46,200,000.

Torpedoes

For torpedoes and related support equipment: for the Navy, \$203,300,000.

Other Weapons

For other weapons: for the Army, \$44,700,000; for the Navy, \$37,100,000; for the Marine Corps, \$700,000.

TITLE II—RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

Sec. 201. Funds are hereby authorized to be appropriated during the fiscal year 1974 for the use of the Armed Forces of the United States for research, development, test, and evaluation, as authorized by law, in amounts as follows:

For the Army, \$1,983,758,000;

For the Navy (including the Marine Corps), \$2,670,749,000, of which amount \$60,900,000 is authorized only for the Surface Effect Ships program;

For the Air Force, \$3,034,800,000; and

For the Defense Agencies, \$505,578,000, of which \$24,600,000 is authorized for the activities of the Director of Test and Evaluation, Defense.

TITLE III—ACTIVE FORCES

Sec. 301. (a) For the fiscal year beginning July 1, 1973, and ending June 30, 1974, each component of the Armed Forces is authorized an end strength for active duty personnel as follows:

(1) The Army, 803,806;

(2) The Navy, 566,320;

(3) The Marine Corps, 196,419;

(4) The Air Force, 666,357.

(b) The end strength for active duty personnel prescribed in subsection (a) of this section for the fiscal year ending June 30, 1974, shall be reduced by 43,000. Such reduction shall be apportioned among the Army, Navy, Marine Corps, and Air Force in such manner as the Secretary of Defense shall prescribe, except that in applying any portion of such reduction to any military department, the reduction shall be applied to the maximum extent practicable to the support forces of such military department. The Secretary of Defense shall report to the Congress within 60 days after the date of enactment of this Act on the manner in which this reduction is to be apportioned among the military departments and among the mission categories described in the Military Manpower Requirements Report. This report shall include the rationale for each reduction.

(c) The Committee on Armed Services of the House shall report to the House by April 1, 1974, a detailed and independent study on the advisability of maintaining our present military commitment to Europe in view of the current economic and military situation in Europe.

Sec. 302. In computing the authorized end strength for the active duty personnel of any component of the Armed Forces for any fiscal year, there shall not be included in the computation members of the Ready Reserve of such component ordered to active duty under the provisions of section 673 of title 10, United States Code, members of the Army National Guard or members of the Air National Guard called into Federal service under section 3500 or 8500, as the case may be, of title 10, United States Code, members of the militia of any State called into Federal service under chapter 15 of title 10, United States Code, or persons ordered to active duty for training.

Sec. 303. (a) Section 673 of title 10, United States Code, is amended by adding at the end thereof a new subsection as follows:

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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, what is the period for morning business extended?

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 partisan 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 trium-

phant 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 test.

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 Com-

mittee. But I suppose I would be a member of the jury, in spite of my professional 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 dis-

tinguished 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, persecutorial 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 always 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-

9. Requiring carriers, HMOs, and other providers of health care to make information available to individuals concerning their charges, hours of operation, and licensure.

10. Requiring SHC's to regulate the retention rates and promotion of all health insurance offered for purposes of complementing or supplementing insurance providing Comprehensive Health Care Benefits.

INVESTIGATION OF PRESIDENTIAL ASPIRANT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HUNT) is recognized for 5 minutes.

Mr. HUNT. Mr. Speaker, today I am introducing legislation which would require a thorough investigation by the Attorney General of any person designated as next in line to act as President in the case of a vacancy in the office of Vice President, whenever a vacancy exists.

This legislation is vitally important to this country, Mr. Speaker, if we are to continue to be a country of law, and a country of integrity of the highest caliber.

During the last few weeks there has been a great deal of conjecture as to how the Congress should go about interpreting the intent of the 25th amendment. In order to be completely thorough it was decided that a full-scale investigation of Congressman JERRY FORD should be conducted, leaving no stone unturned, no bank account, expense account, or personal indiscretion hidden from view. I cannot say I question this approach as we, indeed, need men of the highest standards to fill Government's highest positions. I did, however, question the need for some 350 FBI agents in some 33 bureaus to assist in this data-gathering process.

At the present time Mr. FORD is still serving as the minority leader of the House of Representatives. He is, until confirmed, merely the Vice President-elect.

What does concern me more than anything else in this matter is the fact that in this time of turmoil in Government, with the Vice Presidency now vacated, the Speaker is next in line of succession. There is absolutely no guarantee that Mr. Nixon will remain in office until Mr. FORD is confirmed. I do not say that because I feel he will resign, nor do I say that because I feel he will be impeached. I merely mention it because health and death are always factors to be considered.

There has been a great deal of talk that GERALD FORD will be confirmed, and will be confirmed shortly. That is all well and good. But what of other times? There is no guarantee that this will, indeed, be the case.

My legislation is being introduced to smooth the way for the future. It will go a long way in dispensing of doubt and what procedures shall be followed in years to come. Granted it goes into effect immediately, but then again, there is no absolute guarantee, for reasons I do not feel necessary to mention, that Mr. FORD will succeed to the Vice Presidency. Again stalling tactics, health, and

possibly death could all play a part in this.

With the precedent already set by the Ford confirmation process, there should be little to argue about with this legislation. It should not be looked upon as partisan legislation. Rather it should be taken as another step in the bipartisan effort to reform our Government and simplify our succession process as spelled out in title 3, section 19, United States Code. This is the section of the code which deals with the vacancy in offices of both the President and Vice President and other officers eligible to act.

FUEL SHORTAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Alabama (Mr. EDWARDS) is recognized for 5 minutes.

Mr. EDWARDS of Alabama. Mr. Speaker, intensified by the Arab nations' drastic cutback of oil shipments to the United States, a serious shortage of fuel and energy is faced by our Nation this winter, as President Nixon pointed out in his address to the Nation last evening.

The impact and the duration of the shortage hinges primarily on two unknowns: How long the Arab nations persist and how bitter the weather is in the winter months which are fast approaching.

As a first step toward meeting the problem, the Federal Government November 1 launched an emergency fuel oil allocation plan. Its goal is to distribute as evenly as possible the petroleum products that are vital to keeping American homes warm, generating the Nation's electricity and turning the wheels of business and industry.

The White House has also sent to Congress an emergency fuel bill. Included in its provisions is authority which would allow imposition of a nationwide speed limit of 50 miles per hour, would cut basic supplies of fuel to nonessential users and would allow implementation of a year-around daylight saving time—provided such measures are warranted.

Congress has already taken several steps to increase the supply of energy in the future. Additional funds have been appropriated for energy research and development in almost every field of study. Special legislation for solar energy demonstration and geothermal energy research and development will soon be considered, and legislation which would authorize construction of the Alaskan pipeline is about completed.

However, legislation to develop new sources of energy or to increase the supply of petroleum and natural gas will not have an impact for several years. Therefore, for the immediate future we must concentrate on conserving energy.

One-third of all the energy consumed in the United States is used directly by individual citizens in their homes and automobiles. Thus, if each of us minimizes our own wasteful energy practices, we cannot only save money, but we can help alleviate fuel shortages.

Surely we all can learn to turn out unnecessary lights automatically in our

home and walk around the corner to buy a carton of milk instead of driving to get it. If we do not, the energy to supply those lights and to propel that car will become harder and more expensive to obtain.

Most people fail to realize the seriousness of the situation. The current facts do not mean that our lights are going to go out tomorrow from a massive power shortage or that no one will be able to buy gasoline, but we must take some action to slow down our energy consumption. The rate at which we are consuming energy continues to climb. The total energy consumed in the United States in mid-1973 is 223 percent of the amount used in 1950, well over twice as much.

You know, we have had it pretty good over the years, but as the fuel problems become more severe, I think we are going to have to change our lifestyle.

In our homes during daylight hours, we can open the draperies of those windows which let sunshine in. Even when it is cold outside, sunshine brings warmth into the house. We can close the draperies in the evening to keep warmth inside. We can keep our thermostats set at the lowest comfortable temperature during the day. For most homes, each degree the thermostat is lowered reduces heating costs and fuel consumption by 2 to 3 percent.

Jackrabbit starts, poorly tuned engines, improperly inflated tires, unsteady driving speeds and idling all use large amounts of gas. The experts recommend driving slowly for one-quarter of a mile on cold mornings rather than idling for 10 to 15 minutes. I am told that radial tires, although they cost more, save gas and are ultimately a better buy.

Mr. Speaker, President Nixon outlined the energy problem in clear terms last night, and he articulated in plain terms the challenge facing America in the months ahead. I urge the Congress to act promptly on President Nixon's energy proposals, and I urge every citizen, including, of course, the Members of this body, to practice energy conservation conscientiously in our daily activities. The problem is a serious one, but our Nation has encountered and solved serious problems on many occasions in our history. With prompt action and informed leadership by the Congress and by State and local officials, and with the conservation efforts of every American, I am confident we can weather the shortages immediately ahead and eventually attain energy self-sufficiency in the United States.

SMALL COMMUNITY DEVELOPMENT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. CULVER) is recognized for 10 minutes.

Mr. CULVER. Mr. Speaker, today I am reintroducing legislation which will assist small communities in the construction or rehabilitation of multipurpose community centers, and in the renovation of small community business districts. This bill, entitled the "Small

In Minnesota the first farm cooperative program began in 1969. The number of programs increased to 45 by January of this year, and by September to 80. These programs are operated in local communities utilizing high schools and area vocational technical institutes.

Just as the program is expanding to reach the large number of qualified veterans who would like to participate; however, many may lose eligibility because of the 1975 deadline for completion of their studies.

Thousands of men in Minnesota and throughout the country, who were discharged prior to 1967, will be cut out of the program unless action is taken to extend the deadline.

The loss of eligibility would be costly not only to individual veterans who deserve an opportunity for farm training, but also to our Nation. The farm cooperative program has demonstrated a very high rate of success in establishing people in farming. Early experience with the World War II and Korean GI bills demonstrates that in some areas as many as 80 percent or more of the participants have continued in farming for 10 years.

Often classes run from 8 until 12 at night. I believe the fact that farmers select to participate in such a rigorous program after working all day long testifies to the high value participants attach to these classes.

I therefore propose to extend eligibility under the program until 1980. This extension would provide an opportunity for veterans to participate in cases where approved programs are only now getting underway.

I am hopeful that the Senate will act favorably on this measure, and I ask unanimous consent that the full text of my bill be printed at this point in the RECORD.

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

S. 2716

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the second sentence of section 1662(c) of title 38, United States Code, is amended by striking out "farm cooperative training, apprenticeship or other training on the job, or flight training" and inserting in lieu thereof "apprenticeship or other training on the job (other than farm cooperative training) or flight training".

(b) Such section 1662(c) is further amended by adding at the end thereof a new sentence as follows: "In the case of any eligible veteran who was discharged or released from active duty before the date of enactment of this sentence and who pursues a course of farm cooperative training within the provisions of section 1677 of this chapter, the delimiting period shall be August 31, 1980."

S.J. Res. 172. A joint resolution proposing an amendment to the Constitution of the United States providing for a special election for the Office of President and Vice President when an individual who has been appointed Vice President succeeds to the Presidency. Referred to the Committee on the Judiciary.

Mr. PASTORE. Mr. President, I introduce a joint resolution proposing an

amendment to the Constitution of the United States providing for a special election for the Office of President and Vice President when an individual who has been appointed Vice President succeeds to the Presidency.

Recent events have disclosed a dangerous flaw in the electoral process spelled out in the Constitution.

Today, here in the Senate, we are holding hearings on the nomination of GERALD FORD to become Vice President of the United States.

Once the Congress, under the 25th amendment, confirms the nomination of a new Vice President, a constitutional precedent will be established.

We will have our first appointed Vice President—a man not elected by the people, but a man holding the second highest office in the land.

As tragic events of the past have proved, we cannot foretell what lies ahead for this country.

The appointed Vice President may himself succeed to the Presidency and then appoint a new Vice President.

Should this set of circumstances evolve, a constitutional crisis will occur. And, what will happen to us then?

For the first time in the history of this great Nation, the President and Vice President will both be appointed—not elected by the people, and not responsive to any mandate from the citizens. The Nation will no longer be democratically governed.

I am not at all satisfied that the bill introduced by the distinguished Senator from Maine, Mr. HATHAWAY, S. 2678, will withstand constitutional attack nor will it cure the defect in the 25th amendment.

S. 2678 provides for a special election when there is a simultaneous vacancy in the Presidency and Vice-Presidency, but the bill assumes the constitutionality of that special election based on the "necessary and proper" clause in article I of the Constitution. I think this is a strained interpretation of the clause.

Too much is at stake for us to assume that the special election is constitutional. In my view we must amend the Constitution to make certain that the special election is valid.

This is precisely why I am introducing this proposed amendment to the Constitution—to eliminate all ambiguity surrounding this question.

My amendment provides for a special election by the people for the offices of President and Vice President, if a Vice President while appointed under the provisions of the 25th amendment should thereafter become President.

I think that it is imperative that we protect our constitutional form of Government by enacting this joint resolution in order that the States of the Union might consider this essential amendment to the Constitution.

Mr. President, I ask unanimous consent to have printed in the RECORD the joint resolution and a legal memorandum prepared by my staff and the staff of the Library of Congress, which sets forth the arguments in support of this amendment.

There being no objection, the joint

resolution and memorandum were ordered to be printed in the RECORD, as follows:

S.J. Res 172

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. If an individual takes the office of Vice President under section 2 of the XXVth article of amendment and subsequently becomes President under section 1 of that article at a time when more than twelve months remain in the term of the President, then—

"(a) there shall be a special election for the offices of President and Vice President.

"(b) section 2 of the XXVth article of amendment shall not apply to the vacancy in the office of the Vice President caused by such individual's becoming President.

"(c) such individual shall serve as President only until a President elected in such special election takes the oath of office of President.

"(d) the Speaker of the House of Representatives, shall in addition to his duties as Speaker, act as Vice President, and perform the duties of that office, with the one exception that President pro tempore of the Senate shall serve as President of the Senate with voting privileges, until a Vice President elected in such special election takes the oath of office, and

"(e) in the event the Senate shall be equally divided, the Secretary of State may cast a vote to break the tie.

"Sec. 2. The provisions of this Constitution relating to the appointment of electors for President and Vice President shall apply in the case of special elections required by section 1 (a). The Congress shall by law prescribe the date for such elections and such other matters relating to such elections as may be necessary to effectuate the purposes of this article.

"Sec. 3. The individuals elected as President and Vice President in a special election required by section 1 (a) shall become President and Vice President upon taking their respective oaths of office. Nothing contained in this article shall affect the terms of the President and Vice President as prescribed by section 1 of the XXth article of amendment."

POPULAR ELECTIONS AND THE 25TH AMENDMENT: AN HISTORICAL AND LEGAL ANALYSIS

I. INTRODUCTION TO THE PROBLEM

An examination of our election machinery and the portions of the United States Constitution dealing with the office of the President and Vice President reveals a serious condition which is diametrically opposed to the American concept of popular elections.

Under the Constitution, as it stands today, it is possible that the Office of the President and the Office of the Vice President be occupied by appointment rather than by electoral process. Conceivably this situation could continue for almost four years before a national election was held.

By operation of the 25th Amendment to the Constitution, if the office of the Vice President becomes vacant, the President shall appoint a new Vice President.

During that term, if the office of President becomes vacant the "appointed" Vice President will become the President.

Again, by operation of the 25th Amendment, this new President appoints a Vice

President. We then have both offices filled by appointed individuals rather than by elected individuals. How many times this process could reoccur in the span of the original four-year term is left to conjecture.

The possibility of these events actually coming to pass was either overlooked by the framers of the 25th Amendment or considered too remote to warrant a separate clause in that Amendment. Perhaps the problem was not considered serious at that time. Times change.

As Richard P. Longaker, Professor of Political Science and Chairman of Department, University of California, Los Angeles, concluded in his article "Presidential Continuity: The Twenty-Fifth Amendment":

"When the twenty-fifth amendment is first applied, flaws now hidden will no doubt appear. Some of the inevitable imperfections are already evident, though their seriousness will depend on factors extrinsic to the wording of the amendment." (See, "Selected Materials on the Twenty-Fifth Amendment," Oct. 1973, Committee on the Judiciary, pg. 211, at 236).

Professor Longaker was indeed prophetic in his remarks in February of 1966. Today we are facing the appearance of one of these flaws, no longer hidden, but patently obvious. While the idea of repealing the 25th amendment need not be considered, some consideration must be given to an amendment which will improve the 25th amendment. President Harry S. Truman, as indicated in the House documents of the 1st session of the 79th Congress (June 19, 1945, p. 6272), seemed genuinely concerned that it was undemocratic for a Vice President who had succeeded to the Presidency to be able to appoint his successor. He said in a letter to the Senate:

"... it now lies within my power to nominate the person who would be my immediate successor in the event of my own death or inability to act.

"I do not believe that in a democracy this power should rest with the Chief Executive.

"Insofar as possible, the office of the President should be filled by an elective officer. There is no officer in our system of government, besides the President and Vice President, who has been elected by all the voters in the country."

How much more undemocratic would it be for the appointed successor to appoint his successor? This situation should not be tolerated in our democratic system.

At this juncture, the concept of electing the President should be analyzed from historical and legal viewpoints to remove any question as to the intent of the framers of the Constitution and the courts.

II. HISTORICAL BACKGROUND

From the creation of the presidency to the present, that office has been one that has been dominantly characterized as elected as opposed to appointed. The Constitutional Convention in 1787 had as one of its main objectives the development of the office of the President. One of the first provisions discussed at that Convention was the manner of electing the chief executive of the States. The first proposal was made by James Wilson, a lawyer, a chief architect of the Supreme Court and one of Washington's initial appointments as Associate Justice. Wilson's proposal was that the President be named by direct "election by the people". The proceedings of the Convention were secret, but according to James Madison's *Journal*, at least six delegates, including Madison himself and four other lawyers, endorsed Wilson's suggestion. No less than eight other methods of electing the President—among them the electoral college system—were proposed. Some of them were first adopted and then reconsidered and rejected. Not until the final weeks of the Convention was the electoral college method adopted. Thus, it was quite clear from the beginning of our constitutional form of government that the office

of the presidency was to be an elected one and not an appointed one.

Moreover, at the Convention of 1787, Edmund Randolph submitted a plan of a national government in which he proposed "a national executive to be chosen by the national legislature for the term of — years ... and to be ineligible a second time." Charles Pinckney, at the same time, proposed "that the executive power be vested in a President of the United States of America, which shall be his style; and his title shall be 'His Excellency.' He shall be elected for — years, and shall be reeligible." The first decision of the Convention was that the term of the Executive should be seven years. James Wilson proposed that there should be "certain districts in each State which should appoint electors to elect outside of their own body." In these three propositions were the essential elements of nearly all the features of the plan ultimately adopted. Again such propositions make it quite clear that the Convention's concept of the President was one that called for his election rather than appointment.

It should be noted that the Convention first adopted a resolution that the Executive should be chosen by Congress; it also adopted a resolution that the executive power should be vested in one person. Elbridge Gerry proposed that the Executive should be elected by the governors of the several States; this plan was defeated. Alexander Hamilton presented a draft of a constitution to the Convention according to which the choice of a single executive officer, a President, was to be made by electors chosen by the people similar to the way they are now actually chosen; and in case there was no choice by a majority of such electors, then an election from among the three highest candidates was to be made by a body of second electors two for each State, to be chosen by the first electors at the time of voting for a President who were to meet in one place and to be presided over by the Chief Justice.

The whole focus of the Convention of 1787 was in terms of electing the chief Executive and not appointing him. It was not until the final weeks of the Convention that the electoral college method of electing the President was adopted. It was not an ideal way or even the best way of choosing a President; rather it was a compromise device. The Convention refused to give the election of the President to the people; it also rejected amendments to give each State one vote for President; and it defeated a proposition to give a casting vote to the President of the Senate.

Alexander Hamilton in the *Federalist* No. 68 (March 12, 1788) asserted the following in emphasizing the need for having the President elected:

"The mode of appointment of the chief magistrate of the United States is almost the only part of the system, of any consequence, which has escaped without severe censure, or which has received the slightest mark of approbation from its opponents. The most plausible of these, who has appeared in print, has even deigned to admit, that the election of the president is pretty well guarded. I venture somewhat further; and hesitate not to affirm, that if the manner of it be not perfect, it is at least excellent. It unites in an eminent degree all the advantages; the union of which was to be desired.

"It was desirable, that the sense of the people should operate in the choice of the person to whom so important a trust was to be confided. This end will be answered by committing the right of making it, not to any pre-established body, but to men, chosen by the people for the special purpose, and at the particular conjuncture.

"All these advantages will be happily combined in the plan devised by the convention; which is, that the people of each state shall choose a number of persons as electors, equal

to the number of senators and representatives of such state in the national government, who shall assemble within the state and vote for some fit person as president. Their votes, thus given, are to be transmitted to the seat of the national government, and the person who may happen to have a majority of the whole number of votes will be the president. But as a majority of the votes might not always happen to centre on one man and as it might be unsafe to permit less than a majority to be conclusive, it is provided, that in such a contingency, the house of representatives shall select out of the candidates, who shall have the five highest numbers of votes, the man who in their opinion may be best qualified for the office."

III. LEGAL BACKGROUND

Article II, Section I of the Constitution explicitly states that the President and Vice President of the United States "be elected". The immediate source of Article II was the New York Constitution in which the governor was elected by the people and thus independent of the legislature. His term was three years and he was indefinitely eligible. However, the ultimate plan that was adopted by the Convention was not one that was based on the New York way of electing its governor. The adoption of the electoral college plan came late in the Convention which had previously adopted on four other occasions provisions for the election of the Executive by the Congress and had twice defeated proposals for the election by the people directly. The electoral college, however, probably did not work as any member of the Convention could have foreseen because the development of political parties and nomination of presidential candidates through them and the designation of electors by the parties soon reduced the concept of the elector as an independent force to the vanishing point in practice if not in theory. But the college remains despite numerous efforts to adopt another method.

Article II, Section I, Clause 2 of the Constitution provides:

"Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative or Person holding an Office of Trust or Profit under the United States, shall be appointed an Elector."

Although Clause 2 seemingly vests complete discretion in the States, certain older cases recognized a federal interest in protecting the integrity of the process. The Supreme Court has upheld the power of Congress to protect the right of all citizens who are entitled to vote to lend aid and support in any legal manner to the election of any qualified person as a presidential elector, *Ex Parte Yarbrough*, 110 U.S. 651 (1884). The *Yarbrough* Court found that it is the duty of the Government to see that citizens may exercise the right to vote freely and to protect them from violence while so doing and that the votes by which its members of Congress and its President are elected shall be the free votes of the electors, *Id.*, 662. That Court also found that the right to vote is based upon the Constitution and not upon State law and that Congress has the power to pass laws for the pure, free, and safe exercise of this right, *Id.*, 663-664. Its power to protect the choice of electors from fraud or corruption was sustained in *Burroughs and Cannon v. United States*, 290 U.S. 534 (1934).

More recently, substantial curbs on state discretion in regulating the selection of electors have been instituted by both the Supreme Court and Congress. In *Williams v. Rhodes*, 393 U.S. 23 (1968), the Court struck down a complex state scheme which effectively limited access to the ballot to the electors of the two major political parties. In the Court's view, the system violated the equal protection clause of the Fourteenth

Amendment because it favored some and disfavored others and burdened both the right of individuals to associate together to advance political beliefs and the right of qualified voters to cast ballots for electors of their choice. The Court denied that the language of Article II, Section I, Clause 2 immunized such state practices from judicial scrutiny, and the Court rejected the notion that Article II, Section I of the Constitution gives the States the power to impose burdens on the right to vote where such burdens are expressly prohibited in other constitutional provisions.

In *Oregon v. Mitchell*, 400 U.S. 112 (1970), the Court upheld the power of Congress to reduce the voting age in presidential elections and to set a thirty-day residency period as a qualification for voting in presidential elections; the rationale was that the Fourteenth Amendment limits state discretion in prescribing the manner of selecting electors and that Congress in enforcing the Fourteenth Amendment may override state practices which violate that Amendment and substitute standards of its own.

IV. SUMMARY AND ANALYSIS OF THE PROPOSED AMENDMENT

It seems quite clear, both from an historical analysis and a legal analysis, that the concept of the presidency was embodied with the understanding that the office was to be an elected one as opposed to being an appointed one. Moreover, the right to vote for the President has been upheld and safeguarded as the above cases have indicated. Congress has the power to protect that right to vote for the highest office of the land as well as the power to protect the election of the President and the Vice President from corruption, *Burroughs and Cannon v. United States*, *supra*.

It is now time for reflection to see if we have not strayed somewhat from our basic goal of rule by the people. If we have, we must take the necessary steps to return to our primal goals.

When the 25th Amendment was being considered, arguments were made as to whether or not we needed to have a Vice President appointed, should a vacancy in that office occur. Some felt that the Succession Act of 1947 was adequate assurance of continuity of leadership. However, at least two thirds of the Senate, two thirds of the House, and three quarters of the States decided that we should always have a Vice President. It is believed that this office is the best grooming one can have in case he be called on to succeed to the Presidency.

All this precaution is, indeed, prudent. The one vital ingredient missing is the choice of the people. The established machinery is admirable, but it should apply only to provide a suitable interim president—one who would serve only until the people choose a new President and Vice President by election.

In addition, a limit must be placed on the term of a president who neither faced an election nor received the mandate of the people. He should not be permitted to appoint his own successor. These choices must be returned to the people at the earliest practical time.

No alternative can suffice if we are to remain a democracy.

The American people are willing to forgo immediate choice in return for the assurance of capable leadership in a time of crisis accompanying a vacancy in the presidency.

However, it is doubtful that the American people want to give up this choice covering an indeterminable number of possible presidents for possibly four years.

To restore this choice to the American people the Pastore Amendment would provide for a special election for President and Vice President when an individual who has been appointed Vice President by operation of the

25th Amendment succeeds to the office of the President.

A section-by-section analysis of the Pastore Amendment follows:

"Section 1. If an individual takes the office of Vice President under section 2 of the XXVth article of amendment and subsequently becomes President under section 1 of that article at a time when more than twelve months remain in the term of the President, then—

"(a) there shall be a special election for the offices of President and Vice President, "(b) section 2 of the XXVth article of amendment shall not apply to the vacancy in the office of the Vice President caused by such individual's becoming President,

"(c) such individual shall serve as President only until a President elected in such special election takes the oath of office of President,

"(d) the Speaker of the House of Representatives shall, in addition to his duties as Speaker, act as Vice President, and perform the duties of that office, with the one exception that the President pro tempore of the Senate shall serve as President of the Senate with voting privileges, until a Vice President elected in such special election takes the oath of office, and

"(e) in the event the Senate shall be equally divided, the Secretary of State may cast a vote to break the tie."

This section is designed to create a special election for the offices of President and Vice President when an appointed Vice President pursuant to section 2 of the 25th Amendment succeeds to the presidency pursuant to section 1 of that Amendment.

More than twelve months must remain in the term of the former President in order for the election process to be implemented. This was done to provide enough time for proper choice of candidates by all parties wishing to announce a candidate. Any time less than twelve months was not considered to constitute an abrogation of the electorate's constitutional right to choose the president by election.

The special election process was provided in order to avoid any possible unconstitutionality of a special election grounded on an interpretation of the "necessary and proper" clause of Article I.

Section 2 of the XXVth article of amendment shall not apply to the vacancy in the vice presidency because that vacancy will automatically be filled by an acting Vice President in the person of the Speaker of the House of Representatives. This avoids the necessity for repealing any portion of the 25th Amendment.

The Speaker of the House of Representatives would assume all duties of the Vice President with one exception, but would not give up his duties as Speaker in order that there be as little change as possible in the leadership during the transition period after a vacancy. This is also in keeping with the spirit of the current laws of succession. The one exception to the Speaker assuming all of the vice president's duties is that the President pro tempore of the Senate would become the President of the Senate. This was done in order that the leadership of both legislative bodies remain separate.

The President pro tempore would retain his voting privileges in order that no state be deprived of its two votes. In the event of a tie in the Senate, the Secretary of State may cast the tie-breaking vote. This was done because the Secretary of State is the next in line of succession in the Executive Branch behind the Vice President who would normally have that right under the Constitution.

The appointed Vice President who succeeds to the presidency would serve as President and not as "acting president". His term would end when the newly elected President (after the special election) takes his oath of

office. The Speaker and the President pro tempore would return to their normal functions when the Vice President-elect takes his oath of office.

"Section 2. The provisions of this Constitution relating to the appointment of electors for President and Vice President shall apply in the case of special elections required by section 1(a). The Congress shall by law prescribe the date for such elections and such other matters relating to such elections as may be necessary to effectuate the purposes of this article".

This section is designed to afford the special election the same treatment as a regular election and to utilize the existing system for election. The only substantial change would be the date for such elections.

Under the Pastore Amendment, Congress is given the flexibility to establish the date of election as circumstances dictate.

"Section 3. The individuals elected as President and Vice President in a special election required by Section 1(a) shall become President and Vice President upon taking their respective oaths of office. Nothing contained in this article shall affect the terms of the President and Vice President as prescribed by section 1 of the XXth article of amendment".

The intent of this article is to insure that the individuals elected in a special election would serve only the remainder of the established term. This also precludes the necessity of repeal of the 20th Amendment.

The Pastore Amendment strives to work within the framework established by the Constitution from its inception to the present day. It begins and ends with the proposition that the people should elect their President and Vice President and to preserve this right this constitutional amendment is required.

ADDITIONAL COSPONSORS OF BILLS

S. 147

At the request of Mr. INOYE, the Senator from Rhode Island (Mr. PASTORE) was added as a cosponsor of S. 147, to extend the time limit within which veterans may be entitled to educational assistance.

S. 744

At the request of Mr. RANDOLPH, the Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 744, to provide a mechanism to improve health care in rural areas through the establishment of the Office of Rural Health Care in the Department of Health, Education, and Welfare and a National Council on Rural Health, and for other purposes.

S. 2347

At the request of Mr. BEALL, the Senator from Arizona (Mr. GOLDWATER) was added as a cosponsor of S. 2347, the Historical Structures Tax Act of 1973.

S. 2365

At the request of Mr. TUNNEY, the Senator from California (Mr. TUNNEY) was added as a cosponsor of S. 2365, a bill to regulate interstate and foreign commerce as it relates to the conduct of organized amateur athletic competition within the United States and the participation of American athletes in international amateur athletic competition.

S. 2388

At the request of Mr. STEVENS, the Senator from Minnesota (Mr. HUMPHREY) was added as a cosponsor of S.

sions interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Arkansas (Mr. McCLELLAN); the Senator from Nebraska (Mr. Hruska) and myself as chairman.

NOTICE CONCERNING NOMINATIONS BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nominations have been referred to and are now pending before the Committee on the Judiciary:

Denny L. Sampson, of Nevada, to be U.S. marshal for the district of Nevada for the term of 4 years, reappointment.

Donald E. Walter, of Louisiana, to be U.S. attorney for the western district of Louisiana for the term of 4 years, reappointment.

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in these nominations to file with the committee, in writing, on or before Tuesday, December 18, 1973, any representations or objections they may wish to present concerning the above nominations, with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ADDITIONAL STATEMENTS

A SALUTE TO THE HOMESTEAD HIGHLANDER MARCHING BAND

Mr. PROXMIRE. Mr. President, it is with great pleasure that I announce that the Homestead Highlander Marching Band has been selected to march in the Cotton Bowl Parade in Dallas, Tex., on New Year's Day, 1974. This is a particularly coveted honor among high school bands. Only seven bands outside Texas were included among the finalists.

Thanks to a combination of talent, dedication, and plain old hard work, these young men and women have earned the right to represent the State of Wisconsin before the Nation. The national recognition which they will receive from this event is richly deserved.

It is a privilege to salute them on their accomplishment.

PENNSYLVANIA AAA FEDERATION FUEL CONSERVATION PROGRAM

Mr. HUGH SCOTT. Mr. President, I am pleased to recognize the Pennsylvania AAA Federation for their efforts to meet the energy crisis. On December 5, 1973, the federation initiated a 15-point program designed to reduce gasoline consumption by 25 percent by arousing public awareness through a coordinated media effort. The federation encompasses 40 AAA Motor Clubs in the Commonwealth with over 1.2 million members. When proven successful, the pilot program will be implemented by other organizations across the Nation.

Because of the tremendous potential impact of this program, I have asked the administration to recognize this program as a prototype to determine if the public through voluntary action, can reduce

gasoline consumption by at least 25 percent. I commend the Pennsylvania AAA for their strong action and encourage others to utilize their available resources to implement similar energy saving programs.

I ask unanimous consent that a telegram from the federation and the 15 points of this conservation program be printed in the Record.

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

Form car pools. Neighbors should get to know each other. Several people will probably discover they work in the same general area. If four or five people combine to use one car, there will be fewer cars consuming precious gasoline during rush hour traffic.

Housewives should also form car pools. Wives can get together for shopping trips to food stores and to various other shops and stores, especially during the Christmas shopping period.

Car pools can also be formed for those people attending the same worship services. Businesses and industries should work with their employees to further promote car pools among employees from the same general areas.

School students should leave their cars at home and use school buses, public transit, or walk to school. Otherwise they should help set examples for their parents and form their own car pools. "Joy riding" before and after school should be voluntarily eliminated.

Short trips should be combined. Hops to the store for a quart of milk and a loaf of bread can be eliminated with better planning. Such things can be taken care of when delivering or picking up children at school or on the way home from work.

Recheck the social calendar. More evenings at home with the family together can be mutually rewarding besides being a gas saver.

If buying a second car is called for, make it a smaller one with an economical engine. Vehicle weight and engine size have a direct effect on gasoline consumption.

Keep the car's engine in tune. A poorly tuned engine wastes a good deal of gas. Special attention should be given to fuel and air filters as well as plugs, points, condensers, and emission control devices.

Don't fill the gas tank to the neck. Fuel can overflow while the car is in motion or parked on a hill. Gas also expands in warmer weather and can spill over.

Properly inflated tires cut "road drag" and save gas. Run with the maximum pressure listed on the tire's sidewall, but do not exceed it.

Avoid "jack rabbit" starts and drive at steady, moderate speeds. Do not race from traffic light to traffic light. Anticipating movements early will minimize braking and acceleration. When entering a freeway, use all the available acceleration lane since floorboarding the gas pedal rapidly wastes gas.

After a cold start, don't use a long idling warm up period. Begin driving at moderate speed until the engine has warmed up.

Don't sit for a long time with the engine idling. Turn it off during waiting periods. It takes less gas to start an engine than it does to idle it.

Travel light on long necessary trips. It would be cheaper to ship heavy items ahead of time. Driving with a heavy load steals from fuel efficiency.

HARRISBURG, PA., December 5, 1973.

Senator HUGH SCOTT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR SCOTT: This morning I sent telegrams to the President and William E. Simon asking that Pennsylvania be designated a pilot test State to determine if the

public, through voluntary action, can reduce gasoline consumption by at least 25 per cent.

I would ask that you discuss this possibility with Congress and the President as a means of averting the need for excessive taxes and/or gas rationing.

The following is a basis for our request:

This morning the Pennsylvania AAA Federation and 40 AAA motor clubs in the State have launched an intensive voluntary gasoline conservation program aimed at reducing motor fuel consumption in Pennsylvania by 25 per cent.

Program includes 15 specific recommendations public should follow to cut gas consumption. These points are being released today to nearly 400 newspapers across the State. Additionally public awareness will be reinforced with repetitive announcements on over 120 radio stations and over 20 TV stations for next several weeks. As a further step we are coordinating a program to encourage every newspaper in Pennsylvania to provide free classified ad service for people seeking car pools.

If given enough time, we intend to further coordinate our expansive public awareness program through cooperation of churches, service clubs, chambers of commerce, PTA's and the various chapters of League of Women Voters.

AAA in Pennsylvania is comprised of over 1,250,000 members who will be most directly effected by our efforts. We ask that you look at Pennsylvania as pilot test State where it can be demonstrated that voluntary conservation can achieve substantial reduction in gasoline consumption.

We feel that if our program can have effective impact over the next three to four weeks, than it certainly is well worth launching nationwide in deference to restrictive taxes and rationing.

Under separate mail, we are sending you copy of full gas conservation program as initiated by our organization and 40 Pennsylvania AAA clubs. Please review it as carefully as your time permits. We hope you will agree with us that it provides sensible answer to need for public cooperation and that you will view what happens in Pennsylvania as indication of what can be achieved voluntarily on national basis.

Sincerely,

JOHN J. DONOVAN,
Executive Vice President.

HOW SHOULD WE SELECT OUR VICE PRESIDENTIAL NOMINEES?

Mr. HUMPHREY. Mr. President, we have recently sworn into office the first Vice President of the United States selected under the procedures of the 25th amendment.

The office of Vice President of the United States is the second highest office in this land. Neither recent events, nor the history of that office, nor the many complaints raised about its ambiguities should lead us to minimize its importance. The holder of this office at any time can become the President of the United States. He must be qualified fully to hold that office.

So in the coming months we will be evaluating how wise was our decision in establishing the selection process to fill a vacancy in the office of Vice President under the 25th amendment.

Mr. President, no less important will be our efforts, in Congress, in our political parties, and in the Nation, to evaluate the wisdom of our process for selecting the Vice-Presidential nominees of our political parties. Events of only the last few months have disclosed pos-

sible weaknesses in these selection processes in both of our major political parties.

Mr. President, on December 13, next Thursday, in room 1202 of the New Senate Office Building, a special commission of the Democratic Party will meet in open session to decide on recommendations for reform of our system in the Democratic Party of selecting Vice-Presidential nominees. This meeting of the full Commission on Vice-Presidential Selection of the Democratic Party will culminate a year of work, inquiry, study, debate, and consultation by this commission, which I am privileged to chair.

I call to the attention of the Senate and to other researchers the statement I made in the CONGRESSIONAL RECORD of October 16, 1973, at page 34234 which gives a brief history of our commission, the names of its distinguished members, and a memorandum describing a number of alternative possibilities for methods of Vice-Presidential selection.

Mr. President, I wish to discuss in some detail today the work of our commission. I believe the importance of this matter to the country and to our system of government justifies placing a rather extensive documentation in the RECORD so it may be available to all interested parties and to Members of Congress.

REPORT ON VICE-PRESIDENTIAL SELECTION OF THE EXECUTIVE COMMITTEE

As its meeting of November 29, the Executive Committee of the Vice-Presidential Selection Commission voted, 11 to 1, to recommend to the full Commission two major innovations in the process for selecting Vice-Presidential candidates. These will be submitted on December 13 for approval by the full Commission.

Our proposal would amend convention rules to:

Extend the length of the Democratic National Convention by 1 full day to permit an interval of 48 hours between the selections of the party's Presidential and Vice-Presidential candidates; and

Give the convention, at the request of the Presidential nominee, the option of referring the selection of the Vice-Presidential nominee to a specially convened meeting of the Democratic National Committee, renamed for this purpose, the "Vice-Presidential Nominating Convocation"—a miniconvention.

If the plan is approved by the full commission and the national committee, it will represent the first significant reform of the Vice-Presidential nominating structure in the history of the Democratic or Republican Party.

Our recommendations resulted from the Commission's extensive investigation, discussion and inquiry, including public hearings and the solicitation by mail of the views of thousands of Democrats and interested persons. The executive committee's proposal is based on four principal concerns:

First. The convention is the principal decisionmaking body for both Presidential and Vice-Presidential nominations.

Second. The Presidential nominee has a significant voice in the convention's decision.

Third. Presidential candidates should

give assurances of careful deliberation, consultation, and investigation with respect to their possible recommendations of Vice-Presidential nominees.

Fourth. The rules need to provide the option of additional time for selecting the Vice-Presidential nominee, if exceptional circumstances make that necessary.

The new procedures we have recommended call for two major institutional innovations.

First, the length of the Democratic National Convention would be extended by 1 full day to permit an interval of 48 hours between the selections of the party's Presidential and Vice-Presidential candidates.

In other words, following the established procedure of national conventions, the nomination of the Presidential nominee would be made on the third day of the convention.

The agenda on the fourth day would include discussions of rules and charter changes, but not, as has been the case, the selection of the Vice-Presidential nominee. That decision and the acceptance speech of the Presidential nominee would be deferred until the evening of the fifth day—Friday.

Second, the rules would permit the convention to approve an optional plan, if it agreed with the Presidential nominee that the 48-hour interval was not sufficient.

Within 24 hours after the selection of the Presidential nominee, the nominee must recommend to the convention either that it proceed with the Vice-Presidential selection on Friday night of the convention, or that the convention delegate the Vice-Presidential selection responsibility to a specially convened meeting of the Democratic National Committee, the "Vice-Presidential Nominating Convocation."

This convocation would meet between 14 and 21 days following the close of the convention for the purpose of selecting the party's Vice-Presidential candidate.

It is important to understand that the DNC Convocation, under the rules adopted at the 1972 convention, would be chosen by the 1976 convention.

It would be exactly representative of the convention and each delegation would have voting power exactly equal to that State's delegation at the national convention, distributed proportionally to each convocation delegate.

Our proposal emphasizes, also, that under either the convention or the convocation, these rules would apply:

Each Presidential candidate has the solemn obligation to consult, deliberate and investigate carefully with respect to his own preferences for a Vice-Presidential running mate.

The Presidential nominee may indicate his recommendations of one nominee or several nominees for the Vice-Presidential nomination.

It shall be the right of any Democrat to be formally nominated at the convention, providing petitions supporting his or her candidacy are signed by at least 10 percent of the convention delegates, and these are from at least three different States.

Delegates' votes also may be cast during the Vice Presidential selection for persons not formally nominated.

Mr. President, in the interest of documenting the work of the commission for future students of this subject, I will quote for the RECORD the complete text of the commission's report, which will be the subject of our deliberations on Thursday:

REPORT OF THE VICE-PRESIDENTIAL SELECTION COMMISSION OF THE DEMOCRATIC PARTY

To assure the soundest and safest possible continuity of good and responsible government for the United States;

In response to a situation in need of improvement, especially in light of recent developments;

To provide procedures which best assure that the Democratic Party nominates its Vice Presidential candidate after the fullest deliberation and investigation, and after comprehensive consultation with all elements of the Democratic coalition; and

In the hope that any person nominated for the position of Vice President of the United States by the Democratic Party will be an individual of the highest probity, and broad experience, capable of assuming the Office of the Presidency and executing said office in the best interests of the people of our Nation;

The Commission on Vice Presidential Selection, pursuant to the August 9, 1972 mandate of the Democratic National Committee, hereby submits its recommendations to the Democratic National Committee and to the Rules Committee of the 1976 Democratic National Convention.

To give the Party's Presidential nominee additional time to review qualifications and credentials of possible vice presidential running mates, the Democratic National Convention, which by custom has met for four days every four years, shall meet for five days under the following provisions:

1. The Convention will convene Monday evening, for the purpose of welcoming remarks, a keynote address, and the resolution of all Credentials disputes.

2. A National Platform shall be adopted at the Tuesday evening session of the Democratic National Convention.

3. A Presidential nominee shall be selected at the Wednesday evening session of the National Convention. The Democratic National Convention's Presidential nominee, within 24 hours of the selection of said nominee, shall recommend to the Democratic National Convention either of the following two vice presidential selection options, with the final and ultimate responsibility for choosing between them resting in the hands of the National Convention which shall vote on the question after having the opportunity to hear responsible dissenting opinions to the recommendation of the Presidential candidate:

(a) The Democratic National Convention shall proceed to select the Vice Presidential nominee of the Democratic Party pursuant to past custom, on the last night of the National Convention, pursuant to the same procedures and rules governing the selection of the Democratic Presidential nominee.

(b) The National Convention delegate vice presidential selection authority to a "Vice Presidential Nominating Convocation" of the newly created, and proportionately representative, Democratic National Committee. The "Vice Presidential Nominating Convocation of the Democratic National Committee" shall meet not less than fourteen (14) days nor more than twenty-one (21) days following the close of the Democratic National Convention, at a time not coinciding with the National Convention of any other major political party, to select the Party's vice presidential nominee, pursuant to procedures set forth in Article VII of the

Modified Rules of the Democratic National Committee, which reads:

"(a) The delegation from each State, Territory or District shall be entitled to the same number of votes as that State, Territory or District was entitled to cast at the National Convention.

"(b) The number of votes to be cast by each member present and voting shall be the same proportion of votes allocated to his or her delegation under Subsection (a) of the Section as his or her vote on the Committee is to the total number of votes on the Committee exercised by all members on the delegation from his or her State, Territory or District who are present and voting when the vote is taken.

"(c) Where a vote on the Committee is shared by two or more members of the Committee, it shall, for the purpose of allocating votes for the selection of the vice presidential nominee, be apportioned among those members sharing it who are present and voting.

"4. The full report of the Rules Committee of the National Convention, including the permanent Charter of the Democratic Party of the United States adopted by the 1974 Conference on Party Organization and Policy, shall be presented to the Convention Thursday evening, to be debated fully, amended if necessary, and officially adopted by the Convention.

"5. The Friday evening session of the Democratic National Convention shall include:

"(i) The Roll Call for, and nomination of, a Vice Presidential Candidate of the Democratic Party, if the Democratic National Convention has voted not to delegate such responsibility to the 'Vice Presidential Nominating Convocation of the Democratic National Committee.'

"(ii) The Acceptance Speech(es) of the Nominee(s) of the Democratic Party.

"(iii) Adjournment.

"No provisions of these rules shall be interpreted to prevent any Democrat to announce and run for the Vice Presidential nomination of the Democratic Party. Any person receiving petition support from at least 10% of the assembled delegates representing elements of at least three separate state delegations, whether at the Democratic National Convention or the 'Vice Presidential Nominating Convocation of the Democratic National Committee' shall be entitled to have his or her name placed in nomination for the Office of Vice President of the United States."

Mr. President, I wish to note that subsequent to the meeting of the executive committee I have received inquiries from some members present about a possible omission from this text. The question is whether or not the executive committee agreed that the Vice-Presidential nominee or nominees who are the choice or choices of the Presidential nominee will not have to have petitions filed with signatures of 10 percent of the delegates and with three States represented on the petitions. We will not be able to clear up this question until the meeting before the full commission, but I wish to note that the question has been raised.

PRESENT SYSTEM

Mr. President, to assist in understanding our proposals for reform, we need to have a firm idea of the way the present system, under the rules of the Democratic National Convention, operates.

The Commission was advised by Mr. Stu Eizenstat, member of and counsel to the Vice-Presidential Selection Commission, that the procedures for nominating a Vice-Presidential candidate are almost exactly the same, on paper, as those for nominating the Presidential candidate.

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By recent practice, nominations for Vice President have come on the last day of the convention, which has been Thursday, the day following nomination of a candidate for President. The first 2 days of the convention have been taken up with action on reports of the credentials and rules committees and the adoption of a platform.

A 12-hour interval is required between the nomination of a Presidential nominee and the start of nominations for Vice President. A delegate wishing to nominate a Vice-Presidential candidate may submit a petition bearing signatures representing no less than 50 nor more than 200 delegate votes, of which no more than 20 are from any one delegation.

But any delegate may vote for any candidate, when the roll is called, regardless whether that candidate has been named in a petition. The only advantage gained by filing a petition is that it confers the right to deliver one nominating speech and no more than two seconding speeches for that candidate prior to balloting.

In a report to the Democratic National Committee, Mr. Eizenstat has pointed out that existing convention rules neither recognize the right of the Presidential nominee to express a preference for Vice-Presidential running mate, nor prohibit such an expression. But as a practical matter, the Presidential nominee "taps" his running mate and the convention approves his choice.

The Vice-Presidential nominee, once chosen, is invited to deliver an acceptance speech, which is generally the last order of convention business before adjournment.

If either the Presidential or Vice-Presidential nominee should die, resign, or become disabled, the Democratic National Committee fills the vacancy.

ALTERNATE PLANS CONSIDERED BY THE EXECUTIVE COMMITTEE

Mr. President, before its meeting of November 29, the executive committee studied in detail a number of alternative proposals, not necessarily exclusive of the others, before adopting the recommendations to be taken up on Thursday. I wish to share, in summary, these alternative proposals.

The first alternative required the convening of a "mini-convention" of the newly selected Democratic National Committee at least 14 but not more than 21 days following the Democratic National Convention, for the purpose of nominating a Vice-Presidential candidate.

The Presidential nominee of the Democratic National Convention would be formally charged with consulting with State party leaders, elected officials, and constituent Democratic Party groups, in a process involving the widest possible sample of Democrats at all levels, to test party sentiment on all potential Vice-Presidential candidates.

The national committee would select a nominee following procedures set forth in article VII of the rules of the 1972 Democratic National Convention for filling a vacancy on the national ticket.

The second alternative makes up part of the recommendation chosen by the

executive committee for consideration by the full Vice-Presidential Selection Commission. It offers the delegates to the Democratic National Convention the options of either selecting a Vice-Presidential nominee themselves at the close of the convention, or turning the choice over to the miniconvention of the Democratic National Committee.

The third alternative was to retain the present system, which I have outlined.

The fourth reform called for appointment of a seven-member screening commission before May 1, 1976, to review all potential Vice Presidential nominees and report to the rules committee on the credentials and qualifications of the contenders. The report would be made available to all presidential candidates.

The fifth alternative proposed a screening council of three members named by the chairman of the Democratic National Committee, to assist the Presidential nominee in selecting a running mate.

The sixth alternative, called the Calhoun plan, suggested simultaneous balloting for Presidential and Vice Presidential nominees on the Wednesday night of the convention, with the candidate receiving a majority of votes becoming the party's Presidential nominee and the candidate with the second-highest vote total becoming the Vice-Presidential candidate.

The seventh alternative, which has also found its way in principle into the executive committee recommendation, called for extending the national convention an extra day, to provide added time between nomination of a Presidential candidate and selection of a running mate.

The eighth alternative also had the objective of increasing the time interval between selection of the two candidates. It would have accomplished this by scheduling selection of the Presidential nominee for the second evening of the convention, rather than the third, with Vice-Presidential nominee selection coming on the fourth and final evening.

The ninth alternative, or open convention plan, called for selection of the Vice-Presidential nominee by the full convention, from a list of three individuals provided by the Presidential nominee within 12 hours after being selected.

SOME REPRESENTATIVE WITNESSES' AND RECOMMENDATIONS

These proposals, Mr. President, evolved over about a year's time, during which the commission corresponded widely with hundreds of interested persons. In addition, we held a series of hearings in various parts of the country. Former Governor Endicott Peabody chaired hearings in Boston, held by Massachusetts members of the commission. Similar hearings were held in New Hampshire. We also conducted hearings in Washington, D.C., and held an exceptionally useful session in New Orleans, in connection with the national convention of the American Political Science Association in September.

Witnesses at these hearings, and correspondents sending their views to the commission, have included Democratic Party workers and members at the grass-

roots level, State party leaders and Democratic holders of State elective offices, distinguished political scientists, Members of Congress and national party leaders including the Chairman of the Democratic National Committee.

A full transcript of the New Orleans meeting is available, as is the record of the Washington, D.C., hearing. In addition, the commission has arranged to have all correspondence and the other materials I have mentioned today recorded on microfilm, to be available to researchers.

As a sample of the views expressed by this large cross section of the Democratic Party and the academic community, I would like to read a brief tabulation prepared by the staff of the Democratic National Committee, containing a roughly representative group of witnesses at our hearings and their preferences among the various alternative methods of reforming the Vice Presidential selection process. I regret that I cannot mention all of the testimony and correspondence we received—or do justice to those I mention—in this brief space.

Speakers favoring a delayed-choice and miniconvention approach included:

Donald G. Herzberg, dean of the graduate school of Georgetown University. He suggested the national convention should write the party platform, nominate the Presidential candidate, select a new national committee and adjourn. The national committee would meet 30 days later to act on the Presidential candidate's recommendation for a running mate, either ratifying that selection or nominating a different Vice-Presidential candidate.

Robert S. Strauss, chairman of the Democratic national committee. He said the national committee should have the power to ratify the Presidential nominee's selection within a limited time after the convention. But he cautioned that during the delay pressure on the Presidential nominee would build concerning his choice, both within and from outside the party.

Prof. Austin Ranney, a member of the McGovern-Fraser commission prior to the 1972 Democratic National Convention. He said a delayed choice could permit a more deliberative approach while serving to integrate and unify the party.

Senator GEORGE MCGOVERN supported a delay of 7 to 10 days.

Donald Fraser, speaking for Americans for Democratic Action, also spoke for delayed Vice-Presidential nominee selection.

Speaking in favor of continuing the present system, though with modifications in some case were:

Stephen K. Bailey, vice president, American Council of Learned Societies. He agreed greater care by both party leaders and the Presidential candidate is needed in choosing a Vice-Presidential candidate. But a delayed decision, he argued, would serve to "diminish the bargaining, brokerage, and reconciling functions of the national convention."

Representative JAMES O'HARA, of Michigan. His first preference is abolition of the office of Vice President by constitutional amendment, and an entirely new

system of providing for Presidential succession. Lacking that, Mr. O'HARA proposed that petitions signed by 10 to 20 percent of the convention delegates would be required to qualify an individual for consideration for the Vice-Presidential nomination, but a letter of preference from the Presidential nominee would carry weight equal to a petition, and the Presidential nominee's choice could be placed in nomination at any time during the convention's consideration of Vice-Presidential nominees.

Senator MIKE GRAVEL, of Alaska. The Presidential candidate should not endorse a nominee for Vice President. He could submit a list of individuals acceptable to him, but the convention should have full power to select the Vice-Presidential nominee, the Senator recommended.

Letters supporting the present system were received from Senators BENTSEN and SPARKMAN and Representatives CHAPPELL, POAGE, and ROY.

Support for a screening committee approach came in testimony from:

Liz Carpenter, member of the Democratic National Committee and a member of the steering committee of the National Women's Political Caucus. She recommended a small task force functioning during the convention as a Vice-Presidential candidate-screening committee, reporting to the Presidential nominee.

Senator WILLIAM HATHAWAY, of Maine, proposed that each candidate for the Presidential nomination should submit a list of three possible choices as running mate, before the convention, with the lists reviewed by the executive committee of the Democratic National Committee.

Rearrangement of the convention agenda to provide more time between the selection of nominees for President and Vice President also received support. Some proponents of this approach included:

Ralph K. Hultt, executive director of the National Association of State Universities and Land Grant Colleges. He also advocated adopting the party platform after the Presidential nominee was chosen, rather than before.

Lawrence I. Radway, professor of political science at Dartmouth agreed that the convention agenda should be reordered to place action on the party platform after the nomination of the Presidential candidate and before selection of a Vice-Presidential nominee.

Prof. Valerie Earl, chairman of Georgetown University Political Science Department, also favored this agenda. Professor Earl said the main business of the convention is to choose a Presidential candidate, and since both the candidate and delegates want a Vice-Presidential nominee who will strengthen the ticket, the choice of running mate "should be left to the time and the situation and the people who are involved. We should not impose a formula upon the candidate and the convention."

Mr. President, we received a variety of other recommendations outside the range of those I have mentioned, and I will list a sampling of them as a further indication of the degree of interest our commission's studies attracted and the

kinds of thought-provoking suggestions we received.

Thomas J. Seess, of the political science department of Mount St. Mary's College, Md., proposed that State primaries allow Presidential-Vice-Presidential tandem tickets. The convention then would choose its Presidential and Vice-Presidential candidates as a team, in a single process.

Stanley Arnold of New York, a 1972 Vice Presidential candidate, was among advocates of a national primary. He suggested running two primaries, the first for Presidential candidates and the second to be a runoff among the losers in the first, to select Vice-Presidential candidates.

Landis Jones, professor of political science, University of Kentucky, is the author of a new book on the Vice Presidency. He argued that attention is being focused too much on the mechanics of the selection process. More thought, he said, should be given to the job of Vice President itself, "what it is you want him to do; what it is that you want him to be able to do." Mr. Jones asked what the Vice President is training for, and what the training process should be.

Prof. Aaron Wildavsky, dean of the School of Public Affairs, University of California at Berkeley, argued that the party itself should play a stronger role in selecting the Vice-Presidential nominee. Beyond that, Professor Wildavsky suggested that perhaps both the Presidential and Vice-Presidential candidates should be chosen by "more permanent and powerful groups of party leaders," with the Vice-Presidential candidate particularly chosen with the continuing interests of the party in mind, to reflect the interests of the party as an institution rather than the immediate interests of a single campaign.

Mr. President, we also received numerous letters and other written statements offering varied views.

On the subject of a so-called open-convention system, for instance, we received statements of support from Common Cause head John Gardner, Florida Attorney General Bob Shevin, Prof. James MacGregor Burns of Williams College and Representative ROMANO MAZOLLI of Kentucky.

Finally, Mr. President, I have referred earlier to the contribution of former Gov. Endicott Peabody of Massachusetts, who conducted one of our hearings. As a member of the executive committee of the commission, Mr. Peabody cast the lone dissenting vote from our recommendation to the full commission, and he has subsequently filed a minority report. The work of Governor Peabody must be considered for a complete view of our work.

Governor Peabody proposes a constitutional amendment giving the Vice President a vote on all issues before the Senate, in place of the current restriction confining him to breaking tie votes only. This, argues Governor Peabody, would involve the Vice President thoroughly in legislation and permit him to serve as an official with a national constituency on Capitol Hill.

He further proposes that first-ballot Convention votes for Vice President

should be confined to candidates who had run in primaries either for President or Vice President. Connected to this proposal is one that the Democratic National Committee encourages states to allow Vice-Presidential candidates a separate place on the primary ballots or in party convention endorsement action.

Finally, Governor Peabody recommended, in anticipation of the end of the electoral college system, that candidates for Vice President be allowed to run on their own in national elections, just as do candidates for President.

Mr. President, I wish to conclude my remarks by inviting Members of the Congress and all other interested parties to express to me, the staff of the commission at the DNC, or individual members of the commission your recommendations and comments. It is the intention of the commission to agree on a final report at its meeting of December 13. This final report will be submitted to the Democratic National Committee. The DNC will then pass on it as a matter for inclusion in the rules of the Democratic convention of 1976.

May I also express the deep interest of the commission in the work of a newly appointed committee of the House Democratic Caucus which is also looking into the question of the Vice-Presidential selection process. We hope to have the participation of its chairman, Congresswoman EDITH GREEN, and its members at our meeting of December 13. Because of the strict time limit set for our report, we have not been able to delay it, but we certainly will be in close communication with the members of this House Caucus Committee.

Our report, of course, presumes certain limits to our authorized mandate. We have not considered reforms which require the enactment of legislation, or the adoption of a constitutional amendment.

And finally, Mr. President, may I express the hope that the other major political party will also be able to investigate this question thoroughly. It is their responsibility no less than that of the Democratic Party, and I think the interests of the people of the United States require reform in this field by both parties before the 1976 convention.

THE BLESSINGS OF AMERICA

Mr. BEALL. Mr. President, certainly all of us, in coping with the day-to-day problems of life in our country, sometimes forget the countless freedoms and privileges that this Nation offers to its citizens. Too often, as we criticize a government policy or a political figure, we fail to remember that this right exists in few other countries of the world.

Recently, I received a letter from a new citizen of our Nation, Mrs. Aspasia K. Catsouras, which places back into focus the wonderful gifts which the United States offers its people. I ask unanimous consent that Mrs. Catsouras' letter be printed in the RECORD so that my colleagues might be made aware of her thoughtful comments.

There being no objection, the letter

was ordered to be printed in the RECORD, as follows:

CAMP SPRINGS, Md.,
November 28, 1973.

J. GLENN BEALL, Jr.,
Member, U.S. Senate,
Washington, D.C.

DEAR SENATOR BEALL: I have received your letter of November 27, 1973, and should like at this time, to give to you my sincere thanks for the kind thoughts contained in your letter.

During the past eight years in which I have lived in the United States, I really feel that some people here seem to take for granted their right and privilege to be known as a citizen of this country. As we all hear and read every day, we have our share of problems, as do all other countries of the world. However, we, as a country, because of our traditional democratic institutions, are best able to define each problem and then seek a solution in the best interest of all of the people of the United States. Unfortunately, such traditions of democracy exist in very few other countries of the world.

In closing, I am very proud to be writing this letter to you as a citizen of the United States.

Sincerely,

(Mrs.) ASPASIA K. CATSOURAS.

"HUMAN RIGHTS DAY" HIGHLIGHTS THE NEED FOR RATIFICATION OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, yesterday we celebrated the 25th anniversary of the proclamation of the Declaration on Human Rights. The University of Wisconsin, in cooperation with the Governor's Commission on the United Nations, marked the occasion by holding a radio roundtable discussion on the subject of human rights. The panel included such experts as Bruno Bitker, chairman of the Governor's Commission on the United Nations; Richard Bidler, University of Wisconsin Law School professor; Everett Refior, professor of political science at the University of Wisconsin; and Marianne Steigerwald, the League of Women Voters.

Their discussion encompassed the entire spectrum of human rights, including such topics as freedom of speech, women's rights, rights of minorities, and slavery. Their discussion was particularly timely since I believe that the Senate will take up the Genocide Convention next year.

This treaty is one of several human rights treaties which the world community has adopted in order to give the force of international law to the high ideals expressed in the Declaration of Human Rights. The Genocide Treaty was first presented to the Senate in 1949 by President Truman. Today, over 70 nations have ratified this treaty but the United States has not. Think about it. An entire generation has grown to maturity and the Senate has still failed to act.

Mr. President, this treaty has been reported out favorably by the Senate Foreign Relations Committee several times. It is only fitting that on this, the 25th anniversary of the Declaration of Human Rights, that the United States at last ratify this important human rights treaty.

RISE IN FOOD PRICES

Mr. SAXBE. Mr. President, consumers in recent months have become concerned over rising food prices. Understandably, the people of this country are almost unanimous in their desire for inexpensive food to put on the table. But many of these same people unwittingly contribute to higher food prices by supporting policies which reduce supplies and increase costs.

An excellent article on food costs was written recently for the Ohio Farmer magazine by its editor, Earl W. McMunn. Entitled, "Let's Reason Together," it tells some of the reasons why food prices have risen along with other costs in our inflationary economy.

I have known Mr. McMunn for a long time, and what he has to say is well worth listening to. I ask unanimous consent to have this article printed in the RECORD.

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

[From the Ohio Farmer magazine,
December 1973]

LET'S REASON TOGETHER

(By Earl W. McMunn)

IF CONSUMERS ARE TO HAVE CHEAP FOOD

Consumers of this country want cheap food. That is what they have had although many are not aware of the fact. Rising prices of the past year threw many into a panic. Some ill-informed politicians, labor leaders, newsmen and others screamed that "people couldn't afford to eat!" This in spite of the fact that in 1973 the average person is spending less than 17 percent of his income for food. That is still a real bargain when compared with other nations of the world or for most other times in the history of this nation.

We have cheap food because of a combination of circumstances. Mostly it is the result of an abundance of technical information, use of commercial inputs, and freedom to operate under a profit-oriented economic system. Cripple any of these forces and food will become more expensive. This is a fact of economic life. But the sad truth is that too many governmental decisions are made by people who don't understand economics. Recent efforts to help consumers by controlling livestock prices are but one example.

The forces which provide our cheap food have been building up for at least half a century. We have had an abundance of land, a surplus of farm labor, and plenty of people who wanted to farm. Commercial suppliers provided the machinery, the chemicals and the other inputs. Our know-how was improved by a steady flow of information from both public and private sources.

During this same period, our economy was expanding and people were becoming more affluent. This made it easier for them to buy food with a smaller share of their total incomes. For instance, in the 20 years between 1952 and 1972, wages and incomes rose by an average of seven percent a year. Farm prices rose less than one percent. This is why many consumers developed the idea that they should get a raise every year, but they shouldn't pay more for food. That was the way it had been during most of their lifetimes.

All this has changed during the past year. Now it is becoming clear that food prices must rise when everything else in the economy is on the upswing. People must pay more if they expect to be well fed. And,

ania, North Korea, North Viet Nam, Outer Mongolia, Poland, Rumania, Serbia, Slovakia, Slovenia, Tibet, Turkestan, Ukraine, Idel-Ural and other nations suppressed by their communist masters; and

Whereas, the Soviet Union has lulled the Western Powers into a false sense of security, and while talking "detente" has reached a pinnacle of military might and soon will surpass that of the United States; and

Whereas, it is horrifying to realize that one-third of mankind is already enslaved by communist tyranny—that threatens the security of the free world, communist propaganda has been allowed to carry on its deceptive work towards the weakening of the will for defense, the United States at this critical period for the entire free world to assume the role of real leadership, able to cope with these frightening facts; and

Whereas, the government of the Soviet Union has spread their propaganda throughout the United States and the rest of the free world for the purpose of blinding the people of the West towards its genocide of non-Russian Nations under its occupation; and

Now, therefore, be it resolved; the Chicago Captive Nations Week Committee, that special efforts must be made by the United States, towards an awakening of all these moral forces, humane ideas and values, the sacred rights of all the nations based on principles of democracy, self-determination, and sovereignty within their respective ethnic boundaries, must become the goal of the policy; and

Be it further resolved; the farce of "Patronage" diplomacy, secret talks, the winning and dining, the exchanging of diplomatic gifts, with the masters of the slave empires, will not bring about the pursuit of the God-given sacred rights of freedom for all captive nations of the world, the cries for freedom can still be heard, in spite of the diplomatic festivities; and

Be it further resolved, that the United States government stop building up the communist empire by selling it military and other equipment and trade, and that the media give greater coverage to the dissidents in the Soviet Empire. The Aleksandr I. Solzhenitsyn case illustrates, the power of public opinion and the role that the media can play in eliminating individual persecution and eventually, stopping the genocide of the enslaved nations; and

Be it further resolved, that this Committee desperately urge the establishment of the permanent Captive Nations Committee (House Resolution 211) and Freedom Academy, which has been long overdue; and

Be it further resolved, that the Captive Nations Committee, request the United States government to reaffirm its support for the aims and aspirations of the people of these captive nations in behalf of the restoration of freedom and democracy in these communist dominated countries.

VIKTORS VIKSINS,

Chairman.

ALEXANDER KOEPP,

Estonia.

DR. GEORGE RADOYEVICH,

Serbia.

DR. ROMAN KOLYCEK,

Ukraine.

DR. NICHOLAS FERJENCIC,

Czechoslovakia.

LI-SUNG FANG,

China.

SABIN TORLO, Jr.,

Croatia.

J. WITKOWSKI,

Poland.

NICK ZYZISNUSKI,

Belarus.

ILMARS BERGMANTS,

Latvia.

JUOZAS BELILINAS,

Lithuania.

LASZLO MOGYOROSY,

Hungary.

WILFRIED A. KEENBACH,

Germany.

[From Public Affairs, July 14, 1974]

SECOND YALTA BETRAYS CAPTIVE NATIONS

We begin Captive Nations Week in the backwash of the Moscow Summit—a study in contrasts. The original Captive Nations Week was inaugurated in the Eisenhower Administration, when the country regarded liberation of the captive countries as the sensible object of U.S. policy. But today, these are the forgotten peoples. Detente is designed to silence their cries.

When we examine the story of our ethnic Americans, we must be impressed by their lack of political effectiveness. Combined, they represent a powerful sector of the electorate. They have a common interest in U.S. foreign policy. But they are ineffectual because they are the captives of the political parties.

Both political parties court the ethnic vote, but only with promises. At election time they seek the support of the ethnic societies with expressions of sympathy and pledges of devotion to their interests. But in the international arena, U.S. officials have repudiated their promises to the captives to win the approbation of the masters. Franklin Roosevelt and Winston Churchill promised the Four Freedoms but gave them Yalta.

The fate of the nations behind the Iron and Bamboo Curtains hinges on the foreign policy of the United States. No one expects the United States to go to war to force liberation. But it seems reasonable to expect the United States and other free countries to have a continuing bias for freedom and therefore to further the liberation of the Captive Nations by all practical means. As President Nixon returns from a Second Yalta, similar in all essential respects to the first, we have the repetition of history, a sacrifice of the Captive Nations to advance the selfish interest of trade with the tyrants.

How can this be so? How can this nation so largely drawn from European nations now under the heel of communism or threatened by it court the oppressors and ignore the cries of the oppressed? Are our German, Polish, Hungarian and other ethnic societies so tied to Democratic or Republican apron strings that they accept supinely such betrayal of their true interests? Or are their leaders so witless as to be hoodwinked by the pretensions of peacemaking in which the betrayal is concealed.

Or are these ethnic Americans reluctant to press for policies in which they have a special interest? They should not be. The policy of appeasement and betrayal pursued by U.S. foreign policy for forty years has been deeply injurious to our national interests. Those Americans who by their special heritage are endowed with clear vision of the error have a civic duty to expose and oppose it with all the resources at their command.

There is no hope for the Captive Nations except in the re-direction of U.S. foreign policy. That change of course will not be taken by our business interests which are drooling over the prospect of trade with the Soviet Union and Red China. It probably will not happen short of catastrophe unless a powerful coalition of our ethnic societies severs association with both political parties and forms a separate block committed to the restoration of freedom in the communist-ruled states.

How ironic it is that the voices for restoration of civilized rule in the Captive Nations should come out of Russia itself, from the oppressed and suffering people and not from their cousins who live in freedom and comfort in the West! Does freedom undermine courage? Is it a luxury which blurs the mind and softens the will? Why else do we trifle with Watergate and ignore the agon-

izing oppression suffered by one-third of the world's people? Captive Nations Week asks us.

[From International Digest, June, 1974]

"LEST WE FORGET"—CAPTIVE NATIONS WEEK
JULY 14-20

These nations have fallen under the yoke of Communist tyranny since the Bolshevik Revolution of 1917 and remain in chains today:

Year of Communist takeover

People or nation:

Armenia	1920
Azerbaijan	1920
Byelorussia	1920
Cossackia	1920
Georgia	1920
Idel-Ural	1920
North Caucasus	1920
Ukraine	1920
Far Eastern Republic	1922
Turkestan	1922
Mongolian People's Republic	1924
Estonia	1940
Latvia	1940
Lithuania	1940
Albania	1946
Bulgaria	1946
Serbia, Croatia, Slovenia, et cetera, in Yugoslavia	1946
Poland	1947
Rumania	1947
Czechoslovakia	1948
North Korea	1948
Hungary	1949
East Germany	1949
Mainland China	1949
Tibet	1951
North Vietnam	1954
Cuba	1960

A MUST AND A SUGGESTION

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, the temporary abatement in the drawn-out furor and upheaval that has characterized our governmental life the past few years brought about with the swearing in of Gerald R. Ford as the 38th President of the United States must not lull us into smugness and a fatal indifference to the imperative need to repeal the 25th amendment to the U.S. Constitution.

Indeed, the foremost priority must be given this task of removing a mischievous—almost pernicious—appendage to the basic law of the land.

To those who are almost ecstatic about how all that has so unhappily transpired "proves how our system does work," some volunteering to point out how there are no soldiers on the streets and no violent men intent in wresting away control of our Government, et cetera. I must remind that a lot of this has been due to luck, happenstance, and the momentum of common institutionalized life, not zealous guarding of the weal.

I must needs remind them that had the individual in the Presidency been a less antagonistic character, or a more charismatic and loved personality, we might not have fared half as well.

Yet, despite the euphoria of the moment, there hangs over our national collective heads a sword of Damocles: The 25th amendment.

Back in 1966 when the resolution proposing this amendment was entertained in the House to my astonished disbelief, I stated that this type of law reminded me of a throwback to the Roman Senate days of intrigue and conspiracy and venal and bold and ambitious men. In vain did I attempt to conjure the vision of what could happen under the aegis of this amendment in our own Republic at some future time of stress and malaise. I never dreamed the day would have come upon us so soon.

The dormant bomb that is the 25th amendment is still ticking, and Mr. Speaker, until we defuse it by repeal, we are in mortal danger. I urge my colleagues to join me in considering most seriously the repeal of this fatally defective proviso.

Now for a serious and good faith bit of advice, by way of recommendation to our former colleague, now President Gerald Ford. Mr. President, today you have appealed to the Nation for forgiveness and a spirit of contriteness and harmony. In keeping with that request, I respectfully submit that you soberly and seriously consider a Presidential pardon to John Dean, and maybe two or three others, such as E. Krógh, because had it not been for the courage of a Dean, we would never have been apprised of the malodorous practices that have enveloped high national governmental life and brought us to such low state.

Consider for a moment that the saving feature of our society is always we have had men whose conscience has finally prodded them to rise above their ambition and selfish strivings—even at the risk of obloquy—and sounded the alarm. Dean did not perjure himself either. His was an American conscience crying out its remorse. He deserves justice and compassion; he defied the mendacious tyrant. His story was proven true by the torrent of events and climaxed at the eleventh hour by the former President's admission that he, Nixon, had lied—and John Dean had told the truth.

President Ford, I respectfully and humbly submit to you just as a starter to prove the sincerity of your national plea by forgiving John Dean.

THE DEPARTURE OF PRESIDENT NIXON

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOWARD) is recognized for 5 minutes.

Mr. HOWARD. Mr. Speaker, last evening at 9:05 p.m., our President, Richard M. Nixon, announced his decision to resign from the high public office to which he had been elected less than 3 years ago. The heart of this Nation and the hearts of its people—myself—included—skipped a beat as those fateful words were uttered. There was no feeling of relief or jubilation, but rather a sense of painful and perhaps stoic acceptance.

This is not the time to second guess the wisdom or propriety of his decision. It must be received as it was given—in the expectation that the action was in the best interest of the Nation. Yet, at

this early date, something very important can be gleaned from the events of the past 2 years. It is the strength of our form of government. Today, we shall have a new President, and soon we are to have a new Vice President, neither of whom has been elected to those offices through the usual electoral process. Nonetheless, they will be accepted without question. There has been no violent overthrow of power. There has been no toppling of our democratic institutions. This country's form of government and its people have withstood a serious onslaught not only by some of the actions of Mr. Nixon himself, but also, and more critically, in the last 2 years, by the very process of obtaining the truth. The strength of our Nation has been illuminated throughout the world.

Why is it that we still believe in and adhere to those words set down in the Constitution nearly two centuries ago? Perhaps that question, if answerable at all, will be considered by the historians and psychologists of the future. But there can be no doubt that in bad times as well as good it is those articles, phrases, and clauses to which we cling for guidance and structure.

It is the Constitution and through it our form of government for which we have struggled and must continue to struggle to preserve. It is an often quoted phrase that "eternal vigilance is the price of liberty." It must be admitted by those who now hold public office as well as by the public in general that in the recent past we have been less than vigilant in our preservation of our institutions. We have taken our system of government for granted. We have taken advantage of it, and now we all must share in the sadness of Richard Millhous Nixon. None of us are above the ramifications of what has transpired in the past 2 years. It may be too soon to say that our Constitution has withstood its greatest test, but it is certain that this peaceful transfer of power speaks highly for the ability of this Nation and its leaders to cope with the most heart-rending of problems.

Repeatedly over the past 2 years, commentators both here and abroad have wondered just how much the American people can endure. The answer now seems clear. The American people can endure all that is necessary. There is a growing suggestion that the people have become increasingly cynical of their elected officials. Regardless of the truth of that observation, their belief in the domestic form of government itself has been exposed and strengthened.

Furthermore, the work of the House Judiciary Committee in its deliberations concerning the grounds for impeachment of Mr. Nixon cannot be slighted. The willingness of those 38 men and women to pursue the facts with courage, intelligence, and dignity was transmitted to the entire Nation on nationwide television. Mr. Nixon was not driven from the White House as the result of a partisan "witch hunt." His decision to resign was executed in the midst of the appropriate constitutional process of impeachment. It was an awesome power which was not lightly included by the framers in this document. However, the greatness of that

power could not reasonably prohibit its implementation. The propriety of that proceeding has been brought out by subsequent revelations.

Less than 2 weeks ago, those Representatives cast their votes either for or against the impeachment of a President of the United States. It is fair to say that at the time, not one of them anticipated that their action would become the end and not the beginning of that constitutional process. Unknown to them, they were given the tremendous burden of defining for posterity the meaning of the "checks and balances" system that is the very heart of our democratic institutions. It was they who set at least general limitations on the power of the Presidency. It is because of them that future Presidents will be on notice of the responsibilities of their office and the ability of Congress to hold them to account for serious abuse of that office. It is through them that the nebulous term "high crimes and misdemeanors" received some clarification. It can only be said that they did their job well, and for that everyone must be grateful.

Today Gerald Ford becomes the 38th President of the United States, and today the work of the Nation and this Congress begins anew—to work together to solve the problems of the economy, the arms race, and a myriad of others. The Nation may be shaken, but it is not shattered. It need not be emphasized, for it should go without saying, that this Nation and this Congressman intend to pledge allegiance to him as President and will endeavor to cooperate with him to every extent possible, and with due respect to that office which came to him at such great cost—the price of eternal vigilance.

THE 100TH ANNIVERSARY OF HERBERT HOOVER'S BIRTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. MEZVINSKY) is recognized for 5 minutes.

Mr. MEZVINSKY. Mr. Speaker, tomorrow marks the 100th anniversary of the birth of our 31st President, Herbert Clark Hoover. West Branch, Iowa, a town near my home, will be the site of a celebration to commemorate his birth. On this occasion, I would like to call my colleagues' attention to the extent of this great humanitarian's public service.

Although Herbert Hoover is best remembered as President from 1929–1933, some of his greatest accomplishments were achieved in his non-Presidential years.

Three times he was called upon to oversee the distribution of food to starving people all over the world—after the Boxer Rebellion in China and after the First and Second World Wars in Europe. He used great skill and compassion in assuring that millions of the hungry survivors of the war-ravaged nations of the world were fed.

After Mr. Hoover had been in public service for nearly five decades, he continued to work for the public in spite of his advancing years. As Chairman of the Commission for Reorganization of the Executive Branch—1947–49—and its

Land Order No. 82 to 'unfreeze' a vast area of the arctic slope, which was later proven to contain the Prudhoe Bay petroleum fields.

Simultaneously, Secretary Seaton foresaw the desirability of creating the Arctic Wildlife Range to assure future generations an opportunity of enjoying nature's wonders in a most scenic section of our state.

Over the years numerous private citizens and public officials have acknowledged the wisdom shown in Mr. Seaton's action. Presently, in fact, there is a proposal that an additional 3.76 million acres be withdrawn for the purpose of adding to the range.

Mr. Seaton urged that the Arctic Wildlife Range be established by Congress, but Congress neglected to do so. Subsequently, Mr. Seaton established the Arctic Wildlife Range himself by executive order. That bold action will pay dividends for Alaskans in generations to come.

Long an advocate of the 'multiple use concept' for our lands, Mr. Seaton preferred that the wildlife range be established under a law enacted by the Congress so that relocation could not be subject to the whim of any future Secretary of the Interior.

His proposed legislation provided future protection for arctic wildlife, while at the same time making provisions for sensible utilization of natural resources that may in the future be found in the area.

It is our understanding that presently the Arctic National Wildlife Range is included in land tentatively suggested to be set aside permanently by the federal government, possibly being termed something like "Arctic Wildlife Game Refuge."

It seems to us that "sanctuary" should replace refuge in any proposed change in status for this great area. The term "sanctuary" should be used particularly because it exemplifies the beliefs and philosophy of Mr. Seaton, who created the present area, and also because the "sanctuary" classification makes it possible to extract resources which may be there, while at the same time protecting wildlife and preserving the environment.

Mr. Seaton, often regarded as "The Godfather of the 49th State," worked long, effectively and unceasingly for Alaska during his tenure as Secretary of the Interior under the Eisenhower Administration. Among his many favors for Alaska was the key leadership role he played in creating the State of Alaska from the former territory.

Most leaders who were active in making Alaska a state have been suitably honored. It seems to us that it is high time that Alaskans show our collective respect to Fred A. Seaton, whose contributions to Alaska and Alaskans will benefit all Americans for generations to come.

It seems most fitting that official designation be made for the "Seaton National Wildlife Sanctuary."

THEIR LEADERS

Mr. HATHAWAY. Mr. President, Nelson A. ROCKEFELLER is now Vice President, and I welcome his presence. This has been a turbulent 2 years, and I am now confident that with the executive branch of our Government fully staffed, this Nation can get on with its business. And there is plenty of work to be done.

Although I do have every confidence in the two men recently appointed to the most powerful executive offices on the globe, I am still troubled as to the means by which they were placed in office. For

none of the voters in Maine cast their ballots for either of these two men, nor did any voters in any State cast their votes.

This Nation was established as a democratic Republic; an organization of individual States with individual rights, who collectively elect their representatives to each office. It has been an effective form of government, with each official responsible to those who put him or her in office. This is not the case today. The Senate and the House of Representatives have placed in office two honest men, in whose integrity I have the utmost confidence.

The problem is that the authority and responsibility for the President and Vice President of this Union rightfully belongs to the American people, not to either of the Houses of Congress.

The 25th amendment to the Constitution clarifies earlier problems we had with succession, and under normal circumstances, will serve this Nation well. But the circumstances which the Nation and the Congress have faced in recent times were far from normal.

A Vice President had resigned, and the President was under threat of impeachment. A new Vice President had been nominated by the President, and Congress knew that the man they would confirm as Vice President stood a better than likely chance of becoming President.

Under the terms of the 25th amendment, there was no flexibility in the choices Congress had to make. Either confirm the Vice-Presidential appointee, with the knowledge that he has a greater than normal chance of being elevated to the Presidency after impeaching the President, or not confirm and face the possibility that the Speaker of the House of Representatives—in this case a Member of the opposite party—could be elevated to the White House after impeachment.

The options were painful. Fortunately, the men who have been elevated via appointment to the two highest offices in the land are men of honesty, and will, in good faith, attempt to faithfully discharge the powers and duties of their offices.

So the decision, although painful, should not be harmful. But more flexibility is certainly called for in this area should similar circumstances arise again. The nub of it, Mr. President, is that we should not be appointing and confirming likely Presidents; in that situation, some alternative to the 25th amendment should be available.

During the 93d Congress, I offered two bills designed to correct what I consider this lack of flexibility. The first would provide for a special election when both the offices of President and Vice President were vacant. It stipulates that the highest ranking officer in the House of Representatives of the same party as the previously elected President and Vice President would serve as acting President until the election was held.

This approach is identical in principle to the Succession Act of 1972. Some of the men who drafted that legislation

were also involved in drafting the Constitution; it was enacted in the 2d Congress and remained in force for 94 years.

The special election would be held within 90 days of the vacancies, with individual States maintaining their responsibilities with regard to the selection of candidates. The term of office would be for the unexpired term of the previous officeholders, maintaining the traditional rhythm of our quadrennial elections.

In this way, Congress could better afford to wait until any question about the President's continuation in office is resolved before rushing through a confirmation, no matter how well qualified the nominee.

The second bill I introduced during the 93d Congress on this subject is a constitutional amendment, which provides for a special election in the event the President has failed or refused faithfully to execute the laws enacted by Congress; or that he has willfully exceeded the powers vested in him by this Constitution and the laws of the United States; or that he has caused or willfully permitted the rights of citizens of the United States to be trespassed upon in violation of this Constitution, or treaties made, or which shall be made under their authority; or that he has so lost the confidence of the people to so great an extent that he can no longer effectively discharge the powers and duties of his office.

In order for this special election to be held, any of the former reasons shall be cause for the House and Senate to enact a joint resolution calling for the election. A two-thirds majority is required by each House.

The three fundamental principles of our Constitution, as I understand them, are the diffusion of power, the accountability of power and the establishment of power. By spreading governmental power through its three major branches, the framers of the Constitution were confident that the system of checks and balances and multilevel government would provide a maximum accountability.

And the ultimate check in our complicated system of checks and balances is vesting in the people the final accountability—their right to vote.

My remarks should not be taken as disrespect toward the present holders of these offices. I have mentioned before, and will again, that I consider President Ford and Vice President ROCKEFELLER honest men who carry within them the best interests of the American people and their Government.

But the basic principle of a democratic republic is the right of the people to select those whom they wish to exercise the tremendous powers vested in the Government. I wish that right restored to the people. And although the 93d Congress will adjourn without having taken action on these two bills, I serve notice now that I intend to reintroduce both bills shortly after the 94th Congress convenes, and press for their adoption.

Self-determination is the most important facet of our Constitution and the form of government it provides us. It was

a New Englander who said: "Here, sir, the people govern," and it would be a disservice to my constituents in Maine and to Daniel Webster were I not to continue my work on these two important bills.

JUDGE EDWIN O. LEWIS— IN MEMORIAM

Mr. HUGH SCOTT. Mr. President, recently there passed away in the city of Philadelphia a man full of years, of service and of wisdom.

Judge Edwin O. Lewis died on September 19 last, in his 95th year. Thirty-three years a judge, he will be remembered for his courage and his unpredictability when his sense of justice demanded that he cut through all obstructions to further the public good.

As a young lawyer in 1905, he participated effectively in the overthrow of a corrupt city administration. Waging constant war against civic corruption, he forcefully directed grand jury investigations in 1928 and in 1951 to cleanse the rolls of the corrupters.

In 1947, he conceived the idea of restoring Independence Hall and its environs to its original 18th century appearance. He secured the enactment of Federal legislation establishing the Independence Hall National Memorial Park. I was pleased, together with former Congressman Hardie Scott of Philadelphia, to introduce that bill and to support subsequent appropriations for the expansion of the project.

He also persuaded the Commonwealth of Pennsylvania to develop a handsome mall at right angles to Independence Hall, which removed unsightly structures and greatly beautified the park.

Although he did not live to see the approaching Bicentennial celebration of 1976, he was able to say:

Now God has let me live to see a great part of that dream come true.

Named in his honor are the quadrangle of Independence Mall from Market to Arch Streets, 5th to 6th, and the handsome decorative fountain within it.

Although a native Virginian, moving to Philadelphia in 1899, he became, through dedication and a lifetime of service to his adopted city, its most distinguished citizen.

He was so recognized when in 1962 he was honored with the Philadelphia award, the highest tribute a Philadelphian can receive.

Six feet three inches tall, bearing himself with great dignity, he looked every inch a judge. With his children and grandchildren, he was indulgent and his delightful sense of humor warmed family gatherings.

At a celebration of his 94th birthday in July he told amusing stories of his youth in Richmond. One such story involved a mischievous escapade for which he was sternly warned by Judge Crutchfield, the same "Virginia Judge" celebrated in a play by the late George Kelly.

All of us who knew him well learned much of life from him. He was my mother's brother, who brought me into his law office upon my graduation from the University of Virginia. In important

ways, he molded my outlook and through his guidance, he molded my life.

He truly believed in the words of Aristotle:

The good of man must be the end of the science of politics.

He was the most unforgettable person I ever knew.

I ask unanimous consent to have printed in the RECORD an editorial from the Philadelphia Inquirer of September 20, 1974.

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

JUDGE LEWIS MADE HISTORY LIVE

Independence Mall and Independence National Historical Park are living memorials to Judge Edwin O. Lewis that will endure through the centuries as monuments to his foresight and persistence in achieving proper recognition and respect for America's birthplace.

His death at 95 deprives the city of a civic giant and the nation of a devoted son. He was a man who dared to dream great dreams—impossible dreams, many skeptics thought—and to fight tenaciously to bring them to reality.

Judge Lewis—he continued to be affectionately and respectfully known by that title when he retired in 1957 after 34 years on the Common Pleas bench—was the guiding inspiration and driving force in a heroic campaign to rescue Independence Hall and the country's most historic square mile from decades of neglect.

He, more than any other individual, was responsible for making Philadelphia the shrine of America's heritage that it is today.

The present site of Independence Mall was an unsightly jumble of deteriorating buildings in the 1940s. Not only Independence Hall itself but other historic treasures in the area were blighted by surrounding slums. Judge Lewis found this desecration intolerable and resolved to remedy the situation. As founder and first president of the Independence Hall Association, he proceeded to do so.

Instrumental in creation of the National Historical Park, he then became the first chairman of its Advisory Commission and the prime mover in early development of the park and the Mall.

While these distinguished achievements tended to overshadow earlier ones, Edwin Lewis devoted a lifetime to the administration of fair and equal justice and to the advancement of civic good works. He pioneered a successful campaign to grant defendants the option of trials by judges without juries. He directed grand juries in the investigation of organized crime and police corruption. His many civic and cultural interests included nearly three decades of volunteer service as president of the Philadelphia School of Design for Women, forerunner of the Moore College of Art.

Sadly, Judge Lewis did not live to see the Bicentennial celebration of 1976. It should include appropriately prominent recognition of his work in behalf of historic Philadelphia. It was a labor of love well done.

HERALD STRINGER, A VETERAN'S FRIEND

Mr. HANSEN. Mr. President, we have learned today that Herald Stringer is retiring as national legislative director of the American Legion. Many of us who have known him and his devoted work on behalf of the veteran will feel this impact.

Herald has, since his military days, devoted a great amount of his time, or to be exact, most of it, to the veterans. He served his State of Alaska as department commander, executive committeeman, as well as other important national committees in the American Legion before coming to Washington as its legislative director.

The American Legion is the largest, and for many years, has been a major spokesman for veterans. Herald, in his capacity as director of legislation of this over 2½-million-member organization, has performed a most commendable service, complying with the mandates and resolutions that were forthcoming and satisfying the many people with varying opinions on veterans problems.

Even as we are informed of his leaving this important job, we also know that he will continue in veteran-related interests, and lend his support to that end.

I want to express my personal thanks for all he has done, and for the complete cooperation he has given my office and staff.

SOUTHERN GOVERNOR'S CONFERENCE VOTES SUPPORT FOR OPPORTUNITIES INDUSTRIALIZATION CENTERS

Mr. HOLLINGS. Mr. President, at the Southern Governors' Conference which met in September in Austin, Tex., the assembled chief executives of the Southern States passed a resolution concerning the work being done by Opportunities Industrialization Centers of America. In a unanimous vote, the motion was passed calling for congressional support, and for State support, for the kind of self-help programs exemplified by OIC.

The conference was privileged to hear an address by the Reverend Leon Sullivan, chairman of the board of Opportunities Industrialization Centers. He spoke forcefully of the success and the potential of manpower training as a large part of the answer to some of our major social problems. During the next 10 years, OIC would like to train 3 million people, many of them in the Southern States. By turning these people into productive, breadwinning, taxpaying citizens, OIC will be making an outstanding contribution to our Nation.

Mr. President, I ask unanimous consent that a release describing the meeting, Reverend Sullivan's speech, and giving the text of the resolution as passed by the Southern Governors' Conference, be printed in the RECORD.

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

SOUTHERN GOVERNOR'S CONFERENCE VOTES SUPPORT FOR O.I.C.—LEON SULLIVAN CALLS FOR MASSIVE OPPORTUNITIES INDUSTRIALIZATION

Governor John C. West of South Carolina made the motion that put the 18 Southern Governors (meeting in Austin, Texas, on Wednesday, September 11) on record in support of the O.I.C. Self-help program headed by the Rev. Leon Sullivan of Philadelphia.

In a unanimous vote, the motion seconded by Governor Briscoe of Texas and Governor Dunn of Tennessee, was passed stating:

Whereas the Conference has heard a most informative and stimulating address

the public about the alcohol problem will help people seek treatment and seek it earlier. The stigma once placed on alcoholics is becoming less she said and she has seen a definite increase in the patient load in the county in all ages and sexes.

Iroquois County has an active Alcoholics Anonymous group, an Alanon group for family members of an alcoholic, and they did attempt an Alateen for a short while.

She stresses their program offers no magic pills or words. The person has to want to quit drinking and they hope to motivate them to become a responsible member of the community again. They follow the 12 step program and do use Antabuse, a drug that makes a person ill if he attempts to drink in some cases, as well as the group therapy sessions.

She emphasized the most important thing is to realize the problem drinker is a human being who is sick and should be treated that way.

TRIBUTE TO MARVIN M. KARPATKIN

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. RANGEL. Mr. Speaker, it is unfortunate that amidst all the flurry of activity surrounding the opening of the 94th Congress that we must interject a sad note. One of the Nation's most prominent civil libertarians died last Monday. Marvin M. Karparkin met his untimely death at the age of 48, while jogging near his home on Riverside Drive in New York City.

A graduate of Brooklyn College in 1949 and Yale Law School in 1952, Karparkin founded a law firm in New York City. Together with his wife, he represented many young men in cases dealing with selective service matters. He was always willing to provide legal counsel to all those men who were conscientiously opposed to participating in military action. His desire to see that these men were allowed to exercise their constitutional rights led him to on several occasions argue draft cases for individuals and on behalf of the New York Civil Liberties Union before the Supreme Court.

Karparkin also was quite active in the civil rights movement. During the 1960's when black people were attempting to gain equality and justice in the South, Karparkin made the trip to Mississippi to provide legal assistance and moral support at a time when the movement needed a great deal of both. His actions reflected a belief on his part that equality under the law was an attainable goal and should be achieved. This demonstration of moral support as well as legal expertise by Karparkin shall always be remembered in the black community.

At a time when the public is raising some very valid questions with regards to the integrity of lawyers, Marvin Karparkin was a sterling example of what lawyers should be. He never failed to wage a battle or come to the defense of an individual because of reasons which went to the probability of being successful. Moral conviction was his strong point and for this his presence in and out of

the courtroom shall most definitely be missed. On behalf of my wife and I, I want to extend my deepest sympathy to his wife, Rhoda, and their three children.

VOTED AGAINST PRESIDENTIAL INABILITY AMENDMENT

HON. HENRY B. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, January 23, 1975

Mr. GONZALEZ. Mr. Speaker, we have a situation in this country today that has never existed before, and one which I am sure our Founding Fathers never thought could happen. The President and Vice President of the United States were not elected by the people. Not one vote was cast by any citizen for or against either of these men who hold these high offices. They came to power through the use of the 25th amendment to the Constitution, known as the Presidential inability amendment.

The legislation providing for this amendment was considered in the House in 1965, and I was one of the few Members who voted against this bill. The following is an article from the Texas Observer of May 1965 which explains my vote.

(Congressman Henry B. Gonzalez of San Antonio, was one of a handful of congressmen who voted against the presidential inability bill passed by the Congress to provide a new method of replacing the President with the Vice President. The Observer asked him why he so voted, and this is his reply.)

Thank you for asking. Here is why I voted against the presidential inability bill:

As you probably know I was one of the first Members of Congress to introduce legislation on the subject of a vacancy in the office of the Vice Presidency. My bill, H.J. Res. 893, was introduced on January 21, 1964, and I reintroduced it in the present session as H.J. Res. 58 on January 4, 1965. The procedure described in my bill has been incorporated in the presidential inability bill passed on April 14.

But the bill that was passed goes too far. The section on presidential inability is most objectionable to my mind. It establishes a dangerous precedent which we may one day regret. This section provides for the transfer of executive power from the President to the Vice President in times of the President's inability. The transfer can occur with the President's consent, or against his protest. There is a vagueness in the language of this section which I believe should not be incorporated into our Constitution. The transfer of power is to be brought about upon the President's declaration that he is unable to discharge the powers and duties of his office. Never is the term "inability" defined. In an area as crucial and consequential as the Presidency of the United States, such a lack of definition can be disastrous.

There are far more serious objections to the presidential inability section of this bill. And before it is finally passed by Congress, and acted upon by the state legislatures, this question should be answered: Does the bill set up a new way in which a President might be wrongfully or mistakenly removed from office by the Vice President and a majority of the President's Cabinet?

By the way, as another example of the vagueness of this bill, the bill itself does not use the term "Cabinet." Instead, there

is a reference to "the principal officers of the Executive Departments, or such other body as Congress may by law provide." Whatever is meant by "such other body" has never been spelled out or discussed to my satisfaction. It has been widely assumed that the reference is to the Cabinet. But as I read it, Congress could set up almost any group of federal officers under this provision.

In order to answer the question I have raised, it is necessary to understand the mechanism set up in this bill by which a President may be involuntarily removed from office. According to Section 4 of the bill, all that is needed is for the Vice President, joined by a majority of the "principal officers of the Executive Departments," to transmit to the Speaker of the House and President Pro Tempore of the Senate a written declaration that the President is unable to discharge the powers and duties of his office. At that point, immediately and without any further procedure and consideration, without any examination or investigation, the Vice President becomes the Acting President. The bill goes on to set out the steps by which the President may regain his office. These steps include his own written declaration that no disability exists, and the assembling of Congress, within five days, to decide the issue.

The fatal flaw in the bill, in my judgment, is the almost unchecked ease with which the President can be removed by either an unscrupulous or mistaken subordinate. However temporary this removal might be, in this nuclear age of push-button and instantaneous devastation it almost certainly would be too long. It is true that the people of this nation have so far been extremely wise and fortunate in the caliber and moral character of the men we have chosen to be President and Vice President. It would be naive, however, for us to suppose that men are infallible, that men do not make grievous mistakes, or even that bloodless coups d'etat have not occurred in other countries during our own lifetimes.

For these reasons I voted against the presidential inability bill, and in the months to follow I hope to help bring about further discussion and a public dialogue on this measure. Probably a year or two will expire before final ratification of the proposed amendment can occur. If the people are informed and awakened, there is still time to correct the mistake that was so blithely steamrollered through Congress.

Today I am introducing a bill to repeal the 25th amendment. Little did I realize that the tide of history would find this amendment in use so soon, and I, like a large number of fellow Americans find the current spectacle of an unelected President and Vice President uncomfortable. Our current situation is certainly an awkward one for a democratic nation such as ours to find itself in, and I strongly feel that we must never let this happen again.

The two men currently in power appear to be honest and I am sure would not want to violate the Constitution. But this does not assure our Nation that some time in the future we could not have a situation that would be otherwise.

As long as the 25th amendment is a part of the Constitution the electorate of our country cannot be sure that the two highest offices in our democratic Government could not be filled by persons who have arrived at these positions through unscrupulous, corrupt, or perhaps even violent means.

Mr. Speaker, I hope my colleagues agree with me on the urgency of repealing the 25th amendment and will work with me to achieve this goal.

took place. Red China's fifth ranked table tennis player, Wang Chun, failed to turn up for his first round match against unknown Shlomo Mendelson of Israel. The reason given was Red China's non-recognition of Israel.

As my colleagues are aware, I have been deeply distressed over the increasing politicization of the Olympic Games. As an amateur and professional athlete for nearly 20 years and as a Commissioner on the President's Commission on Olympic Sports, I could not believe the relative ease with which the IOC caved in when the Trudeau government excluded the Republic of China from Montreal Olympic. Other teams last year refused to participate because of political disputes.

It has become all too clear what is happening, but it should not be a surprise to anyone. The Soviets and their cohorts intend to politicize the sports just like they have tried to politicize everything else. They intend to use these games as a vehicle for propaganda. They intend to use the competition to reflect their dialectical views of class struggle.

Congress will go into recess for a month at the end of this week. That was determined by the leadership at the beginning of this Congress. But when we return after Labor Day, I intend to circulate to my colleagues a letter addressed to the IOC, reflecting our concern over politicization in general and the exclusion of Israel in particular. I invite all my colleagues to join with me in showing Congressional opposition to this growing Soviet menace to the Olympic Games.

As Jeff Hart points out in this second column on the subject, if the Soviets succeed, it would be a major step in the attempt to de-legitimize Israel. We must prevent it from happening.

ANNOUNCEMENT OF HEARINGS ON H.R. 8359

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, I wish to announce that the Subcommittee on Monopolies and Commercial Law of the Committee on the Judiciary will hold 1 day of public hearings on Thursday, September 8, 1977, to consider H.R. 8359. This bill will restore the effective enforcement of the antitrust laws, by overruling the Supreme Court's recent Illinois Brick opinion.

This hearing will be held in room 2141 Rayburn House Office Building at 9 a.m.

Testimony on this bill will be received from John Shenefield, Acting Assistant Attorney General for Antitrust and Lee Freeman, Jr., an attorney from the State of Illinois.

BETTE "GINGER" WEAVER OF LAURELTON

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. SCHEUER) is recognized for 5 minutes.

Mr. SCHEUER. Mr. Speaker, one of the greatest pleasures of serving as a

U.S. Representative is that of meeting and working with community people of outstanding talent, energy and effectiveness. One of the leaders in my congressional district, Bette "Ginger" Weaver, joined my office as a volunteer—after I had noted her leadership qualities and asked her to contribute her time, talents, and energy to my New York office—and is now a full time assistant to me.

Nonetheless, despite our frenetic pace of work throughout the entire congressional district, Ginger has continued to step up her leadership role in the Laurelton community. Ginger was recently elected President of Public School 156 in Laurelton.

Laurelton is not just racially integrated; it is proud and it is at peace with itself. It is a community made up of good people of every faith and every color. It is a good community to represent in Congress and it is a good community to be part of, and to call home.

There is a particular uniqueness to Laurelton, as exemplified by Ginger's remarks. Laurelton is a community where racial conflict has given way to a harmonious and integrated way of life, where people relate to each other as neighbors and friends.

I would like to share with my colleagues Ginger's remarks—which were called to my attention by people in Laurelton—as eloquently reaffirming something of what is great about America:

INSTALLATION ADDRESS

Our nation has long been known as a country of pioneers constantly on the move in search of new frontiers, leaving in their wake embryonic communities that became stopovers or way-stations for the next wave of those in quest of the better life.

But we've now traversed this huge country from coast to coast, and there are no really new geographic frontiers in America, so we must settle in and make a commitment to the communities in which we live. We must make our communities the permanent bases to which, through our commitment and efforts, we bring that degree of perfection that we—each of us—seek.

And this can be done by focusing our attention and energies upon those for whom many of us want that better life—our children.

I believe that we in Laurelton have done just that.

We have not abdicated our responsibility for the education of our children. Rather, we have been an integral part of that education process. And we must continue and redouble our efforts in this direction.

P.S. 156, the Laurelton school, has a student population of 1,200. Relative to New York City's total student enrollment, that's not a large number. But, to us, it is important because these students are our children. They are our most important responsibility and our community's most vital asset. For it is only through them that Laurelton will continue to thrive and prosper.

What we all want for our sons and daughters is a truly exemplary education, one that prepares them well for the next stage in their ongoing learning process—both formal and informal. This can only be achieved by the cooperative efforts of parents and teachers.

Our school is most fortunate in having an excellent staff and administration vital to us and to our children in these, their formative years. They have earned our confidence and our gratitude.

But we, as parents, cannot—must not—let our good fortune allow us to become less

diligent in our efforts to ensure that improved standards of education are sought, provided and maintained for our children. This is no mean task. It requires our continued dedication and vigilance. The Parent Association of P.S. 156 has shown, time and time again, that it has an abundance of both these qualities.

It is with this knowledge that I thank you, most humbly, for investing your confidence in me. My election to the office of President of the Parents Association is an honor that I shall cherish, and I will endeavor to serve the families and children of our community with dignity and integrity. But our association can only be as good as the sum of the efforts of all of its members. I look to you for your interest, support and guidance.

Again, I thank you for the honor you have bestowed upon me.

REPEAL THE 25TH AMENDMENT

The SPEAKER. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

Mr. GONZALEZ. Mr. Speaker, our Constitution is remarkable for its durability. The institutional arrangements created by the Constitution have met the test of time incredibly well. I am convinced, however, that one of the recent additions ought to be deleted. I am once again introducing a resolution to repeal the 25th amendment.

The 25th amendment is intended to establish an orderly succession in the event the President dies or becomes disabled, or in the event of a vacancy in the office of Vice President. These are not easy problems, and there are no neat solutions. The 25th amendment is, in the words of the current Constitution, revised and annotated, "an effort" in that direction. But, note this, the commentary concludes:

It can no doubt be improved upon, but for the present it is apparently the consensus that the amendment offers the Nation a workable procedure in case one should be needed.

The need has arisen, and it is past time to give thoughtful consideration to the adequacy of this procedure.

At the time this amendment was enacted, it was in response to the murder of President Kennedy, which created a vacancy in the Office of the Vice President for which no replacement could be named, there being no procedure for it. Moreover, it was thought that something had to be done about the possibility of Presidential inability—for suppose that the President had been the victim of massive and disabling—but not fatal—brain damage? Could a vacancy be declared? It was not the first time this case had existed; Garfield lived for 80 days after being wounded, and Wilson suffered a disabling stroke 18 months before expiration of his term of office.

The solution of the amendment was to permit the principal officers of the executive departments or of such other body as Congress may by law provide to send a written declaration to the Speaker of the House and the President pro tempore of the Senate to the effect that the President is unable to carry on—whereupon a vacancy would exist, and the Vice President assume the powers and duties of office as Acting President. Later,

if the President were to revive, he could serve notice and resume office. It would be up to Congress to resolve any dispute.

The question that was not asked was whether or not it might be possible for a cabal to conspire against a President and declare him disabled. At the time, and even now, this may seem too incredible a situation to arise, but is it? We have already seen how a Vice President could be a simple crook, and forced to resign; and we have likewise seen how a President could become enmeshed in a criminal conspiracy, and forced to resign in the face of overwhelming evidence that made impeachment the inevitable alternative. That left us with an unelected Vice President who succeeded to the Presidency, and with another unelected Vice President who might well have succeeded him.

If such incredible events as these could arise, it might also be possible that unthinkable events of another character could also arise, and deprive a wholly competent President of office. Suppose a President fell into some kind of immense public disfavor. Could he be deprived of office by anxious cabinet appointees anxious to save the fortunes of their party, aided by an equally anxious and complicitous party in Congress? It is not impossible to imagine. Consider the case of Andrew Johnson, who was nearly impeached—not because he had committed any crime, but because he was in violent disagreement with his cabinet and their party in Congress, who happened not to share his political views. If forces of that kind had been able to use the tool of the 25th amendment the course of history might well have been very different.

The framers of the Constitution, and those who would amend it, must take into account all kinds of possible situations, even the bizarre. For the bizarre has happened, both before and after the 25th amendment. It is not an instrument adequate to the possible tests. The only time that this particular amendment would come into play would be in the midst of exactly the kind of tragic and bizarre situations that I have mentioned—the kind of times when our institutions are at their weakest. The amendment ought to be repealed, because, in the words of the analyst, it is an effort that can be improved upon. The time to do that is now, while we can see and think clearly—not later, in the midst of some unforeseeable tragedy, or in the aftermath of a great trauma.

HUMAN RIGHTS AND CAPTIVE NATIONS WEEK

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. Flood) is recognized for 5 minutes.

Mr. FLOOD. Mr. Speaker, anyone who knows the meaning and tradition of the Captive Nations Week observances since 1959 cannot but declare a full awareness of the natural bond between the captive nations thesis and any advocacy of human rights.

As a current congressional reprint being widely circulated both in this country

and abroad expresses in its apt title, "Human Rights Are Old Hat for Captive Nations." And indeed they are old hat, for the captive nations analysis has always, and necessarily so, stressed human rights in all generic spheres of the concept—not only the personal, not only the civil, but also the national.

All too many in this country who speak in behalf of human rights tend to ignore the last category and thus fail to understand the virtual identity of human rights and captive nations. Captive nations are a natural for human rights formulation of policy.

Objectively, my selected reports on the week must carry comments and interpretations of 19 years of Captive Nations Week observances. Mr. Speaker, I request that the following items be appended to my remarks: The proclamation by Gov. James R. Thompson of Illinois; the certificate of recognition by Gov. Mills Godwin of Virginia; the proclamations by Mayor Michael A. Blandie of Chicago, and Mayor Vincent J. Thomas of Norfolk, Va.; and a news account in the July 18 issue of News World on "Rally Held for Captive Nations."

The proclamations follow:

STATE OF ILLINOIS, PROCLAMATION

The nineteenth observance of Captive Nations Week beginning July 11 will be culminated with a parade at noon Saturday, July 16, down State Street in Chicago.

The colorful, annual event, with its different ethnic groups, reminds us that many peoples throughout the world are denied the right of self-determination and the freedom that we here take for granted. Through the years liberty-loving people have sought the freedom of America where they can worship as they wish and develop their talents in our free society.

Their different customs and characteristics have made our lives more exciting and interesting, broadened our perspective, and enriched the culture of our state. Getting to know them has given us a warm understanding and sympathy for the aspirations of all peoples.

Appreciative of their contributions to the growth and development of this Prairie State, I, James R. Thompson, Governor of the State of Illinois, proclaim July 11 through 16, 1977, Captive Nations Week and suggest that all Illinoisans participate in the observance.

CERTIFICATE OF RECOGNITION

By virtue of the authority vested by the Constitution in the Governor of the Commonwealth of Virginia, there is hereby officially recognized: "Captive Nations Week 1977."

Many people in Europe and Asia remain under the dominance of collective dictatorships, which deny the freedoms they once enjoyed.

Calling attention to their plight, the Congress of the United States and the National Captive Nations Committee, Inc. of Washington observe the period July 17-23 as Captive Nations Week, and I call the reminders it suggests to the attention of Virginians everywhere.

OFFICE OF THE MAYOR, CITY OF CHICAGO, PROCLAMATION

Whereas, our city's annual observance of Captive Nations Week will be highlighted by a State Street parade at noon on July 16th; and

Whereas, under auspices of the Captive Nations Friends Committee, the week's activities will direct public attention to the

plight of people whose homelands are under Communist control; and

Whereas, many citizens of these countries are linked by family ties to residents of this community, and it is commendable that United States citizens, in appreciation of their freedoms, should extend sympathy and the hope of freedom to their fellow-men and women whose liberty has been denied:

Now, Therefore, I Michael A. Blandie, Mayor of the City of Chicago, do hereby proclaim the period of July 11 through July 16, 1977, to be Captive Nations Week in Chicago and urge all citizens to take cognizance of the special events arranged for this time.

Dated this 3rd of June, 1977.

CITY OF NORFOLK, VA., A PROCLAMATION

Whereas, the policies of Communist Russia have led to enslavement for many peoples of many captive nations in all parts of the world; and

Whereas, the desire for liberty and independence by the overwhelming majority of peoples in these nations constitutes a powerful deterrent to any ambitions of Communist leaders to initiate a major war; and

Whereas, the freedom-loving peoples in the captive nations look to the United States as the citadel of human freedom and to the people of the United States as the leaders in bringing about their freedom and independence; and

Whereas, the Congress of the United States, by unanimous vote, passed Public Law 86-90, establishing the third week in July each year as Captive Nations Week and inviting the people of the United States to observe such week with appropriate prayer, ceremonies and activities as expressions of their sympathy with and support for the just aspirations of captive peoples,

Now, therefore, I, Vincent J. Thomas, Mayor of the City of Norfolk, do hereby proclaim the week of July 17-23, 1977, as

Captive Nations Week in Norfolk, and I call upon the citizens of our community to join with others across the nation in observing this week by offering prayers and dedicating their efforts toward the peaceful liberation of the captive nations.

Given under my hand this 15th day of July, 1977.

RALLY HELD FOR CAPTIVE NATIONS

(By Cheryl Smith)

With guest speakers Rep. Mario Biaggi and mayoral candidates Mario Cuomo and Barry Farber in attendance, the chairman of the Captive Nations Committee of New York read a declaration to hundreds of New Yorkers yesterday calling for maximum U.S. aid "to help liberate all nations under communistic control and imperialistic control."

"Our people, our lands are in slavery," stated one spokesman. "We must never stop fighting for their freedoms, although we may now be free."

Biaggi said that in his recent visit to six Far Eastern countries, the heads of state were deeply concerned about human rights.

"In Japan, South Korea, Indonesia, Thailand—all the heads of state were understanding and sympathetic to the human rights issue," he said. "I think it is so important for people to continue to work here, doing things like this. 'It's collective efforts like this that will pay off in the end.'"

Earlier, some 500 people attended a special High Holy Mass at St. Patrick's Cathedral.

Rt. Rev. Basil II, Losten, Ukrainian Bishop of Philadelphia, warned the congregation that "the enemy never sleeps," and asked them: "Are we also sleeping when Christ, His church and His People need us the most?"

He concluded the stirring sermon by assuring them that "the oppressed will be set free."

survival; alleged failure of Justice Dept to prosecute Capper-Volstead Act violators.

H521-20.8: July 16, 1973. p. 193-221.

Witness: BOOKEY, Jerry, pres, United Egg Producers.

Statement and Discussion: Effects of reduced domestic availability of soybean products on egg industry; charged food chain entry into egg production as raising prices and eliminating competition, advisability of eliminating egg futures market.

Insertion: Standard and Poor's Corp stock rpts on production of feed grains from certain cos (p. 211-218).

H521-20.9: July 17, 1973. p. 223-236.

Witness: FORTES, Harry M., atty; former member, Chicago Mercantile Exchange.

Statement and Discussion: Charged manipulative practices in futures trading, particularly in soy beans, and negative impact on consumer prices.

H521-20.10: July 17, 1973. p. 236-311.

Witness: NADER, Ralph, Corporate Accountability Research Corp; accompanied by Moore, Beverly C., Jr.

Statement: Criticism of nutritional quality of food and anti-competitive pricing practices of food industry. (p. 236-244)

Discussion: Failure of Justice Dept and USDA to prosecute producer cooperatives under Capper-Volstead Act authority; desirability of establishing nationwide quality food grading system; suggestions for (speech, p. 289-293) eliminating misleading food advertising. (p. 244-311)

Insertions: Percentage of empty space in food packages, Consumer NewsWeek, June 18, 1973 table (p. 281-282).

"Advertising and Competition" by Asst Atty Gen, Donald F. Turner before Briefing Conf, Fed Controls of Advertising and Promotion, June 1966, D.C. (p. 285-289).

"The Facts of SAMI" (Selling Areas-Marketing, Inc), pamphlet on warehousing withdrawals to food stores (p. 296-311).

H521-20.11: July 19, 1973. p. 313-344.

Witness: MUELLER, Willard F., prof, Univ of Wis.

Statement and Discussion: Charged adverse effects on consumers of food industry advertising and conglomerate concentration; desirability of amending Federal Reports Act to allow FTC to obtain economic data without OMB approval; suggested approaches to ultimate restructuring of concentrated industries and reform of antitrust agencies.

H521-20.12: July 19, 1973. p. 344-377.

Witness: HIGHTOWER, James, dir, Agribusiness Accountability Project; accompanied by Mills, Nancy, assoc.

Statement and Discussion: Negative impact of conglomerate food industry activities on family farm production and profits and on retail prices; need for legislation to prevent non-agricultural corporations from buying into cooperatives.

Insertion: "Food, Farmers, Corporations, Earl Butz . . . And You" by J. Hightower (p. 361-377).

H521-20.13: July 19, 1973. p. 377-389.

Witness: SCOPETTA, Nicholas, commr of investigation, NYC.

Statement and Discussion: Overview of NYC investigation of criminal practices in meat industry and effect of practices on pricing.

H521-21 NOMINATION OF GERALD R. FORD TO BE THE VICE PRESIDENT OF THE U.S.

Nov. 15, 16, 19-21, 26, 1973.

93-1. \$4.85 8item 1020.

v+793 p. Y4.J89/1:93-16.

Committee Serial No. 16. Hearings, under jurisdiction of the 25th Amendment to the Constitution, to consider the nomination of House Minority Leader, Gerald R. Ford (R-Mich), to be Vice President of the U.S., to fill vacancy created by Spiro T. Agnew's resignation.

Contains numerous discussions throughout volume among Committee members on lack of access for some members to FBI data on nominee, on questioned advisability of confirmation hearings in view of possible pending Presidential impeachment proceedings, and on advisability of extending hearings beyond scheduled sessions.

Includes additional statements (p. 713-720) and Appendices (p. 721-793) containing correspondence, submitted responses by nominee to Committee questions, articles, and a CRS study, "Analysis of the Philosophy and Voting Record of Representative Gerald R. Ford, Nominee for Vice President of the U.S." Oct. 25, 1973 (p. 721-773).

(Note: adherence to the 5- or 10-minute limit on Congressmen's questioning and the often repetitive nature of subjects covered frequently preclude specific page references to individual subjects discussed.)

H521-21.1: Nov. 15, 16, 1973. p. 6-174.

Witness: FORD, Gerald R., (Rep, R-Mich); Minority Leader, House of Reps; nominee to be VP of the US.

Statement: Concepts of Vice-Presidential Office functions. (p. 6-10)

Discussion: Explanation of changed attitudes toward theories of executive privilege; proposed efforts to improve credibility image of the President and congressional-executive relations; extent of nominee's knowledge of or responsibility for Michigan campaign financing.

Attitudes about possible necessity of deceptive White House announcements to the public involving national security matters; defense of civil rights views and voting record; response to charged intervention with GSA (correspondence, p. 107-115) to obtain business for a Grand Rapids furniture company.

Extent of participation (correspondence, p. 159-166) in obtaining food stamp distributorship for a Michigan gas station owner selling low-cost food items. (p. 10-174)

Insertion: "Ford's Rating in Congressional Quarterly Vote Studies," list and table (p. 100).

H521-21.2: Nov. 19, 1973. p. 175-206.

Witness: HARRINGTON, Michael J., (Rep, D-Mass)

Statement and Discussion: Reservations on nominee's leadership qualifications in view of possible elevation to Presidency; questioned validity of President Nixon's selection of nominee pending completion of Watergate investigations and of congressional confirmation as capable of performing electorate's desires.

H521-21.3: Nov. 19, 1973. p. 207-250.

Witness: MITCHELL, Clarence, dir, Wash Bur, NAACP.

Statement: Assessment of nominee's civil rights attitudes and voting record since 1949. (p. 207-217)

Discussion: Possibilities for broadened civil rights perspectives in Vice-Presidential role; difficulty in understanding nominee's anti-civil rights stands when not based on political expediency in Michigan; relative importance of civil rights views in overall assessment of candidate. (p. 217-250)

Insertion: Excerpt from Congressional Record, July 1965, containing Rep. Ford's remarks on amendments to the Voting Rights Act (p. 244-249).

H521-21.4: Nov. 19, 1973. p. 251-269.

Witness: BOLAND, Edward P., (Rep, D-Mass)

Statement and Discussion: Value of nominee's ability to improve congressional relations with the executive branch; correlation of nominee's qualifications with President Nixon's announced criteria for selection.

H521-21.5: Nov. 19, 1973. p. 269-326.

Witness: RAUH, Joseph L., Jr., vice chm, Amers for Democratic Action (ADA).

Statement and Discussion: Opposition to nominee's confirmation based on voting records in civil rights, social programs, labor and war powers, and on his attack on the Federal judiciary; response to nominee's characterization of Senate ADA testimony as a "political diatribe"; importance of nominee's compatibility with Congress as well as with the President.

Civil libertarian views on offenses constituting grounds for impeachment; disagreement with views holding rapid Ford confirmation as needed factor to hasten Nixon impeachment procedures; possible advisability of a judicial review in case of impeachment conviction of the President.

Insertions: Defense of nominee's civil rights voting record, by M. A. Dawkins, Research and Educ Service, submitted by Committee Member Edward Hutchinson (R-Mich) (p. 314-317).

"The Justice William O. Douglas Impeachment Case: A Comparison of Rep. Gerald Ford's Apr. 15, 1970 Speech, Justice William Douglas' Fact Brief, and Subcom's Disposition of Charges" (p. 322-326).

H521-21.6: Nov. 20, 1973. p. 329-367.

Witness: HUTSCHNECKER, Arnold A. (Dr.), NYC physician and psychiatrist.

Statement and Discussion: Denial of "medical relationship" with nominee as charged in book "Washington Pay-Off" by Robert Winter-Berger.

H521-21.7: Nov. 20, 1973. p. 368-379.

Witness: WESTON, Alice, Elyria, Ohio.

Statement and Discussion: Circumstances leading to witness' introduction of nominee to Mr. Winter-Berger, and denial of latter's allegations of payment for introduction.

H521-21.8: Nov. 20, 1973. p. 379-473.

Witness: WINTER-BERGER, Robert N., lobbyist.

Statement and Discussion: Circumstances surrounding witness' signing of an affidavit (text, p. 385-388) in connection with Jack Anderson column for the Washington Post, alleging

nominee's acceptance of sizeable cash loans from witness, appointments arranged with Dr. Hutschnecker, and favors arranged for contributors to Republican campaigns; description of "influence peddling" in conjunction with claimed activities as a conduit to nominee for possible future favors for Nathan Voloshen, now-deceased wealthy lobbyist. (p. 379-409)

Accounts of nominee's assistance in an immigration waiver matter (relevant correspondence, p. 411-436) for witness' client. (p. 409-473)

Insertion: Income tax statements, 1964-66 for Mr. Winter-Berger (p. 440-455).

H521-21.9: Nov. 20, 1973. p. 474-495.

Witness: BITTMAN, William O., former Justice Dept atty; currently, Hogan & Hartson, Wash, DC.

Statement and Discussion: Account of communications, during period of representing Louis E. Wolfson in New York District Court criminal cases, with Benton L. Becker, a congressional counsel representing Mr. Ford during Justice William O. Douglas' impeachment investigation (correspondence, p. 481-483); possible inference by witness of a reciprocal exchange of favors.

H521-21.10: Nov. 20, 1973. p. 495-531.

Witness: BECKER, Benton L., former Justice Dept and congressional atty; currently in Md private practice.

Statement and Discussion: Denial of unethical activities as inferred by previous witness, William O. Bittman; description of functions as representing various Congressmen, particularly Mr. Ford, in investigating Douglas impeachment possibilities.

H521-21.11: Nov. 20, 1973. p. 534-548.

Witness: LARSON, James, pres, Natl Lawyers Guild.

Statement and Discussion: Opposition to confirmation on basis of claimed invalidity of 1972 Presidential election; enumeration of alleged Administration fraudulent activities.

H521-21.12: Nov. 20, 1973. p. 549-567.

Witness: FLETCHER, Arthur A., former Asst Sec of Labor for Employment Standards; pres, private employment standards consulting firm; consultant to Republican Committee on minority aff.

Statement and Discussion: Nominee's efforts in support of the "Philadelphia Plan," a Labor Dept program to promote increased minority hiring by federally-contracted construction firms; presentation of nominee's positive civil rights attitudes; validity of political expediency as a possible reason for nominee's negative civil rights voting record.

H521-21.13: Nov. 21, 26, 1973. p. 569-711.

Witness: FORD, Gerald R., (Rep, R-Mich); Minority Leader, House of Reps.

Statement and Discussion: Nominee's positions on various aspects of the Watergate Affair, including dismissal of Prosecutor Cox; responses to allegations by previous witness, R. N. Winter-Berger; explanation of various questioned campaign contributions.

Details of the Justice Douglas impeachment investigation, including possible relationship to Congress' rejections of two Supreme Court nominations, and possible use of unsubstantiated Justice Dept files; defense of civil rights voting record.

H522 JUDICIARY Committee, House

Prints

H522-1 OPERATION OF THE AMERICAN REVOLUTION BICENTENNIAL COMMISSION. Dec. 21, 1972. 92-2. † vi+201 p. il.

Staff review and evaluation of American Revolution Bicentennial Commission (ARBC) operations, functions, program accomplishments to date, and involvement of women and minority groups. Appendices (p. 47-201) include relevant correspondence, Presidential communications, and:

- a. P.L. 89-491, to establish the ARBC, text (p. 54-57).
- b. ARBC Report to the President, July 4, 1970 (p. 58-78).
- c. ARBC "Bicentennial Parks Feasibility Study: Phase 1, Volume 1" Nov. 9, 1972 (p. 84-126).
- d. "Suggested Legislation Restructuring ARBC" by committee staff for 93rd Congress, text (p. 130-132).
- e. GAO "Organization and Operations of the American Revolution Bicentennial Commission," report (p. 133-201).

H522-2 RULES OF PROCEDURE. Feb. 6, 1973. 93-1. † 4 p.

Contains text of rules of procedure for the committee, as adopted Feb. 3, 1973.

H522-3 ILLEGAL ALIENS, A Review of Hearings Conducted During the 92d Congress by Subcom No. 1. Feb. 1973. 93-1. † v+27 p. Y4.J89/1:A14/6. 27233(73).

Summarizes hearings during the 92d Congress before Subcom No. 1, on Immigration and Nationality, and conferences with State, Labor, and Justice Depts on the illegal alien problem, including administration and enforcement of the Immigration and Nationality Act as affected by illegal aliens.

H522-4 LEGISLATIVE CALENDAR, No. 1. Apr. 19, 1973. 93-1. † v+233 p. Oversized. Y4.J89/1:93/cal.1. 18552(73). 46-44494.

Cumulative record of committee activities to Apr. 19, 1973.

H522-5 THE U.S. COURTS. Their Jurisdiction and Work. July 1, 1973. 93-1. \$0.15; \$0.25 ppd. S/N 5270-01869. v+16 p. Y4.J89/1:C83/6/973. 29931(73). 73-602268.

Updated brochure by Joseph F. Spaniol, Jr., Administrative Office of the U.S. Courts, describing the system and function of U.S. courts (chart, p. 3, map, p. 6).

Appendix includes U.S. Court Directory, as of May 1, 1973, by States (p. 14-15), and bibliography (p. 15-16).

H522-6 LEGISLATIVE CALENDAR, No. 2. Aug. 31, 1973. 93-1. † vi+332 p. Oversized. Y4.J89/1:93/cal.2. 46-44494.

Cumulative record of committee activities to Aug. 31, 1973.

H522-7 IMPEACHMENT. Selected Materials. Oct. 9, 1973. 93-1. \$4.40 S/N 5270-02032. vi+718 p. Y4.J89/1:Im7/2. 940(74). 73-602919.

Compilation of materials on the constitutional and procedural bases for impeachment of civil officers of the U.S. Contains:

- a. Provisions of the U.S. Constitution Regarding the Matter of Impeachment (p. 1).
- b. Debate on the Question: "Shall the Executive Be Removable on Impeachments?" from Journal of James Madison, Records of the Federal Convention, July 20, 1787 (p. 3-6).
- c. Debate in the First Congress, 1789, on the Establishment of Executive Departments and the Power of Removal From Office (p. 7-20).
- d. Procedure of the Congress in Matters Relating to Impeachment, from Jefferson's Manual of Parliamentary Practice and Rules of the House of Representatives (p. 21-26).
- e. Impeachable Offenses: Extracts from Hinds' and Cannon's Precedents of the House of Representatives (p. 27-123).
- f. Articles of Impeachment Voted by the House of Representatives, against: William Blount, John Pickering, Samuel Chase, James H. Peck, West H. Humphreys, William W. Belknap, Charles Swayne, Andrew Johnson, George W. English, Robert W. Archbald, Harold Louderback, and Halsted L. Ritter (p. 125-202).
- g. Impeachment of President Andrew Johnson, including Proceedings of the Senate (Feb.-Mar. 1868) Preliminary to and Sitting For the Trial (Mar.-May 1868) of the Impeachment (p. 203-370).
- h. Report of the Committee Appointed on the 29th Dec., 1826, on a Letter of John C. Calhoun, Vice President of the U.S. Asking an Investigation of His Conduct While Secretary of War (p. 371-600).
- i. Report of the Committee on the Judiciary, 42d Congress, 1873, on Inquiry as to Impeachment in Credit Mobilier Testimony (Regarding Schuyler Colfax, Vice President of the U.S.) (p. 601-615).
- j. Berger, Raoul "Impeachment for 'High Crimes and Misdemeanors'" from 44 Southern California Law Review 395 (1971) (p. 617-662).
- k. Fenton, Paul S. "The Scope of the Impeachment Power" from Northwestern University Law Review, vol. 65, no. 8 (p. 663-688).

H521-64.7

Statement and Discussion: Procedures for various categories of surveillance activities; opposition to all proposed legislation, particularly to H.R. 9698, to eliminate the use of electronic surveillance in all criminal cases.

Insertion: "Telephone Interception and Eavesdropping," DOD directive, Aug. 17, 1967 (p. 169-172).

H521-64.8: Apr. 26, 1974. p. 178-201.

Witness: CAMING, H. W. William, atty, Amer Telephone and Telegraph Co.

Statement and Discussion: Overview of company procedures to insure customer privacy; historical and current experience with law enforcement surveillance.

H521-64.9: Apr. 29, 1974. p. 203-235.

Witness: MILLER, Edward S., Dep Assoc Dir, FBI; accompanied by Cleveland, William M., Asst Dir, Spec Investigative Div; and Decker, Andrew J., Jr., Inspector, Intelligence Div.

Statement: Value of electronic surveillance in combating organized crime; impact of individual proposed bills on FBI operations. (p. 203-214)

Discussion: Problems encountered in procuring warrants for domestic surveillance cases. (p. 214-235)

H521-64.10: Apr. 29, 1974. p. 236-253.

Witness: BENDER, William J., administrative dir, Constitutional Litigation Clinic, Rutgers Univ Law School.

Statement and Discussion: Charged governmental abuses of first and fourth amendment and statutory rights in eight major criminal and civil cases involving electronic surveillance; opposition to all legislation allowing electronic surveillance in claimed national security cases.

H521-65 NOMINATION OF NELSON A. ROCKEFELLER TO BE VICE PRESIDENT OF THE U.S.

Nov. 21, 22, 25-27, Dec. 2-5, 1974. 93-2. v+1411 p. ii. † CIS/MF/17 Item 1020.

Hearing to consider the nomination of Nelson A. Rockefeller (former Gov, New York State) to be Vice President.

Appendices (p. 1063-1411) include submitted statements, correspondence, and:

- Institute for Policy Studies, "The Disability of Wealth" (p. 1063-1093).
- Bronston, Jack E. (State sen), "Pay-As-You-Go: The Great Hoax" paper on Rockefeller State budget policies (p. 1094-1105).
- Rockefeller Brothers Fund, "Annual Report, 1973" (p. 1203-1300).
- Rockefeller Family Fund, "Report, 1973" (p. 1301-1324).

H521-65.1: Nov. 22, 23, Dec. 5, 1974. p. 5-293, 1003-1062.

Witness: ROCKEFELLER, Nelson A., nominee to be VP.

Statement and Discussion: Review of positions on current national issues; summary of State and national government service; description of personal and family wealth; explanation of gifts to friends and public figures.

Insertions: Nelson A. and Margaret F. Rockefeller: net worth statements; tax return summaries, 1964-73; and list of stocks and securities (p. 23-36).

Lists of Nelson Rockefeller cash gifts to individuals, charities, and political organizations and candidates, 1957-74 (p. 36-57).

"Legality of Loans and Gifts by Nelson A. Rockefeller to Members of His Staff and to Other State Employees," brief (p. 283-289).

H521-65.2: Nov. 26, 1974. p. 585-612.

Witness: LAWRENSON, C. Edward, natl exec dir, Natl Assn for Justice (NAJ).

Statement and Discussion: Refutation of Angela Davis' testimony before the House Rules and Administration Committee criticizing Rockefeller's handling of Attica prison uprising; review of NAJ penal reform activities.

H521-65.3: Dec. 12, 1974. p. 850-869.

Witness: ASH, Ara Russell, former staff member, Natl Security Council (NSC).

Statement and Discussion: Account of 1969 conversation with Henry Kissinger in which Kissinger related his belief that Rockefeller had been informed of FBI wiretaps on certain NSC staff members.

H521-65.4: Dec. 4, 1974. p. 948-1002.

Witness: RONAN, William J., sr advisor, Rockefeller Family and Assocs.

Statement and Discussion: Relationship with Rockefeller first as Secretary to the Governor and later as chairman of NYC Metropolitan Transportation Authority; explanation of circumstances surrounding receipt from Rockefeller of gifts totalling \$510,000.

H521-65.5: Wealth and Gifts.

Witnesses: DOMHOFF, G. William, prof, p. 717-771.

SCHWARTZ, Charles L., prof, p. 717-771. DILWORTH, J. Richardson, administrative and financial officer, Rockefeller Family and Assocs, p. 773-849.

ROCKEFELLER, Laurance S., brother of nominee, p. 871-947.

Statements and Discussion: Review of issues associated with financial holding of nominee and nominee's family; propriety of nominee's numerous gifts of money to staff members and public officials.

H521-65.6: Rockefeller Opposition.

Witnesses: ABZUG, Bella S., (Rep, D-NY), p. 631-673.

BURNS, Haywood, representing Attica Bros Legal Def, p. 546-584.

DALL, Curtis B., chm, Bd of Policy, Liberty Lobby, p. 350-361.

EVE, Arthur O., assemblyman, New York State, p. 295-349.

GONZALEZ, Mariano Dalou, representing Attica Bros Legal Def, p. 546-584.

LaROUCHE, Lyndon H., Jr., natl chm, US Labor Party, p. 533-545.

LEE, Kenneth E. (Rev.), pres, Wash Christian Action Council, p. 617-629.

MIRER, Jeanne, treas, Natl Lawyers Guild, p. 374-434.

RAUH, Joseph L., Jr., vp, Amers for Democratic Action, p. 471-533.

ROBERTS, James C., political dir, Amer Conservative Union, p. 435-451.

RYAN, Ada B. (Dr.), representing Natl Right to Life, p. 361-374.

Statements and Discussion: Opposition to nominee's confirmation on various grounds including uses and implications of personal wealth; criticism of policies and actions while Governor of New York including handling of Attica prison uprising, emphasis on law and order, and efforts to reduce welfare roles; impact of Rockefeller-supported liberalization of New York abortion laws (Ryan).

Insertions: Memorandum in Support of Resolution to Impeach Gov. Nelson A. Rockefeller for His Wrongful and Unlawful Conduct in Connection with the Handling of the Attica Correctional Facility Inmate Rebellion (p. 301-308).

"A Historical Sketch of the National Lawyers Guild in American Politics, 1936-1968" by Doron Weinberg and Marty Fassler (p. 392-419).

H521-65.7: Rockefeller Support.

Witnesses: ALLEN, Ethel D., vice chm, Council of 100, p. 451-469.

RHODES, John J., (Rep, R-Ariz), p. 673-696. ROBISON, Howard W., (Rep, R-NY), p. 673-696.

ANDERSON, John B., (Rep, R-Ill), p. 697-716.

Statements and Discussion: Support for confirmation based on experience and integrity of nominee.

Insertion: Submitted statements in support of Rockefeller nomination from Reps. Shirley Chisholm (D-NY), Robert H. Michel (R-Ill), Joe D. Waggoner, Jr. (D-La), and James J. Delaney (D-NY) (p. 678-684).

H522 JUDICIARY Committee, House Prints

H522-1 ADMINISTRATION OF MILITARY CLAIMS IN EUROPE.
1973. 93-1. iii+36 p. †
CIS/MF/3
09842(74).

Report of the Subcom on Claims and Governmental Relations on its Aug. 1973 study mission to five European countries to investigate administration of claims by foreign nationals against the U.S. due to action of the military and of claims in behalf of the U.S.

Includes lists of statutes authorizing settlement of claims (p. 1-2), review of NATO claims administration in Belgium by the Army and U.S. Claims Office, in Great Britain by the AF, in Germany by the Army, Navy claims activity related to 6th fleet operations headquartered in Italy, and in Spain by the AF. Also examines provisions of the NATO Status of Forces Agreement covering claims procedures for each of the above countries.

Appendices (p. 21-36) contain a report on discussion with European representatives regarding H.R. 3493, to define circumstances in which foreign states are immune from U.S. courts jurisdiction and in which execution may not be levied on their assets, and texts of European Convention on State Immunity and Additional Protocol, adopted by the Council of Europe, May 16, 1972.

- d Work of staff as of Mar. 1, 1974, including further counsel biographies (p. 2225-2236).
- e Status rpt as of Apr. 24, 1974 (p. 2239-2248).
- f Impeachment inquiry procedures, text (p. 2251-2252).
- g Resolution offering two articles of impeachment, by Harold D. Donohue (Rep, D-Mass) (p. 2255-2258).

H521-14 **PARDON OF RICHARD M. NIXON, AND RELATED MATTERS.**

Sept. 24, Oct. 1, 17, 1974.
93-2. iv+271 p. †
CIS/MF/5 †Item 1020.
Y4.J89/1:93-60.
75-601348.

Committee Serial No. 60. Hearings before the *Subcom on Criminal Justice* to express concerns and sense of Congress regarding the impact on future public Watergate disclosures of President Gerald R. Ford's pardon of former President Richard M. Nixon following the latter's resignation.

Members of Congress introduce and testify on various House resolutions and bills (37 texts in Appendix, p. 191-260) concerning one or more of the following issues:

- a Continuation of Watergate Special Prosecution Force's criminal investigations.
- b Possible issuance of additional pardons to persons involved in Watergate matters.
- c Ability of the Watergate Special Prosecutor to make public all information compiled on alleged Nixon criminal conduct.
- d Possible hindrance of full disclosure of Watergate-related documents and tapes currently in custody of the White House.
- e Requests for specific information from President Ford on events and circumstances leading to the Nixon pardon.

Hearings also include testimony by President Ford appearing voluntarily before Subcom.

Appendix (p. 159-271) also contains:

- a Pertinent correspondence and press conference texts (p. 159-190).
- b Federalist Paper No. 74, by Alexander Hamilton, Mar. 25, 1788, essay on Presidential power to pardon (p. 261-262).
- c Section from Annotated Constitution on repleves and pardons (p. 262-265).
- d Humbert, W. H. "The Pardoning Power of the President" from *Amer Council on Public Affairs* (p. 265-271).

H521-14.1: Oct. 17, 1974. p. 90-158.

Witness: FORD, Gerald R., Pres of the US.

Statement and Discussion: Chronology of events and circumstances leading to Nixon pardon; constitutional justifications for Presidential authority to pardon; answers to specific questions in resolutions of inquiry including knowledge of any pending Nixon charges, discussions with Nixon and others about pardon, knowledge about Nixon health matters, and reasons for granting pardon prior to any charge or conviction.

Insertion: Two Supreme Court opinion texts, *Ex parte Garland* and *Burdick v. U.S.*, regarding culpability assumed with acceptance of a pardon (p. 111-147).

H521-14.2: Members of Congress.

Witnesses: GUDE, Gilbert, (Rep, R-Md), p. 2-13.
McKINNEY, Stewart B., (Rep, R-Conn), p. 13-21.

ABZUG, Bella S., (Rep, D-NY), p. 22-40.
KOCH, Edward L., (Rep, D-NY), p. 41-53.
BINGHAM, Jonathan B., (Rep, D-NY), p. 53-59.
DANIELSON, George E., (Rep, D-Calif), p. 63-81.

STARK, Fortney H., (Rep, D-Calif), p. 81-85.
Statements and Discussion: Appropriateness of various bills and resolutions to provide public access to unrevealed Watergate-related information while protecting individuals still under investigation.

H521-15 **ENFORCEMENT OF SUPPORT ORDERS IN STATE AND FEDERAL COURTS.**

Oct. 25, 1973. 93-1.
iii+99 p. † CIS/MF/4
†Item 1020. Y4.J89/1:93-47.
03671(75). 75-600704.

Committee Serial No. 47. Hearing before the *Subcom on Claims and Governmental Relations* on H.R. 5405 and seven related bills (texts, p. 2-67), to provide for the enforcement of support orders in certain State and Federal courts and to make it a crime to move or travel in interstate and foreign commerce to avoid compliance with such orders.

H521-15.1: Oct. 25, 1974. p. 89-94.

Witness: ANDERSON, Glenn M., (Rep, D-Calif)

Statement and Discussion: Explanation of and need for H.R. 9395.

H521-15.2: Justice Dept Officials.

Witnesses: DIXON, Robert G., Jr., Asst Atty Gen, Office of Legal Counsel, Justice Dept, p. 68-89.

SPANIOL, Joseph F., Jr., Asst Dir for Legal Aff, Administrative Office of the US Courts, p. 95-99.

Statements and Discussion: Analysis of and reasons for opposition to proposed legislation.

H521-16 **U.S. SECRET SERVICE PROCEDURES AND REGULATIONS.**

Aug. 21, Sept. 12, 19, 1974.
93-2. iii+88 p. †
CIS/MF/3 †Item 1020.
Y4.J89/1:93-53.
17145(75). 75-600822.

Committee Serial No. 53. Hearings before the *Subcom on Claims and Governmental Relations* on H.R. 11499 (text, p. 2-6, dept rpts, p. 46-48), to clarify circumstances under which Secret Service protection may be furnished to the President and other persons entitled to protection, particularly with respect to security expenditures which enhance the value of the protectee's private property.

Bill would also revise funding procedures for protective work done by GSA and other Federal depts and agencies, at Secret Service request, on private property of protectees.

Considerable testimony focuses on improvements to Nixon properties at Key Biscayne, Fla. and San Clemente, Calif.

H521-16.1: Aug. 21, 1974. p. 6-24.

Witness: BROOKS, Jack, (Rep, D-Tex)

Statement and Discussion: Support for proposed legislation to prevent repetition of alleged abuses of Nixon Administration. (For further discussion, see H521-16.4.)

H521-16.2: Aug. 21, 1974. p. 25-33.

Witness: GALUARDI, John F., Dep Commr, Public Buildings, GSA.

Statement and Discussion: Support for concept of H.R. 11499, and suggested amendments.

Insertion: Current title status of GSA property improvements and additions at former Pres Nixon's private properties, Justice Dept internal memo, Nov. 21, 1973 (p. 27-33).

H521-16.3: Aug. 21, 1974. p. 33-46.

Witness: KELLER, Robert F., Dep Compt Gen, GAO.

Statement and Discussion: Recommendations from GAO's 1973 report on costs of Secret Service protection at Key Biscayne and San Clemente, and relationship of recommendations to H.R. 11499.

H521-16.4: Sept. 12, 19, 1974. p. 49-88.

Witness: BOGGS, Lilburn E., Dep Dir, Secret Service.

Statement: Opposition to most aspects of proposed legislation; adequacy of procedures (text, p. 51-53) developed jointly by Secret Service and Appropriations Subcoms to supply and fund protective operations. (p. 49-56)

Discussion: (Also covers testimony under H521-16.1.) Difficulties in predicting protection costs; circumstances under which various levels of security are provided, and were provided on Nixon properties; current policies for protection of former Presidents and their families. (p. 56-88)

H521-17 **BUREAUCRATIC ACCOUNTABILITY ACT OF 1974.**

Mar. 27, 1974. 93-2.
iii+83 p. † CIS/MF/3
†Item 1020. Y4.J89/1:93-51.
75-600807.

Committee Serial No. 93-51. Hearing before the *Subcom on Crime* on H.R. 6667, the Bureaucratic Accountability Act of 1973 (text, p. 2-11), to: authorize increased citizen participation in Federal agency policies formulation; provide for Federal payment of expenses and attorney fees for persons unable to pay the cost of participating in agency proceedings; eliminate the defense of sovereign immunity in certain kinds of suits brought against the Federal Government; and to provide for the enforcement of standards in Federal grant-in-aid programs.

Includes submitted statements and correspondence (p. 77-83).

H521-17.1: Mar. 27, 1974. p. 12-42.

Witness: DELLUMS, Ronald V., (Rep, D-Calif); dir, Congressional Black Caucus; accompanied by Brauer, Robert B., Administrator.

Statement and Discussion: Circumstances leading to proposal of legislation; Black Caucus

Guido, Kenneth J., Jr., dir of litigation and assoc gen counsel.

Statement and Discussion: Overview of Common Cause views on proposed legislation; charged Justice Dept failure to act on complaints regarding improper filing of campaign records; disagreement with Justice Dept position on unconstitutionality of S. 372 allowance for proposed Federal Election Commission prosecution of campaign violations.

S681-2.5: June 6, 1973. p. 185-202.

Witnesses: STEVENSON, Adlai E., III, (Sen, D-Ill)

MATHIAS, Charles McC., Jr., (Sen, R-Md)

Statements and Discussion: Introduction and explanation of Federal Election Finance Act of 1973 to establish a Federal Election Commission, provide public financing for Federal election campaigns, and set limits on campaign spending and contributions; views on other proposed bills.

S681-2.6: June 7, 1973. p. 219-235.

Witness: DIXON, Robert O., Jr., Asst Atty Gen, Office of Legal Counsel, Justice Dept.

Statement and Discussion: Explanation of and support for Federal Election Commission as provided under S.J. Res. 110; possible problems in implementing and questioned constitutionality of S. 372; suggested deferment of bill.

S681-2.7: Brief Testimony.

Witnesses: ABOUREZK, James, (Sen, D-SDak), p. 207-217.

BAYH, Birch, (Sen, D-Ind), p. 175-185.

BIDEN, Joseph R., Jr., (Sen, D-Del), p. 202-207.

BYRD, Harry F., Jr., (Sen, Indep-Va), p. 17-23.

BYRD, Robert C., (Sen, D-WVa), p. 2-13.

CANNON, Howard W., chm, Sen Committee on Rules and Admin, p. 158-159.

COOK, Marlow W., (Sen, R-Ky), p. 164-165.

KENNEDY, Edward M., (Sen, D-Mass), p. 165-174.

PATERSON, Basil, vice chm, Democratic Natl Committee, p. 235-243.

SCOTT, Hugh, (Sen, R-Pa), p. 159-164.

SHANLEY, Bernard M., vice chm, Republican Natl Committee, p. 243-248.

WEICKER, Lowell P., Jr., (Sen, R-Conn), p. 23-32.

Brief Items of Testimony: Recommendations and varying support for proposed Federal election reform legislation.

S681-3 NOMINATION OF GERALD R. FORD OF MICHIGAN TO BE VICE PRESIDENT OF THE U.S.

Nov. 1, 5, 7, 14, 1973. 93-1.
† Item 1046. vi+373 p.
Y4.R86/2:F75.

Hearings, under jurisdiction of the 25th Amendment to the Constitution (text, p. 2-4), to consider the nomination of House Minority Leader, Gerald R. Ford (R-Mich), selected by President Nixon to be Vice President of the U.S., to fill vacancy created by Vice President Agnew's resignation.

Considers nominee's qualifications for possible Presidential as well as Vice Presidential roles. Also examines allegations in sworn affidavits and in the book "The Washington Pay-Off" by Robert N. Winter-Berger, of nominee's acceptance of

loans and subsequent granting of special favors, and a possible doctor-patient relationship with an NYC psychiatrist.

Nov. 7 hearing held in executive session (p. 185-282), followed by Committee discussion and press conference (p. 282-288).

Includes opening statement by Chairman Howard W. Cannon (D-Nev) (p. 1-8). Appendix contains investigation rules of procedure, supporting documents, and correspondence (p. 361-373).

(For summary of brief items of testimony, see S681-3.10.)

S681-3.1: Nov. 1, 5, 1973. p. 13-144.

Witness: FORD, Gerald R., (Rep, R-Mich); Minority Leader, House of Reps.

Statement: Personal reactions to nomination; intention to answer all Committee questions fully and truthfully. (p. 13-19)

Discussion: (Note: adherence to the 10-minute limit on Senators' questioning and the often repetitive nature of subjects covered preclude specific page references to the following individual subjects discussed.) Circumstances related to unreported 1970 and 1972 political contributions to nominee's Michigan election campaigns; views on use of executive privilege to withhold information from Congress and the public in cases of suspected criminal actions within the executive branch; explanation of relationships with Robert N. Winter-Berger, including refutation of allegations concerning loans and visits to an NYC psychiatrist.

Opposition, involving views on separation of powers, to a court-appointed prosecutor for Watergate related cases; characterization of previous personal relationships with President Nixon and those envisioned as Vice President; responses to various reports of possible use of influence for special private interests.

Review of financial gains (texts of publishing agreements, p. 90-95) from participation in publications on Warren Commission findings following President Kennedy's assassination; nominee's qualifications and philosophies in foreign relations field; rationale for opposition to forced busing to achieve school desegregation; explanation of concurrence with other Congressmen (statement by Garry E. Brown, p. 129-134) to forestall, allegedly under White House pressure, a House Banking and Currency Committee investigation into financing of the Nixon re-election campaign.

Insertion: Stockbroker statements for Mr. Ford, Grand Rapids, Mich (p. 28-30).

S681-3.2: Nov. 5, 1973. p. 144-164.

Witness: BAYH, Birch, (D-Ind)

Statement and Discussion: Historical background of congressional deliberations leading to the 25th amendment to the Constitution; importance of assessing nominee's credibility and working relationships with the President rather than his voting patterns.

S681-3.3: Nov. 7, 1973. p. 185-198.

Witness: HUTSCHNECKER, Arnold A. (Dr.), NYC physician and psychiatrist.

Statement and Discussion: Claimed non-involvement of physical or mental problems in two visits with nominee; assessment of Mr. Winter-Berger's character and personality; denial of Mr. Winter-Berger's allegations of witness' role as psychiatric counselor to President Nixon.

S681-3.4: Nov. 7, 1973. p. 198-204.

Witness: WESTON, Alice, Elyria, Ohio.

Statement and Discussion: Circumstances leading to witness' introduction of nominee to Mr. Winter-Berger, and denial of latter's allegations of payment for introduction.

S681-3.5: Nov. 7, 1973. p. 204-282.

Witness: WINTER-BERGER, Robert N., lobbyist.

Statement and Discussion: Explanation of conflicts between witness' sworn affidavits and book excerpts, and nominee's denials of allegations; questions of possible income tax evasion and perjury by witness.

Insertions: Affidavit by Francis L. Kellogg in response to allegations of obtaining State Dept post as result of Republican campaign contributions (p. 251-255).

Texts of agreements and judgments against Winter-Berger regarding business liabilities (p. 258-269).

S681-3.6: Nov. 14, 1973. p. 290-302.

Witness: ABZUG, Bella S., (Rep, D-NY)

Statement and Discussion: Opposition to confirmation of nominee; preference for special national election to fill vacancy (legal memo, p. 294-298).

S681-3.7: Nov. 14, 1973. p. 302-316.

Witness: MITCHELL, Clarence, dir, Wash Bur, NAACP.

Statement and Discussion: Summary of nominee's civil rights voting record.

S681-3.8: Nov. 14, 1973. p. 316-348.

Witness: RAUH, Joseph L., Jr., vice chm, Amers for Democratic Action (ADA).

Statement and Discussion: ADA's unanimous opposition to confirmation based on nominee's civil rights and parochial interest voting records, and on leadership in impeachment attack against Supreme Court Justice William O. Douglas; importance of Congress' decision on nomination in representing the electorate; possible effects of nominee's confirmation on resignation or impeachment of President Nixon.

Insertion: Comparison of Rep. G. R. Ford's Apr. 15, 1970 speech charging Justice Douglas with impeachable offenses, a fact brief by Douglas, and the Spec Subcom findings (p. 327-330).

S681-3.9: Nov. 14, 1973. p. 352-357.

Witness: BANZHAF, John F., III, prof, Natl Law Center, George Wash Univ.

Statement and Discussion: Opposition to allowing President to choose new Vice President, on basis of possible illegal implications in the Agnew resignation.

S681-3.10: Brief Testimony.

Witnesses: ARENDS, Leslie C., (Rep, R-Mich), p. 166-168.

ASHBROOK, John M., (Rep, R-Ohio), p. 172-173.

BOLLING, Richard, (Rep, D-Mo), p. 168.

COOK, Marlow W., (Sen, R-Ky), p. 8-10.

DAWKINS, Maurice A., natl dir, Natl Govt and Legis Relations, Research and Educ Service, p. 348-352.

GRIFFITHS, Martha W., (Rep, D-Mich), p. 170-172.

MAHON, George H., (Rep, D-Tex), p. 164-166.

McCLOSKEY, Paul N., Jr., (Rep, R-Calif), p. 176-179.

PARRIS, Stanford E., (Rep, R-Va), p. 181-183.
 RHODES, John J., (Rep, R-Ariz), p. 168-169.
 RIEGLE, Donald W., Jr., (Rep, D-Mich), p. 179-180.
 WAGGONER, Joe D., Jr., (Rep, D-La), p. 174-176.

Brief Items of Testimony: Support for confirmation of Gerald R. Ford to be Vice President of the U.S.

S681-4 PUBLIC FINANCING OF FEDERAL ELECTIONS.

Sept. 18-21, 1973. 93-1. †
 •Item 1046. v+634 p. il.
 Y4.R86/2:E12/4.

Hearings before the *Subcom on Privileges and Elections* to consider: the effectiveness, in view of the Watergate investigations revelations of 1972 campaign excesses, of the Federal Election Campaign Act enacted in 1972, and the following bills (texts in Appendix) containing similar provisions to extend income tax check-off concept for Treasury financing, provide full funding for major candidates, extend public funding for qualified primary candidates demonstrating broad public support, limit overall expenditures, allow for limited amounts of small contributions, and provide for monitoring and regulating by an independent elections commission creation:

S. 1103 (text, p. 373-414), the Congressional Election Finance Act of 1973 (the "Hart bill"). Provides automatic direct appropriations for primary candidates assistance.

S. 1954 (text, p. 415-461), the Federal Election Finance Act of 1973 (the "Mathias-Stevenson bill").

S. 2417 (text, p. 462-498), the Clean Elections Financing Act (the "Cranston bill").

S. 2238 (text, p. 499-526), the Presidential Campaign Financing Act of 1973 (the "Mondale-Schweiker bill"). Covers only Presidential elections.

S. 2297 (text, p. 527-557) (the "Kennedy-Scott bill"), extending dollar check-off on taxes to congressional campaigns and barring private financing in all general elections.

H.R. 7612 (text, p. 569-602), the Clean Elections Act of 1973 (the "Anderson-Udall bill"). Provides partial public financing through device of matching Federal funds to private contributions, with ceiling on amounts allowable.

Hearing also discusses Senate-passed S. 372, awaiting House consideration, the Federal Election Campaign Act Amendments of 1973, imposing strict limitations on campaign contributions and expenditures and creating an independent Federal Elections Commission. Appendix also includes statements, articles, correspondence, and:

a. Title VIII of P.L. 92-178 as Amended by P.L. 93-53, Financing of Presidential Election Campaigns, the Dollar Check-Off Act of 1971, text (p. 560-568).

b. Proposed amendments to S. 372, providing further limitations on expenditures in campaigns for Federal elective offices (p. 603-607).

c. "Summary Digest of Nations with Representative Bodies Which Provide Public Financing of National Elections" (p. 620-632).

d. Table comparing Senate bills to finance Federal election campaigns by methods of financing and expenditure limitations (p. 633-634).

(For summary of brief items of testimony, see S681-4.10.)

S681-4.1: Sept. 18, 1973. p. 3-20.

Witnesses: STRAUSS, Robert S., chm, Democratic Natl Committee.

PICKER, Arnold, chm, Ad Hoc Committee on Financing.

Statements and Discussion: Questionable practice of political party reliance on the business community to finance national conventions; approval of public campaign financing concept mixed with voluntary small contribution support and Federal matching provisions.

Insertion: "Should Tax Dollars Pay for Politics?" article in U.S. News & World Rpt, citing State party leaders comments (p. 15-20).

S681-4.2: Sept. 18, 1973. p. 32-43.

Witnesses: SCOTT, Hugh, (Sen, R-Pa)

KENNEDY, Edward M., (Sen, D-Mass)

Statements and Discussion: Potential for corruption in current system of private campaign financing; explanation of S. 2297 formulas for allocating tax revenue funds to candidates; problems in bill's lack of coverage for primaries.

S681-4.3: Sept. 18, 1973. p. 48-62.

Witness: MATHIAS, Charles McC., Jr., (Sen, R-Md)

Statement and Discussion: Comparison of S. 1954 and S. 1103 (fact sheet, analysis, p. 54-62), including provisions for coverage of primaries, and allowances and limits for expenditures and contributions.

S681-4.4: Sept. 19, 1973. p. 92-141.

Witness: GARDNER, John W., chm, Common Cause; accompanied by Wertheimer, Fred, dir, legis activities.

Statement and Discussion: Historical indications of dangers of private campaign funding; findings of Common Cause monitoring project on 1972 election campaign financing (text, with tables, p. 96-107), including impact of incumbency on fund raising capability.

Insertions: Total Contributions and Expenditures for Each of the 1972 Senate Races, with tables (p. 108-111).

Summary of public statements in favor of public financing, including excerpts from Members of Congress and journalists (p. 111-117).

"Public Financing Proposal by Common Cause" a mixed system combining public funds with limited small private contributions (p. 118-120).

"Legal Memorandum on Constitutionality of Public Financing for Federal Elections" with case citations, particularly concerning freedom of speech and freedom of association guarantees (p. 121-134).

S681-4.5: Sept. 19, 1973. p. 141-158.

Witness: FRENZEL, Bill, (Rep, R-Minn)

Statement and Discussion: Criticism of public financing proposals; support of S. 372.

S681-4.6: Sept. 19, 1973. p. 161-182.

Witness: STERN, Philip M., pres, Center for Public Financing of Elections.

Statement and Discussion: Calculations, based on S. 1103 (table, p. 175) showing lower cost to taxpayer of public financing concept; exam-

ples of alleged hidden costs in current system; analysis of public financing proposals.

Insertion: Findings and excerpts of comments on public financing from survey of unsuccessful House candidates in 1972 elections (p. 176-178).

S681-4.7: Sept. 20, 1973. p. 219-250.

Witness: FLEISHMAN, Joel L., prof of law; dir, Inst of Policy Sciences and Pub Aff, Duke Univ.

Statement and Discussion: Charged significant discriminatory influence of private campaign funding; recommended total ban on private fund use in primary and general elections involving major party candidates; suggested guidelines to control number and seriousness of candidates.

Insertion: Comparison of costs for various primary and general election campaigns, by State, for S. 1954, S. 1103, and Duke plan, tables (p. 244-251).

S681-4.8: Sept. 21, 1973. p. 287-309.

Witness: DIXON, Robert G., Jr., Asst Atty Gen, Office of Legal Counsel, Justice Dept.

Statement and Discussion: Substantive policy problems in direct Federal subsidization of campaign costs; need for further study of election reform as provided in S.J. Res. 110, to create a Commission of Federal Election Reform; suggested plan to channel all contributions through an independent Federal campaign commission. (p. 287-295)

Administration position, based on ongoing Justice Dept study, on principles of public financing; similarities and differences of commission plan and of S. 372 provisions. (p. 295-309)

S681-4.9: Sept. 21, 1973. p. 322-338.

Witness: ANDERSON, John B., (Rep, R-Ill)

Statement and Discussion: Significance of small contributions in financing House campaigns; impact of campaign intensiveness on amounts of funding raised; support for public financing with suggested implementation to retain campaign competitiveness.

S681-4.10: Brief Testimony.

Witnesses: ADAMANY, David, prof of political science, Univ of Wis, p. 185-192.

AGREE, George E., project dir, Twentieth Century Fund, p. 192-199.

BENITEZ, Maime, Resident Commr, Puerto Rico, p. 266-269.

BIDEN, Joseph R., Jr., (Sen, D-Del), p. 338-344.

BIEMILLER, Andrew J., dir, dept of legislation, AFL-CIO, p. 345-348.

CHILES, Lawton M., Jr., (Sen, D-Fla), p. 283-286.

CLARK, Richard, (Sen, D-Iowa), p. 206-210.

CRANSTON, Alan, (Sen, D-Calif), p. 20-22, 43-48.

CULVER, John C., (Rep, D-Iowa), p. 89-92.

FARENTHOLD, Frances T., chairwoman, Natl Women's Political Caucus, p. 159-161.

HART, Philip A., (Sen, D-Mich), p. 257-265.

HASKELL, Floyd K., (Sen, D-Colo), p. 69-70.

HEMENWAY, Russell D., natl dir, Natl Committee for an Effective Congress, p. 199-204.

HOOD, Charles F., representing Chamber of Commerce of USA, p. 361-366.

HUGHES, Phillip S., dir, Office of Fed Elections, GAO, p. 274-283.

Insertion: "Special Report on Zoos" by the Humane Society of the U.S., July 1972 (p. 75-78).

S681-5 AMERICAN FOLKLIKE CENTER.
May 8, 1974. 93-2.
iii+110 p. † CIS/MF/4
eltem 1046.

Hearing before the *Subcom on Library* on S. 1844 (text, p. 2-14), the American Folklife Preservation Act, to establish an American Folklife Center in the Library of Congress, to preserve, support, revitalize, and disseminate American folk traditions and arts.

Includes statements (p. 27-29) and hearing participation by Sen. Marlow W. Cook (R-Ky). Supplementary material (p. 62-108, 109-110) includes submitted statements and a list of National Endowment for the Humanities folklife, folklore awards, FY66-73 (p. 79-108).

(For summary of brief items of testimony, see S681-3.3.)

S681-5.1: May 8, 1974. p. 30-35.

Witness: IVEY, William, exec dir, Country Music Fdn, Nashville, Tenn.

Statement and Discussion: Traditional origins of country music; desirability of offsetting previous emphasis on classical art forms.

S681-5.2: May 8, 1974. p. 44-53.

Witness: MUMFORD, L. Quincy, Librarian of Congress; accompanied by Berry, Paul L., Dir, Ref Dept, LC.

Statement and Discussion: Projected S. 1844 benefits for LC folklife related programs; estimated funding required; undesirability of LC assumption of grant-making authority.

S681-5.3: May 8, 1974. p. 55-56.

Witness: COTTON, Elizabeth, folk singer.

Statement and Discussion: Personal experiences of a folk singer and song writer.

S681-5.4: May 8, 1974. p. 61-62.

Witness: GREENE, Archie, visiting prof of English, Ohio State Univ, Columbus.

Statement: Urged congressional acceptance of its responsibility to folk culture.

S681-5.5: Brief Testimony.

Witnesses: ABOUREZK, James, (Sen, D-SDak), p. 15-27.

BROCK, William E., III, (Sen, R-Tenn), p. 29-30.

COOKE, Eileen D., assoc exec dir, Amer Library Assn, p. 60-61.

HYMES, Dell, member, dept of folklore and folklife, Univ of Pa; pres, Amer Folklore Soc, p. 41-44.

OHRLIN, Glenn, Mountain View, Ark, p. 53-54.

STEKERT, Ellen J., prof of English, Univ of Minn, Minneapolis, p. 56-59.

Brief Items of Testimony: Support for proposed legislation; importance of preserving American folk culture.

S681-8 NOMINATION OF NELSON A. ROCKEFELLER OF NEW YORK TO BE VICE-PRESIDENT OF THE U.S.

Sept. 23-26, Nov. 13-15, 18, 1974. 93-2.

ix+1398+xxxiv p. ii. Index.
† CIS/MF/17 eltem 1046.

Hearing to consider the nomination of Nelson A. Rockefeller (former Gov, New York State) to be Vice President of the U.S.

Appendices (p. 1045-1398) contain correspondence from committee requesting assistance in investigation of nominee, correspondence from Laurence S. Rockefeller to the committee, and two CRS reports on the philosophy and public record of Nelson A. Rockefeller, including his actions during the Attica Rebellion.

Also includes subject index to hearings (p. i-xxxiv).

S681-8.1: Sept. 23, 24, 25, 1974. p. 11-233.

Witness: ROCKEFELLER, Nelson A., Nominee to be VP, US.

Statement: Review of nominee's biographical statement and views on various aspects of functioning in public office; reflections on foreign policy, energy, economic, penal system, and executive-legislative relations issues. (p. 1-79)

Discussion: Review of significant events and decisions during New York governorship; examination of relationship between wealth and political power; clarification of Morhouse pardon; significance for political system of issues raised by Watergate affair. (p. 79-233)

Insertion: Correspondence between Committee Chairman and Office of the Atty Gen relating to application of conflict of interest laws (p. 229-233).

S681-8.2: Sept. 26, 1974. p. 267-314.

Witness: HELMS, Jesse A., (Sen, R-NC)

Statement and Discussion: Importance of resolving dilemmas growing out of nominee's diversified wealth and use of economic-political power.

Insertions: "The Last Stand," from book by Robert A. Caro. Documentation of alleged Rockefeller intent to defraud stockholders of Triborough Bridge and Tunnel Authority (p. 273-282).

Articles from the Wash Post concerning Rockefeller's economic power (p. 282-291).

Articles from New York papers concerning dispute between Triborough Bridge and Tunnel Authority stockholders and Metropolitan Commuter Transportation Authority (p. 302-312).

S681-8.3: Sept. 26, 1974. p. 314-336.

Witness: FRAIN, George, sec-treas, Businessmen Affected Severely by the Yearly Action Plans; accompanied by Brown, Philip J., pres.

Statement and Discussion: Criticism of Rockefeller brothers' alleged role in D.C. small businessmen's displacement; extent of alleged Rockefeller influence in lucrative D.C. commercial land developments.

S681-8.4: Sept. 26, 1974. p. 421-431.

Witness: BURNS, Haywood, legal coord, Attica Bros Legal Def; accompanied by Black, Big, natl dir.

Statement and Discussion: Opposition to Rockefeller nomination; criticism of nominee's handling of 1971 Attica prison revolt.

S681-8.5: Nov. 13, 14, 1974. p. 469-691.

Witness: ROCKEFELLER, Nelson A., Nominee to be VP, US.

Statement and Discussion: Clarification of issues raised in previous testimony, with emphasis on nominee's financial and tax status, role in publication of Goldberg biography, gifts and loans to colleagues and friends; views on certain foreign policy matters; review of certain decisions and relationships during tenure as NY governor.

Insertions: Income tax audit, 1969-73, and summary list of Rockefeller political gifts, 1956-74 (p. 479-494).

Estimated value tables for nominee and wife as of Aug. 31, 1974 (p. 568-570).

Correspondence and memo regarding NY bribery statute relative to Rockefeller gifts and loans (p. 611-613).

Legal paper discussing legality of Rockefeller gifts to staff members and NY State employees (p. 674-687).

S681-8.6: Nov. 15, 1974. p. 923-976.

Witness: RONAN, William J., sr advisor, Rockefeller Family and Assoc.

Statement: Review of relationship with nominee while his personal secretary and as Chairman of Metropolitan Transportation Authority; review of tenure as Commissioner of Port Authority of New York and New Jersey; summary of loans received from nominee; history of allegedly fraudulent Triborough Bridge and Tunnel Authority bond suit settlement. (p. 923-934)

Discussion: Clarification of conditions under which gifts and loans were received and repayment obligations cancelled by nominee; manner of investment of some gifts and loans. (p. 935-976)

S681-8.7: Nov. 18, 1974. p. 1024-1044.

Witness: RAUH, Joseph L., Jr., vp, Amers for Democratic Action.

Statement and Discussion: Opposition to Rockefeller nomination on grounds of conflict of interest, alleged mishandling of Attica unrest, and lack of candor.

S681-8.8: Rockefeller Approval.

Committee Members: COOK, Marlow W., (Sen, R-Ky), p. 6-8.

SCOTT, Hugh, (Sen, R-Pa), p. 465-469.

Witnesses: AIKEN, George D., (Sen, R-Vt), p. 233-234.

ANDERSON, John B., (Rep, R-Ill), p. 260-263.

BROOKE, Edward W., (Sen, R-Mass), p. 258-259.

BUCKLEY, James L., (Sen, C, R-NY), p. 10-11.

BURRIS, Carol, pres, Women's Lobby, DC, p. 360-404.

COOK, Constance E., member, NY State Assembly, 12th Dist; NY Religious Coalition for Abortion Rights, p. 408-415.

DAWKINS, Maurice A., natl dir, govt and legis relations service, Opportunities Industrialization Centers, p. 357-360.

JACKSON, Samuel C., chm, Council of 100, Black Republicans, p. 453-456.

JAVITS, Jacob K., (Sen, R-NY), p. 8-9.
 JONES, Robert E., (Rep, D-Ala), p. 253-255.
 HANSEN, Clifford P., (Sen, R-Wyo), p. 249-253.
 HRUSKA, Roman L., (Sen, R-Nebr), p. 234-241.
 RANDOLPH, Jennings, (Sen, D-WVa), p. 241-243.
 RHODES, John J., (Rep, R-Ariz), p. 243-246.
 ROBINSON, Howard W., (Rep, R-NY), p. 256-258.
 TOWER, John G., (Sen, R-Tex), p. 246-249.
Statements and Discussion: Approval of Rockefeller nomination.

Insertions: "Legal Abortion in the U.S.: Facts and Highlights" compiled by Planned Parenthood Fedn of Amer (p. 364-386).

Results of congressional questionnaires on abortion compiled by Natl Abortion Rights Action League (p. 387-398).

Statements of churches concerning abortion (p. 399-403).

S681-6.9: Rockefeller Opposition.

Witnesses: DALL, Curtis B., chm, policy bd, Liberty Lobby, DC, p. 431-447.
 DAVIS, Angela, chairperson, Natl Alliance Against Racist and Political Repression, p. 348-356.
 GOLDEN, Edward J., past pres, Natl Right to Life Committee, p. 336-342.
 JOHNSON, Mary J., vp, Natl Lawyers Guild, NYC, p. 415-421.
 LaROUCHE, Lyndon H., Jr., natl chm, Natl Caucus of Labor Committees; rep, Labor Party, p. 404-408.
 LEE, Kenneth E. (Rev.), pres, DC Christian Action Council, p. 447-453.
 RICE, Charles E., member, natl advisory bd, US Coalition for Life, p. 342-348.
 RYAN, Ada B., pres, NY State Doctors and Nurses Against Abortion, p. 336-342.

Statements and Discussion: Opposition to Rockefeller nomination; need for deeper investigation of family financial interests and economic-political power; alleged Rockefeller involvement in financing Communist and other subversive elements (Dall).

S681-6.10: Goldberg Biography.

Witnesses: GOLDBERG, Arthur J., former Supreme Court Justice, p. 691-705.
 WELLS, John A., atty, Rogers & Wells, NYC, p. 707-744.
 ORR, Robert B., atty, Upper Black Eddy, Pa, p. 744-758.
 JACOVINI, Joseph H., atty, Dilworth, Paxson, Kalish, Levy & Coleman, Philadelphia, Pa, p. 759-845.
 O'BRIEN, Donal C., Jr., chief counsel, Rockefeller Family and Assocs, p. 845-861.
 McCAFFEREY, Neil, pres, Arlington House Publishers, New Rochelle, NY, p. 861-876.
 LOCKWOOD, John E., consulting partner, Milbank, Tweed, Hadley & Mcloy, NYC, p. 876-885.
 ROCKEFELLER, Laurance S., brother of nominee; chief exec officer, Chase Manhattan Bank, NYC, p. 886-905.
 DILWORTH, J. Richardson, financial advisor to Rockefeller family, p. 908-916.
 LASKY, Victor, freelance writer, author of Goldberg book, p. 916-922.

Statements and Discussion: Review of circumstances surrounding planning, authorship, fi-

nancing, and publication of Goldberg biography; consideration of relationship between Rockefeller involvement in derogatory book financing and congressional responsibility to establish nominee's integrity; examination of other aspects of Rockefeller-Goldberg relationship during gubernatorial campaign.

Insertions: Correspondence, memos, accounts statements, and cancelled checks involved in transactions with Literary Productions, Inc. (p. 764-840).

Correspondence, affidavits, and statements concerning gifts and loans to former Rockefeller associates, including Dr. Kissinger (p. 881-885).

S681-6.11: Gifts and Loans.

Witnesses: ANDERSON, Robert B., business and finance consultant; former Sec of Treas, p. 906-908.

GAYNOR, James W., investment advisor, mgmt engr, NYC, p. 1014-1023.

HUGHES, Emmet J., prof of politics, Eagleton Inst of Rutgers, State Univ of NJ, Princeton, NJ, p. 976-983.

LOGUE, Edward J., pres, chief exec officer, NY State Urban Dev Corp, p. 983-1014.

Statements and Discussion: Review of circumstances surrounding Rockefeller gifts and loans to former colleagues; importance of present confirmation proceedings in light of Watergate affair (Hughes).

Insertion: Memo concerning application of NY Public Officers Law S73(5) to Rockefeller gifts and loans to Logue (p. 998-1012).

S682 RULES AND ADMINISTRATION Committee, Senate

Prints

S682-1 LEGISLATIVE CALENDAR,
 No. 3.
 Dec. 28, 1973. 93-1.
 xv+96 p. †
 Y4.R86/2:93/cal.3.
 51-62923. 2239(74).

Cumulative record of committee activities to Dec. 28, 1973.

S682-2 LEGISLATIVE CALENDAR,
 No. 4.
 Apr. 15, 1974. 93-2.
 xv+115 p. Oversized. †
 Y4.R86/2:93/cal.4.
 51-62923. 2239(74).

Cumulative record of committee activities to Apr. 15, 1974.

S682-3 IMPEACHMENT:
 Miscellaneous Documents.
 Aug. 7, 1974. 93-2.
 vi+292 p. † CIS/MF/5

Compilation prepared for Committee at the direction of John G. Tower (Sen, R-Tex), Chairman of the Republican Policy Committee. Contains "Briefing Paper on Impeachment Procedures" by the Policy Committee staff (p. 1-21) and the following commissioned memorandums by Stephen R. Goldstein (prof, Univ of Pa Law School):

- a "Effect of the End of a Congress on a Pending Impeachment Proceeding" (p. 25-77).
- b "Effect of the End of a Congress on the Senate Trial" (p. 81-165).
- c "Judicial Review of Impeachment Proceedings" including excerpts from writings on impeachment by five legal experts (p. 169-238).
- d "Rules of Evidence for Senate Impeachment Trials" (p. 241-292).

S682-4 LEGISLATIVE CALENDAR,
 No. 5. Final Calendar.
 Dec. 20, 1974. 93-2.
 xv+128 p. Oversized. †
 CIS/MF/4 Y4.R86/2:93/cal.5.
 51-62923. 2239(74).

Final cumulative record of Committee activities to Dec. 20, 1974.

S683 RULES AND ADMINISTRATION Committee, Senate

S683-1 FEDERAL ELECTION
 CAMPAIGN ACT
 AMENDMENTS OF 1974.
 Feb. 21, 1974. 93-2.
 iii+90 p. † CIS/MF/3
 sitem 1008-A.
 S. Rpt. 93-689.

Recommends passage of S. 3044, to amend the Federal Election Campaign Act of 1971, to colate various legislation relating to public disclosure of campaign financing for elections to Federal offices, including the following titles:

Title I: Provides to any candidate with electorate support equal opportunity to receive limited matching funds for campaign financing; permits use of loans to a specified amount for all purposes except raising seed money; sets an overall limit upon allowable financing for primary and general elections; and sets conditions for candidates use of post election payments.

Title II: Establishes an independent Federal Election Commission within the executive branch to enforce reporting and disclosure provisions of the act; requires candidates to designate a central committee as a disclosure agent and a central funds depository; requires national party approval of expenditures over a specified amount; permits use of excess funds to defray campaign expenses; amends certain provisions relating to penalties for violations; and contains provisions relating to media and candidate responsibilities in political broadcasting.

Title III: Delineates crimes relating to elections and political activities.

Title IV: Contains provisions relating to disclosure of financial interests by certain Federal officers and employees.

Title V: Amends the Internal Revenue Code to allow taxpayers credit or deduction for a political contribution during the calendar year.

Includes examples of application of public financing provisions to unconventional situations, and cost estimates of legislation (p. 19-38).

Includes additional views (p. 89-90).
 S. 3044 contains provisions of S. 372.

BIEMILLER, Andrew J., legis dir.

HIGHTOWER, John B., chm, Advocates for the Arts.

GORTIKOV, Stanley M., pres, Recording Industry Assn of Amer.

KAISER, Henry, gen counsel, Amer Fedn of Musicians, AFL-CIO.

Statements and Discussion: History of efforts to obtain performance royalties; benefits of bill to backup and orchestra musicians; obligation and ability (tables, graphs, p. 57-68, passim) of broadcasters to pay royalties (tables, p. 47-67, passim) based on profits obtained by using recorded materials.

S521-4.4: July 24, 1975. p. 70-88.

Witnesses: WASILEWSKI, Vincent T., pres, Natl Assn of Broadcasters.

KRELSTEIN, Harold, chm, Radio Bd of Dir.

CORNILS, Wayne C., chm, Small Market Radio Committee.

MAWDSLEY, Russell, Music Operators of Amer, Inc.

PATTERSON, Perry S., counsel, Rock-Ola Mfg Corp, Seeborg Corp, and Rowe Intl, Inc.

Statements and Discussion: Extent of recording industry reliance on broadcasters; claimed inadequate legal and constitutional basis for bill; problems of coin-operated automatic phonograph owners.

S521-5 REFORMING THE JUDICIAL SURVIVORS' ANNUITY PROGRAMS.

July 17, Sept. 10, 1975. 94-1.

iii+94 p. il. foldout. †

CIS/MF/3 †item 1042.

Y4J89/2:An7.

MC 02307(76). LC 75-603664.

Hearings before the Subcom on Improvements in Judicial Machinery to consider S. 12 (text, p. 17-24), to improve judicial machinery by providing benefits for survivors of Federal judges comparable to benefits received by survivors of Members of Congress and by including their annuity program within the Civil Service retirement system.

Also considers the following proposed amendments to S. 12:

Amendment No. 587 (text, dept rpt, p. 26-51), the Judicial Survivors Annuities Reform Act of 1975, to up-date certain provisions of the Judicial Survivors Annuity (JSA) system and continue the system separate from the Civil Service System, June 6, 1975.

Amendment No. 852 (text, p. 81-83), to provide the JSA System with a catch-up cost-of-living increase equivalent to that of the Civil Service Retirement System and to attach future cost-of-living increases to increases in the Consumer Price Index, July 30, 1975.

Also includes:

a. Warfield, Carter S. (Office of the Actuary, SSA), "Sixth Actuarial Valuation of the Judicial Survivors Annuity System" Dec. 31, 1974, with tables (p. 4-16).

b. Staff memo analyzing S. 12 and alternative methods of solving problems of the JSA System with table (foldout, facing p. 55) comparing annuity amounts available to surviving spouses under JSA and Civil Service Retirement (p. 52-64).

S521-5.1: Witnesses' Testimony.

Witnesses: HARRIS, Oren, Judge, Eastern and Western Dist of Ark, p. 64-76.

FOLEY, William E., Dep Dir, Administrative Office of US Courts; also on behalf of:

KIRKS, Roland F., Dir; accompanied by Carroll, M. Patricia, Chief, Retirement, Insurance, and Payroll Section, p. 84-94.

Statements and Discussion: Review of S. 12 and related amendments' provisions; rationale for proposed changes; examination of legislation's actuarial soundness.

Insertion: Amendments to Civil Service Retirement Act, reference table (p. 87-89).

S521-6

EXAMINATION OF THE FIRST IMPLEMENTATION OF SECTION TWO OF THE TWENTY-FIFTH AMENDMENT.

Feb. 25, 26, Mar. 11, 1975.

94-1. iv+255 p. †

CIS/MF/5 †item 1042.

Y4J89/2:T91/3.

MC 17332(75). LC 75-603154.

Hearings before the Subcom on Constitutional Amendments to examine the effectiveness of the 25th Amendment in providing for Presidential succession and vacancies in the Office of the Vice President;

Explores alternative methods of determining succession, including S.J. Res. 26 (text, p. 1-2), to provide for emergency national elections in the event of simultaneous vacancies in the offices of President and Vice President.

Includes (p. 158-255) submitted statements, correspondence, news articles, and texts of the following reports on previous legislation to provide for Presidential incapacity and vacancies in the office of the Vice President:

a. S. Rpt. 88-1382, on S.J. Res. 139, Aug. 13, 1964 (p. 184-204).

b. S. Rpt. 89-66, on S.J. Res. 1, Feb. 10, 1965 (p. 205-228).

c. H. Rpt. 89-203, on H.J. Res. 1, Mar. 24, 1965 (p. 229-251).

d. H. Rpt. 89-564, conference report on S.J. Res. 1, June 30, 1965 (p. 252-255).

S521-6.1: Feb. 25, 1975. p. 2-14.

Witness: PASTORE, John O., (Sen, D-RI)

Statement and Discussion: Need to insure that the President be elected to office.

Insertion: "Popular Elections and the Twenty-fifth Amendment: An Historical and Legal Analysis," CRS, Feb. 1975 (p. 5-10).

S521-6.2: Feb. 25, 1975. p. 19-34.

Witness: HATHAWAY, William D., (Sen, D-Maine)

Statement and Discussion: Introduction of S. 2678 (text, p. 22-23), providing for emergency Presidential elections; possible conflicts of interest in current rules of succession.

Insertion: Constitutional validity of providing for spec elections, CRS, legal evaluation (p. 25-27).

S521-6.3: Feb. 26, 1975. p. 34-45.

Witness: RODINO, Peter W., Jr., (Rep, D-NJ)

Statement and Discussion: Effectiveness, speed, and fairness of the Vice Presidential confirmation hearings on Gerald Ford and Nelson Rockefeller under the 25th Amendment.

S521-6.4: Feb. 26, 1975. p. 47-67.

Witness: SCALIA, Antonin, Asst Atty Gen, Office of Legal Counsel, Justice Dept.

Statement and Discussion: Opposition to emergency proposals; need for specifying Acting President's powers and rules for determining Presidential nominations.

S521-6.5: Feb. 26, 1975. p. 67-124.

Witnesses: SCHLESINGER, Arthur M., Jr., prof, City Coll of NY.

BURNS, James M., Williams Coll.

Statements and Discussion: Undemocratic aspects of current methods of selecting Vice Presidents; differing views on value of the Vice Presidency, and on the desirability of emergency elections.

Insertion: "On the Presidential Succession," A. M. Schlesinger, Jr., Political Science Quarterly, Fall 1974 (p. 74-105).

S521-6.6: Mar. 11, 1975. p. 125-132.

Witness: GRIFFIN, Robert P., (Sen, R-Mich)

Statement and Discussion: Proposed choice of Vice Presidents by a method similar to the 25th Amendment appointment procedure.

S521-6.7: Mar. 11, 1975. p. 134-158.

Witnesses: REEDY, George E., dean, Coll of Journalism, Marquette Univ.

FREUND, Paul A., prof, constitutional law, Harvard Univ Law School.

FEERICK, John D., representing ABA.

Statements and Discussion: Claimed effectiveness of 25th Amendment procedures; defects of emergency national election proposals; legal implications of various contingencies potentially affecting Presidential succession and Vice Presidential appointment procedures.

S521-7 CIRCUIT REALIGNMENT, Part 2.

Mar. 18, 19, May 20, 21,

1975. 94-1. v+216 p. †

CIS/MF/5 †item 1042.

Y4J89/2:C49/17/pt.2.

MC 17328(75) LC 75-601383.

Continuation of hearings before the Subcom on Improvements in Judicial Machinery to examine proposals for modifying Commission on Revision of the Federal Court Appellate System recommendations regarding composition and geographical realignment of the Fifth and Ninth judicial circuits of the Court of Appeals.

This volume considers S. 729 (text, p. 3-25), to reorganize the Fifth Circuit into a western division encompassing Texas and Louisiana and an eastern division encompassing Mississippi, Alabama, Georgia, Florida, and the Canal Zone; and to reorganize the Ninth Circuit into a southern division encompassing Arizona, Nevada, and southern and central California, and a northern division encompassing Oregon, Washington State, Idaho, Montana, Alaska, Hawaii, and Guam. Also creates eight additional Fifth Circuit judgeships and seven additional Ninth Circuit judgeships and provides for joint en banc panel proceedings in cases where interdivisional conflicts arise.

Also considers an amendment to S. 729 known as the "California Plan" to revise bill's realignment provisions by including all of California's judicial districts within the same Ninth Circuit division, and appointing a special nine-judge panel for en banc proceedings throughout the circuit.

H523-9

Forgery Insurance Fund for relief to payees and special indorsees of fraudulently negotiated checks drawn in U.S. dollars or foreign currencies on depositories designated by the Secretary of the Treasury in the U.S. or by Government disbursing officers abroad.

H523-10 IMMIGRATION AND NATIONALITY ACT AMENDMENTS OF 1973.

Sept. 11, 1973. 93-1. †
 Item 1008-A. 49 p.
 H. Rpt. 93-461.

Recommends passage, with an amendment in the nature of a substitute, of H.R. 981, to amend the Immigration and Nationality Act, to extend to the Western Hemisphere the seven category preference system and the 20,000 per country limit on available visas annually, and to redefine the terms of admission for refugees and certain temporary workers.

Includes additional views (p. 47-49).
 H.R. 981 is similar to H.R. 9409.

H523-11 TO GRANT AN ALIEN CHILD ADOPTED BY AN UNMARRIED U.S. CITIZEN THE SAME IMMIGRANT STATUS as an Alien Child Adopted by a U.S. Citizen and His Spouse.

Sept. 11, 1973. 93-1. †
 Item 1008-A. 6 p.
 H. Rpt. 93-462.

Recommends passage of H.R. 7555, to grant, for immigration purposes, an alien child adopted by an unmarried U.S. citizen the same immediate relative status as an alien child adopted by a U.S. citizen and his spouse.

H.R. 7555 is similar to H.R. 680.

H523-12 CHANGING NAME OF PATENT OFFICE.

Sept. 25, 1973. 93-1. †
 Item 1008-A. 3 p.
 H. Rpt. 93-523.

Recommends passage of H.R. 7599, to amend the Trademark Act of 1946 to change the name of the Patent Office to the "Patent and Trademark Office" and the title of the Commissioner of Patents to "Commissioner of Patents and Trademarks."

H523-13 AMENDING TRADEMARK ACT TO EXTEND TIME FOR FILING OPPOSITION, Eliminate Requirement of Reasons for Appeal, and Authorize Award of Attorney Fees In Exceptional Cases.

Sept. 25, 1973. 93-1. †
 Item 1008-A. 8 p.
 H. Rpt. 93-524.

Recommends passage with amendment of H.R. 8981, to amend the Trademark Act of 1946 to extend the time for filing opposition to trademark registrations, to eliminate the requirement for filing reasons of appeal in the Patent Office, and to provide for awarding attorney fees.

H.R. 8981 is identical to S. 3452 and H.R. 14021, in 92d Congress.

H523-14 ADMINISTRATIVE SETTLEMENT OF MILITARY CLAIMS.

Oct. 3, 1973. 93-1. †
 Item 1008-A. 13 p.
 H. Rpt. 93-539.

Recommends passage with amendments of H.R. 9800, to increase the dollar limit for DOD administrative settlement of claims by foreign nationals arising from noncombat activity of U.S. Armed Forces in a foreign country.

H.R. 9800 is a revised version of H.R. 5843.

H523-15 AMENDING SECTION 40B OF THE BANKRUPTCY ACT (11 U.S.C. 68(B)) to Remove the Restriction On Change of Salary of Full-time Referees.

Oct. 29, 1973. 93-1. †
 Item 1008-A. 4 p.
 H. Rpt. 93-610.

Recommends passage of H.R. 3490, to amend the Bankruptcy Act, to remove referees in bankruptcy from an inequitable restriction on salary increases and to place them on equal basis with other judicial officers whose salary is determined by the Judicial Conference of the U.S.

H523-16 EXTENSION OF WATERGATE GRAND JURY.

Nov. 1, 1973. 93-1. †
 Item 1008-A. 4 p.
 H. Rpt. 93-618.

Recommends passage, with an amendment in the nature of a substitute, of H.R. 10937, to extend the term of the June 5, 1972 grand jury, the Watergate investigation grand jury of the U.S. District Court for D.C.

H523-17 AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION.

Nov. 14, 1973. 93-1. †
 Item 1008-A. 4 p.
 H. Rpt. 93-639.

Conference report on H.R. 7446, to terminate the American Revolution Bicentennial Commission and to establish in its place a temporary, independent American Revolution Bicentennial Administration.

H523-18 FEDERAL RULES OF EVIDENCE.

Nov. 15, 1973. 93-1. †
 Item 1008-A. 29 p.
 H. Rpt. 93-650.

Recommends passage, with an amendment in the nature of a substitute, of H.R. 5463, to provide a uniform code of evidence for use in Federal courts by making certain deletions and amendments to Federal Rules of Evidence as promulgated by the Supreme Court and effective July 1, 1973. Conforming amendments are made to Federal Rules of Civil Procedure and Federal Rules of Criminal Procedure.

Includes additional and separate views (p. 23-29).

H523-19 INDEPENDENT SPECIAL PROSECUTOR.

Nov. 26, 1973. 93-1. †
 Item 1008-A. 26 p.
 H. Rpt. 93-660.

Recommends passage with amendments of H.R. 11401, to provide for the appointment of an independent Special Prosecutor and the creation of an Office of Special Prosecutor, to continue the work undertaken by former Special Prosecutor Archibald Cox, present Special Prosecutor Leon Jaworski, and the Office of Watergate Special Prosecution Force of the Justice Dept, and to make the Special Prosecutor independent of the Executive, give him tenure, and legislate limited grounds for his removal.

Includes dissenting, additional, and additional dissenting views (p. 17-26).

H.R. 11555 is a substitute offered to H.R. 11401.

H523-20 CONFERRING JURISDICTION ON THE U.S. DISTRICT COURT FOR D.C. of Certain Civil Actions Brought by the Senate Select Committee on Presidential Campaign Activities.

Nov. 26, 1973. 93-1. †
 Item 1008-A. 2 p.
 H. Rpt. 93-661.

Recommends passage of S. 2641, to confer upon the U.S. District Court for D.C. jurisdiction over civil actions brought by the Senate Select Committee on Presidential Campaign Activities to enforce or secure a declaration concerning the validity of any subpoena or order issued by the Select Committee to the President or other Federal officer for the production of information relevant to the Committee's function.

S. 2641 is similar to H.R. 11189.

H523-21 CONFIRMATION OF ~~GERALD R. FORD AS VICE PRESIDENT OF THE U.S.~~

Dec. 4, 1973. 93-1. †
 Item 1008-A. 70 p.
 H. Rpt. 93-695.

Recommends passage of H. Res. 735, to confirm the nomination of Gerald R. Ford (Rep, R-Mich), House Minority Leader, to be Vice President of the U.S. Reviews hearings held and scope of committee investigative efforts.

Appendices (p. 15-25, 69-70) contain nominee's biographical material, table of contents for CRS study of Ford's philosophy and voting record subject outline of Congressional Record entries by or about the nominee during the last 24 years, and a memo on the implications of the Emolument Clause for the confirmation by Barbara Underwood.

Includes dissenting, separate, and supplemental views (p. 27-68).

H.R. 17311 is related to H.R. 11499.

- H523-27 AMENDING THE ACT INCORPORATING THE AMERICAN LEGION** so as to Redefine Eligibility for Membership Therein.
Dec. 11, 1974. 93-2. 2 p.
† CIS/MF/3 ¶Item 1008-A.
H. Rpt. 93-1558.

Recommends passage of S. 4013, to amend the act incorporating the American Legion to redefine the periods during which prospective members must have served to qualify as veterans of World War II, the Korean War, or the Vietnam conflict.

- H523-28 ESTABLISHING A WORKING CAPITAL FUND IN THE DEPARTMENT OF JUSTICE.**
Dec. 11, 1974. 93-2. 7 p.
† CIS/MF/3 ¶Item 1008-A.
H. Rpt. 93-1562.

Recommends passage with an amendment of H.R. 17010, to establish a working capital fund in the Justice Dept.

H.R. 17010 is related to H.R. 10852.

- H523-29 JUDICIAL REVIEW OF DECISIONS OF THE INTERSTATE COMMERCE COMMISSION.**
Dec. 11, 1974. 93-2. 23 p.
† CIS/MF/3 ¶Item 1008-A.
H. Rpt. 93-1569.

Recommends passage of S. 663, to place judicial review of ICC decisions under the Judicial Review Act of 1950, the Hobbs Act, thereby transferring judicial review authority from the Federal district courts to the Federal courts of appeals.

- H523-30 AMENDMENTS OF 1974 TO FEDERAL LAWS RELATING TO EXPLOSIVES.**
Dec. 11, 1974. 93-2. 13 p.
† CIS/MF/3 ¶Item 1008-A.
H. Rpt. 93-1570.

Recommends passage with amendments of S. 1083, to permit unrestricted purchase for sporting, recreational, and cultural purposes in antique firearms of commercially manufactured black powder in amounts not exceeding 50 pounds.

S. 1083 is identical to H.R. 14018 and H.R. 14442.

- H523-31 COPYRIGHT MISCELLANY.**
Dec. 12, 1974. 93-2. 18 p.
† CIS/MF/3 ¶Item 1008-A.
H. Rpt. 93-1581.

Recommends passage with amendments of S. 3976, to: remove expiration date for a limited copyright in sound recordings, and to increase criminal penalties for piracy and counterfeiting of sound recordings; extend the duration of copyright protection in certain cases; and establish a National Commission on New Technological Uses of Copyrighted Works.

Includes dissenting views (p. 15-18).
S. 3976 is related to H.R. 13364.

- H523-32 FEDERAL RULES OF EVIDENCE.**
Dec. 14, 1974. 93-2. 14 p.
† CIS/MF/3 ¶Item 1008-A.
H. Rpt. 93-1597.

Conference report on H.R. 5463, to provide a uniform code of evidence for use in Federal courts by making deletions and amendments to Federal Rules of Evidence as promulgated by the Supreme Court.

- H523-33 CONFIRMATION OF NELSON A. ROCKEFELLER AS VICE PRESIDENT OF THE U.S.**
Dec. 17, 1974. 93-2. 50 p.
† CIS/MF/3 ¶Item 1008-A.
H. Rpt. 93-1609.

Recommends adoption of H. Res. 1511, to confirm the nomination of Nelson A. Rockefeller, to be Vice President of the U.S.

Includes supplemental, dissenting, and separate views (p. 17-50).

- H523-34 REPORT ON THE ACTIVITIES OF THE COMMITTEE ON THE JUDICIARY of the House of Representatives during the 93d Congress.**
Jan. 2, 1975. 93-2.
vii+60 p. † CIS/MF/3
¶Item 1008-A.
H. Rpt. 93-1667.

Summary of activities of the House Committee on the judiciary during the 93d Congress including the work of its seven subcoms, an investigation into the impeachment of Richard M. Nixon, President of the U.S., and hearings on the nominations of Gerald R. Ford to be Vice President in 1973 and Nelson Rockefeller to be Vice President in 1974.

H560 Documents MERCHANT MARINE AND FISHERIES Committee, House

- H560-1 VETOING H.R. 11541, AMENDING NATIONAL WILDLIFE REFUGE SYSTEM ADMINISTRATION ACT, Message from the President.**
Nov. 18, 1974. 93-2.
iii+3 p. † CIS/MF/3
¶Item 996. H. Doc. 93-382.

Veto message on H.R. 11541, to strengthen standards under which the Secretary of Interior may permit rights-of-way across wildlife refuge lands.

H561 Hearings MERCHANT MARINE AND FISHERIES Committee, House

- H561-1 OFFSHORE PORTS AND TERMINALS.**
June 12, 14, 25-28, July 11, 12, 1973. 93-1.
vi+797 p. il. † CIS/MF/11
¶Item 1021. Y4.M53:93-15.
74-600970. 04133(74).

Committee Serial No. 93-15. Hearings on the following proposals relating to offshore ports and terminals:

H.R. 5091 (text, dept rpt, p. 3-9), to amend the Marine Protection, Research, and Sanctuaries Act to protect the marine environment from damage caused by the construction and operation of large-scale offshore structures, including deepwater port facilities, by requiring prior certification by the Secretary of Commerce.

H.R. 5898 (text, dept rpt, p. 9-11), to amend the Merchant Marine Act of 1936 to provide that no port or terminal facility can be constructed, operated, or maintained by any person beyond the territorial waters of the U.S. without the issuance of a permit for that purpose from the Secretary of Commerce.

H.R. 7501, the Administration's Deepwater Port Facilities Act of 1973, to authorize the Secretary of the Interior to license and regulate the construction and operation of deepwater port facilities.

Includes submitted statements and correspondence throughout, and "A Proposed Deepwater Tanker Terminal and Onshore Pipeline Distribution System" by the Delaware Bay Transportation Co., May 1, 1972 (p. 665-689).

Appendix (p. 789-797) contains a Committee staff report on an inspection tour of the offshore terminal at Bantry Bay, Ireland, and the combination terminal-refinery complex at Milford Haven, Wales.

H561-1.1: June 12, 1973. p. 13-68.

Witness: HORTON, Jack O., Asst Sec for Land and Water Resources, Interior Dept; accompanied by Carter, Jared G., Dep Under Sec.

Statement: Advantages of deepwater port facilities; review of Administration proposal for licensing. (p. 13-16)

Discussion: Forecast of U.S. petroleum demand and supplies; projections of U.S. superport requirements (tables, p. 21-27); rationale for and clarification of H.R. 7501; assessment of States' authority over deepwater ports. (p. 16-68)

Insertion: Distances between coastline and 60-, 90-, and 120-foot contour lines, Atlantic, Gulf, and Pacific Coasts, charts (p. 47-52).

H561-1.2: June 12, 1973. p. 69-94.

Witness: MOORE, John N., Counselor on Intl Law, State Dept.

Statement: Review of international law issues raised by construction and operation of deepwater port facilities. (p. 69-71)

Discussion: International conventions (summary, p. 86-89) affected by proposed legislation. (p. 71-94)

S523-40

S523-40 NEW HAMPSHIRE-VERMONT INTERSTATE SEWAGE WASTE DISPOSAL FACILITIES COMPACT.
Aug. 25, 1976. 94-2. 12 p.
† CIS/MF/3 ◻Item 1008-A.
S. Rpt. 94-1165.

Recommends passage of H.R. 9153, to grant congressional consent to the New Hampshire-Vermont Interstate Sewage Disposal Facilities Compact.

S523-41 FEDERAL JUDICIAL SYSTEM.

Aug. 26, 1976. 94-2. 9 p.
† CIS/MF/3 ◻Item 1008-A.
S. Rpt. 94-1169.
MC 76-10013.

Report of the *Subcom on Improvements in Judicial Machinery* on major areas of concern during the 1st session, 94th Congress, regarding the Federal Judicial system. Includes summary of status of legislation referred to subcom.

S523-42 CLARIFYING THE CIRCUMSTANCES UNDER WHICH EXCLUSIVE TERRITORIAL PROVISIONS in Licenses to Manufacture, Distribute, and Sell Trademarked Soft Drink Products Are Lawful Under the Antitrust Laws.
Aug. 31, 1976. 94-2. 8 p.
† CIS/MF/3 ◻Item 1008-A.
S. Rpt. 94-1195.

Recommends passage of S. 3421, to amend the Federal Trade Commission Act to specify the circumstances under which exclusive territorial provisions in franchise licenses to manufacture, distribute, and sell trademarked soft drink products are lawful under antitrust laws.

Includes additional views (p. 7-8).

S523-43 REORGANIZATION OF THE NINTH JUDICIAL CIRCUIT.
Sept. 9, 1976. 94-2. 45 p.
† CIS/MF/3 ◻Item 1008-A.
S. Rpt. 94-1227.
MC 76-10040.

Recommends passage, with an amendment in the nature of a substitute, of S. 729, to reorganize the Court of Appeals for the Ninth Judicial Circuit.

Includes additional views (p. 45).

S. 729 is related to S. 2752 and to 93d Congress S. 2988, S. 2989, and S. 2990.

S523-44 DEPRIVATION OF EMPLOYMENT ON ACCOUNT OF POLITICAL CONTRIBUTIONS.
Sept. 16, 1976. 94-2. 6 p.
† CIS/MF/3 ◻Item 1008-A.
S. Rpt. 94-1245.

Recommends passage with amendments of H.R. 11722, to prohibit deprivation of employment or other benefit, for refusing to make a political party contribution, where the employment or benefit is authorized by Act of Congress.

S523-45 AGENCY APPEAL BOARDS AND SUBPENA POWER.
Sept. 17, 1976. 94-2. 25 p.
† CIS/MF/3 ◻Item 1008-A.
S. Rpt. 94-1258.

Recommends passage with amendments of S. 796, to amend the Administrative Procedure Act to expedite the decision-making and fact gathering processes of Federal administrative agencies and executive departments by permitting agencies to establish appeal boards with final decisional authority in routine cases, and by granting subpoena power to agencies and depts engaged in formal rulemaking or adjudication proceedings.

S523-46 AGENCY SEPARATION OF FUNCTIONS.
Sept. 17, 1976. 94-2. 8 p.
† CIS/MF/3 ◻Item 1008-A.
S. Rpt. 94-1259.
MC 77-1306.

Recommends passage with amendments of S. 798, to amend the Administrative Procedure Act to apply safeguards for separation of litigating and adjudicative functions to all formal proceedings.

S. 798 is related to S. 797.

S523-47 IMPLEMENTING INTERNATIONAL CONVENTIONS AGAINST TERRORISM.
Sept. 26, 1976. 94-2. 16 p.
† CIS/MF/3 ◻Item 1008-A.
S. Rpt. 94-1273.
MC 77-1315.

Recommends passage, with an amendment in the nature of a substitute, of S. 3646, to implement the Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That Are of International Significance and the Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents.

S523-48 ANTITRUST AND MONOPOLY SUBCOMMITTEE ACTIVITIES REPORT, 1975.
Sept. 22, 1976. 94-2. 25 p.
† CIS/MF/3 ◻Item 1008-A.
S. Rpt. 94-1293.
MC 77-1317.

Report of the *Subcom on Antitrust and Monopoly* on its activities, Mar. 1, 1975-Feb. 29, 1976.

Includes additional views (p. 25).

S523-49 DEFINE JURISDICTION OF U.S. COURTS IN SUITS AGAINST FOREIGN STATES.
Sept. 27, 1976. 94-2. 42 p.
† CIS/MF/3 ◻Item 1008-A.
S. Rpt. 94-1310.

Recommends passage with amendments of S. 3553, the Foreign Sovereign Immunities Act of 1976, to establish jurisdiction of U.S. courts in suits against foreign states' non-public acts and to transfer the determination of foreign states' immunity from the executive to judicial branch; to

provide a statutory procedure for notifying a foreign state of commencement of legal proceedings; to define the circumstances wherein foreign states are immune from judgment levied on their property.

S. 3553 is similar to 93d Congress S. 566.

S523-50 CONSTITUTIONAL AMENDMENTS.

Sept. 29, 1976. 94-2. 21 p.
† CIS/MF/3 ◻Item 1008-A.
S. Rpt. 94-1373.

Report by *Subcom on Constitutional Amendments* reviewing background of, and its action during the 1st session of the 94th Congress with respect to, various proposals for constitutional amendments. Covers:

- Review of proposals to modify the 25th Amendment providing for selection and confirmation of new Vice Presidents. (p. 1-4)
- Equal Rights Amendment legislative history and status. (p. 4-8)
- Amendments to prohibit abortion, provide for electoral reform, prohibit school busing for racial balance, and provide D.C. representation in Congress. (p. 8-14)
- Amendments to lower age requirements for Congressmen and require a balanced Federal budget. (p. 14-16)

Appendices (p. 17-19) contain text of 25th Amendment and list of resolutions referred to the subcom during 1975.

S523-51 ADMINISTRATIVE PRACTICE AND PROCEDURE.
Sept. 29, 1976. 94-2.
ii+43 p. † CIS/MF/3
◻Item 1008-A.
S. Rpt. 94-1374.

Report of the *Subcom on Administrative Practice and Procedure* on its activities for the 94th Congress, 1st session, including consideration of the regulatory operations of Government agencies and depts; the effect of Government regulation on industry and the public; and issues surrounding freedom of information, agency disclosure requirements, and electronic surveillance.

Includes list of subcom hearings and bill reports during 94th Congress, 1st session (p. 2-4).

Also includes individual views (p. 43).

S523-52 SEPARATION OF POWERS ANNUAL REPORT.
Oct. 1, 1976. 94-2.
iii+13 p. † CIS/MF/3
◻Item 1008-A.
S. Rpt. 94-1381.

Annual report of the *Subcom on Separation of Powers* on its activities, Mar. 1, 1975-Feb. 28, 1976. Enumerates bills and resolutions considered, describes hearings on various aspects of executive-legislative-judicial jurisdiction, and lists subcom publications issued during 90th-94th Congresses.

S523-44 CONSTITUTIONAL AMENDMENTS.

Nov. 23, 1970. 91-2. †
 Item 1008-A. ii+13 p.
 S. Rpt. 91-1367.

Annual report of the *Subcom on Constitutional Amendments*, reviewing amendments proposed during 91-1, including electoral reform, equal rights for men and women; a lower voting age, and congressional representation of the District of Columbia.

Appendices (p. 9-13) contain the text of the 25th amendment relating to succession to the Presidency, and a list of resolutions referred to the Subcom.

S523-45 FURNISHING OF TRANSCRIPTS IN PROCEEDINGS UNDER THE CRIMINAL JUSTICE ACT.

Nov. 24, 1970. 91-2. †
 Item 1008-A. 4 p.
 S. Rpt. 91-1368.

Recommends passage of H.R. 4302, to authorize payment of fees charged by court reporters for furnishing to indigents the transcripts in proceedings under the Criminal Justice Act.

S523-46 SUMMONSES FOR JURY DUTY.

Nov. 24, 1970. 91-2. †
 Item 1008-A. 3 p.
 S. Rpt. 91-1369.

Recommends passage of H.R. 9677, to prescribe the manner of serving summonses for jury duty in Federal courts.

S523-47 COURT LEAVE FOR EMPLOYEES OF THE UNITED STATES AND THE DISTRICT OF COLUMBIA.

Nov. 24, 1970. 91-2. †
 Item 1008-A. 18 p.
 S. Rpt. 91-1371.

Recommends passage with amendments of H.R. 12979, to grant court leave with pay and travel expenses to Federal and D.C. employees called as witnesses or jurors in judicial proceedings.

S523-48 CLAIMS OF NONPROFIT ORGANIZATIONS AND OF INDIVIDUALS.

Nov. 25, 1970. 91-2. †
 Item 1008-A. 17 p.
 S. Rpt. 91-1375.

Recommends passage, with an amendment in the nature of a substitute, of H.R. 2669, to amend the War Claims Act of 1948, to include nonprofit charitable organizations in the category of claimants which receive top priority for compensation under the act.

S523-49 ENACTING THE INTERSTATE AGREEMENT ON DETAINERS INTO LAW.

Nov. 23, 1970. 91-2. †
 Item 1008-A. 7 p.
 S. Rpt. 91-1356.

Recommends passage of H.R. 6951, to enact the Interstate Agreement on Detainers, which provides that prosecuting authorities in States that are parties to the agreement, or prisoners serving terms in such party States, may require the disposition of detainers pending against a prisoner prior to the expiration of such prisoner's imprisonment.

S523-50 STATE OF HAWAII.

Dec. 4, 1970. 91-2. †
 Item 1008-A. 4 p.
 S. Rpt. 91-1410.

Recommends passage of H.R. 14684, to permit the U.S. District Court for Hawaii to render judgment on a claim of Hawaii against the U.S. for pier damages allegedly caused by a U.S. vessel.

S523-51 PROVIDING FOR THE HOLDING OF COURT IN MORGANTOWN in the Northern District of West Virginia.

Dec. 10, 1970. 91-2. †
 Item 1008-A. 2 p.
 S. Rpt. 91-1429.

Recommends passage of S. 4262, to authorize the U.S. District Court for the Northern District of West Virginia to hold court in Morgantown.

S523-52 CEDING TO THE CITY OF ALEXANDRIA, VA., CERTAIN WATERFRONT LAND.

Dec. 18, 1970. 91-2. †
 Item 1008-A. 7 p.
 S. Rpt. 91-1506.

Recommends passage of S. 4481, to cede waterfront land to the city, along the Potomac River.

S523-53 AMENDING TITLE 18, U.S. CODE, Pertaining to the Seal of the U.S. and of the President and Vice President.

Dec. 18, 1970. 91-2. †
 Item 1008-A. 10 p.
 S. Rpt. 91-1508.

Recommends passage with amendments of H.R. 14645, to protect the great seal of the U.S. and the Presidential and Vice-Presidential seals against misrepresentation, misuse, and commercial exploitation, and to authorize Secret Service protection of visiting heads of foreign states or other distinguished foreign visitors.

S523-54 ESTABLISHING CIRCUIT COURT EXECUTIVES.

Dec. 19, 1970. 91-2. †
 Item 1008-A. 6 p.
 S. Rpt. 91-1511.

Recommends passage of H.R. 17901, to improve judicial machinery by authorizing the appointment of a circuit executive for each judicial circuit court of appeal.

S523-55 AUTHORIZING SECRET SERVICE PROTECTION OF VISITING HEADS OF FOREIGN STATES OR GOVERNMENTS.

Dec. 15, 1970. 91-2. †
 Item 1008-A. 5 p.
 S. Rpt. 91-1463.

Recommends passage of S. 4583, to authorize Secret Service protection of visiting heads of foreign states of governments and other distinguished foreign visitors.

S524 Executive Reports JUDICIARY Committee, Senate**S524-1 NOMINATION OF GEORGE HARROLD CARSWELL.**

Feb. 27, 1970. 91-2. † 38 p.
 Exec. Rpt. 91-14.
 Y1.91 2:rp.14.
 5194(70). 70-606442.

Recommends confirmation by the Senate of the nomination of George Harrold Carswell to be an Associate Justice of the Supreme Court. Contains individual views (p. 10-38), and a "Memorandum on the Qualifications of G. Harrold Carswell for the Supreme Court of the United States," by Senators Joseph D. Tydings, Philip A. Hart, Edward M. Kennedy, and Birch Bayh (p. 14-31).

S524-2 NOMINATION OF HARRY A. BLACKMUN.

May 3, 1970. 91-2. † 18 p.
 Exec. Rpt. 91-18.
 834(70). 74-607231.

Recommends confirmation by the Senate of the nomination of Harry A. Blackmun to be an Associate Justice of the Supreme Court. Includes separate and individual views (p. 7-18).

S524-3 NOMINATION OF WILLIAM E. MILLER.

June 26, 1970. 91-2. † 3 p.
 Exec. Rpt. 91-21.
 Y1.91 2:rp.21.
 1106(70).

Report recommending confirmation of the nomination of William E. Miller as judge on the U.S. Court of Appeals for the Sixth Circuit.

S540 Documents LABOR AND PUBLIC WELFARE Committee, Senate**S540-1 FEDERAL AND STATE STUDENT AID PROGRAMS.**

June 11, 1970. 91-2. \$0.40
 Item 996. xii+82 p.
 S. Doc. 91-73.
 11064(70).

A comprehensive survey, prepared by the Legislative Reference Service, of Federal and State

- J.* Report of the *Subcom on National Labor Relations Board* of the House Committee on Education and Labor, "Administration of the Labor-Management Relations Act by the NLRB," 1961 (p. 2176-2260).
- K.* American Bar Association (Section on Labor Relations Law), "Views and Recommendations of Members of Special Committee Concerning Transfer of Jurisdiction Over Unfair Labor Practices to U.S. District Courts" in *Proceedings*, 1961 (p. 2261-2287).
- L.* Graham, James J., "How Effective is the National Labor Relations Board?" from *Minnesota Law Review*, May 1964 (p. 2288-2316).
- M.* Hickey, Robert J. "Stare Decisis and the NLRB" from *Labor Law Journal*, Aug. 1966 (p. 2317-2335).
- N.* Evans, Robert, Jr., "Render Unto Caesar": Federal District Courts and Unfair Labor-Practice Jurisdiction" from *Journal of Business*, July 1966 (p. 2336-2349).
- O.* Booker, Gene S.; and Coe, Alan, "The NLRB and Its Critics" from *Labor Law Journal*, Sept. 1966 (p. 2350-2359).
- P.* Booker, Gene S.; and Coe, Alan, "The Labor Board and Its Reformers" from *Labor Law Journal*, Feb. 1967 (p. 2360-2371).
- Q.* Murphy, William P., "The National Labor Relations Board: An Appraisal" from *Minnesota Law Review*, Mar. 1968 (p. 2372-2393).

Section E. The Ervin Subcommittee and After.

- A.* Testimony by J. R. Wason, "The National Labor Relations Act and the National Labor Relations Board," in hearings before *Subcom on Separation of Powers*, Mar. 1968 (p. 2397-2415).
- B.* Samoff, Bernard, "The Case of the Burgeoning Load of the NLRB" from *Labor Law Journal*, Oct. 1971 (p. 2416-2435).
- C.* Samoff, Bernard, "Coping With the NLRB's Growing Caseload" from *Labor Law Journal*, Dec. 1971 (p. 2436-2460).
- D.* Bernstein, Merton C., "The NLRB's Adjudication-Rule Making Dilemma Under the Administrative Procedure Act" from *Yale Law Journal*, Mar. 1970 (p. 2461-2500).
- E.* Miller, Edward B., "Toward An Improved Labor Judiciary" NLRB Release No. 1230, May 1972 (p. 2501-2510).

S520-3 FREEDOM OF INFORMATION ACT SOURCE BOOK: Legislative Materials, Cases, Articles.
1974. 93-2. v+432 p. † CIS/MF/7 † Item 996.
S. Doc. 93-82.

Reprint as a document of a volume formerly issued as a print, contains compilation by the *Subcom on Administrative Practice and Procedure* of documents and other materials relating to the history and operation of the Freedom of Information Act. (For complete summary, see S522-6.)

S520-4

SELECTED MATERIALS ON THE TWENTY-FIFTH AMENDMENT.
Oct. 1973. 93-1. v+300 p.
† CIS/MF/6 † Item 996.
S. Doc. 93-42.
04155(74).

Compilation by the *Subcom on Constitutional Amendments* of congressional documents, law review articles, and legal memos relating to the Twenty-Fifth Amendment to the Constitution, providing for procedures to assure continuity in the office of President in the event of Presidential disability and to fill a Vice-Presidential vacancy. Contains:

- a.* S. Rpt. 88-1382 on S.J. Res. 139, Aug. 13, 1964 (p. 1-21).
- b.* S. Rpt. 89-66 on S.J. Res. 1, Feb. 10, 1965 (p. 22-45).
- c.* H. Rpt. 89-203 on H.J. Res. 1, Mar. 24, 1965 (p. 46-68).
- d.* H. Rpt. 89-564 on S.J. Res. 1, June 30, 1965, conference report including text of proposed amendment (p. 69-72).
- e.* Excerpts from Subcom hearings on "Presidential Inability and Vacancies in the Office of Vice President," Jan. 1964, including statements by Senators Birch Bayh (D-Ind), Hiram L. Fong (R-Hawaii), and Roman L. Hruska (R-Nebr), Rep. Emanuel Celler (D-NY), former Vice-President Richard M. Nixon, Nicholas deB. Katzenbach (Atty Gen-Designate), Herbert Brownell (pres, NYC Bar Assn), Lewis F. Powell, Jr. (pres-elect, Amer Bar Assn), Marion B. Folsom (Committee for Economic Dev), Clinton Rossiter (prof, Cornell Univ), and Paul A. Freund (prof, Harvard Univ) (p. 73-142).
- f.* Feerick, John D. (member, Amer Bar Assn conf on Presidential inability and succession) "The Proposed Twenty-Fifth Amendment to the Constitution" from *Fordham Law Review*, Dec. 1965 (p. 143-177).
- g.* Haimbaugh, George D., Jr. (prof, Univ of SC Law School), "Vice Presidential Succession: Criticism of the Bayh-Celler Plan" from *South Carolina Law Review*, Apr. 1965 (p. 178-196).
- h.* Feerick, John D. "Vice Presidential Succession: In Support of the Bayh-Celler Plan" from *South Carolina Law Review*, Spring 1966 (p. 197-210).
- i.* Longaker, Richard P. (chm, dept of political science, UCLA), "Presidential Continuity: The Twenty-Fifth Amendment" from *UCLA Law Review*, 1966 (p. 211-241).
- j.* Celada, Raymond J. (LRS, LC), "Presidential Continuity and Vice Presidential Vacancy Amendment" Dec. 1965 and addendum, Mar. 1967 (p. 242-278).
- k.* Feerick, John D., Twenty-Fifth Amendment, Section 2, historical and legislative background, memo for Sen. Birch Bayh, Sept. 1973 (p. 279-300).

S521 JUDICIARY Committee, Senate

Hearings

S521-1 IMPOSITION OF CAPITAL PUNISHMENT.
June 13, July 26, 1973. 93-1. iv+329 p. † CIS/MF/6 † Item 1042. Y4J89/2:P96/3. 73-603399. 04233(74).

Hearings before the *Subcom on Criminal Laws and Procedures* on the National Commission on Reform of Federal Criminal Laws final report, "Proposed New Federal Criminal Code." This volume focuses on capital punishment in light of the Supreme Court ruling in *Furman v. Georgia* which held the discretionary imposition of the death penalty to be "cruel and unusual punishment" in violation of the Constitution.

Includes excerpts from earlier hearings on reform of the Federal Criminal Laws held on Apr. 16, 1973 (p. 1-79) and Feb. 16, 1972 (p. 162-187).

Appendix (p. 188-329) contains submitted statements, reports, and articles, including:

- a.* Violet, Joyce (Legis Reference Service), "Capital Punishment: Pro and Con Arguments" Aug. 3, 1966 (p. 188-217).
- b.* Van Den Haag, Ernest "On Deterrence and the Death Penalty" *Journal of Criminal Law, Criminology and Police Science*, Vol. 60, No. 2 (p. 235-242).
- c.* N.J. Commission to Study Capital Punishment, rpt and bibl, Oct. 26, 1964 (p. 251-275).
- d.* Sellin, Thorsten "Capital Punishment," from *Federal Probation*, Sept. 1961 (p. 287-296).
- e.* McCafferty, James A. "Major Trends in the Use of Capital Punishment" (p. 301-308).
- f.* Jeffries, Peter "Thou Shalt Not Kill," NBC News Feature, July 28, 1972, transcript (p. 309-321).
- g.* Excerpt from House hearings on capital punishment, May 10, 1972 (p. 321-329).

S521-1.1: July 26, 1973. p. 81-108.

Witness: DISALLE, Michael V., atty, DC; former Gov, Ohio.

Statement and Discussion: Reasons for opposition to death penalty; review of experiences as Governor of Ohio; charged lack of death penalty deterrent value; international historical review of capital punishment development; need to correct social problems which breed crime.

S521-1.2: June 13, 1973. p. 109-156.

Witness: LEVINSON, L. Harold, law prof, Univ of Fla.

Statement and Discussion: Belief in appropriateness of capital punishment with specific standards; analysis of *Furman v. Georgia* decision; criticism of Florida's legislative response to *Furman* decision; critique of capital punishment proposals in S. 1 and S. 1401, both proposals to reform the Federal criminal laws.

Insertions: "The Future of Capital Punishment in Florida: Analysis and Recommendations" by Charles W. Ehrhardt et al, *Journal of Criminal Law and Criminology* (p. 113-123).

Memo decisions rendered by Supreme Court on basis of *Furman v. Georgia* June 29, 1972-analytical listing (p. 123-125).

S683-8 PROVIDING FOR THE ESTABLISHMENT OF THE LYNDON BAINES JOHNSON MEMORIAL GROVE ON THE POTOMAC.
Dec. 20, 1973. 93-1. †
Item 1008-A. 2 p.
S. Rpt. 93-660.

Recommends passage of S.J. Res. 178, to establish, at no public expense, the Lyndon Baines Johnson Memorial Grove in the Lady Bird Johnson Park, D.C.

S684 Executive Reports RULES AND ADMINISTRATION Committee, Senate

S684-1 NOMINATION OF GERALD R. FORD OF MICHIGAN TO BE VICE PRESIDENT OF THE U.S.
Nov. 23, 1973. 93-1. †
iv + 110 p. Exec. Rpt. 93-26.
Y1.93/1:rp.26.

Recommends confirmation of Gerald R. Ford (Rep, R-Mich), current House Minority Leader, to be Vice President of the U.S., to fill post left vacant by former Vice President Spiro Agnew's resignation.

Reviews hearings issues, views of the nominee, and findings of the Committee. Appendix contains nominee's biographical material and pertinent correspondence (p. 101-110).

S721 Hearings SMALL BUSINESS, Select Committee on, Senate

S721-1 ROLE OF GIANT CORPORATIONS. Part 2A: Appendixes. Corporate Secrecy: Overviews.
Nov. 9, 12, 1971. 92-1.
\$5.25 S/N 5270-01635.
Item 1049.
xix + 1217-2080 p. il. Index.
Y4.Sm1/2:C81/pt.2A.
20016(73). 72-603552.

Appendices to hearings before the *Subcom on Monopoly* on the issue of corporate secrecy. Contains supplementary documentation relevant to witnesses' testimony, including:

Appendix IV: Compilation (p. 1217-1694) of background material by Ralph Nader on selected issues including product safety, interaction of Government secrecy and corporate secrecy, environment, energy shortages, tax arrangements between giant corporations and IRS, corporation ownership and corporate financial reporting. Materials include congressional statements, articles, press releases, excerpts from Nader Task Force reports, and:

a. Freer, Robert E., Jr. (atty) "FTC-FDA: Discretionary Regulation Under the Fair Packaging and Labeling Act" Business Lawyer, Jan. 1972 (p. 1277-1288).

- b. Harris, Richard "Annals of Politics—A Fundamental Hoax," article connecting concentrated economic power with political influence, New Yorker, Aug. 7, 1971 (p. 1379-1398).
- c. Cost Accounting Standards Board documentation related to establishment of uniform standards for defense contractors (p. 1398-1440).
- d. Baram, Michael S. "Trade Secrets: What Price Loyalty?" legal, practical and ethical issues raised by employees leaving with proprietary corporate information, Harvard Business Review, Nov.-Dec. 1968 (p. 1451-1458).
- e. Flynn, Thomas D. (accountant) "Uniformity in Financial Accounting: A Progress Report" from 1965 Law and Contemporary Problems (p. 1471-1483).
- f. Schwartz, Donald E. (law prof) "Financial Reporting of Diversified Companies: Legal Implications" Hastings Law Journal, Nov. 1968 (p. 1500-1550).
- g. SEC proposed amendments to disclosure requirement forms, filed annually by companies having registered securities (p. 1570-1598).
- h. Price Commission instruction sheets and forms used by companies requesting price increases (p. 1627-1645).
- i. Justice Dept, formerly confidential memo, inserted in Congressional Record by Rep. Philip Burton (D-Calif), detailing charges against American auto manufacturers for conspiring to retard development of a smog-free motor vehicle, indicated as prepared before Jan. 10, 1969 (p. 1662-1689).

Appendix V: Correspondence (p. 1695-1742) between Prof. John K. Galbraith and certain defense prime contractors concerning extent of Government ownership of their plant and equipment, with charts and:

a. Textron, Inc., 44th Annual Rpt, 1971 (p. 1711-1737).

Appendix VI: Correspondence and materials (p. 1743-2080) concerning the FTC's collection, disclosure and withholding of corporate information, including:

- a. Certain related forms used by the Office of Price Admin, SEC, and FTC for collection of financial data from corporations (p. 1776-1806).
- b. FTC "Quarterly Financial Report for Manufacturing Corporations" 4th Quarter, 1971 (p. 1883-1954).
- c. FTC "Rates of Return in Selected Manufacturing Industries, 1960-69," rpt (p. 1955-2024).
- d. Dalton, James A.; and Penn, David W. "The Quality of Data as a Factor in Analyses of Structure-Performance Relationships" FTC staff rpt, June 1971 (p. 2027-2080).

S721-2 IMPACT OF CRIME ON SMALL BUSINESS, 1971. Part 5: Cargo Theft, Railroad Industry.
June 9, 1971. 92-1. \$1.00
Item 1049.
iv + 1149-1262 p. il.
Y4.Sm1/2:C86/3/971/pt.5.
20015(73). 77-613732.

Continuation of hearings on thefts from various modes of transportation and their impact on

small business. This volume deals with RR industry cargo thefts, damage, and claims. Appendices (p. 1214-1262) contain relevant reports, texts of film and TV narratives, news articles, and correspondence.

S721-2.1: June 9, 1971. p. 1155-1161.

Witness: STAFFORD, George M., Chm, ICC.

Statement and Discussion: Value of planned ICC cargo theft reports.

S721-2.2: June 9, 1971. p. 1161-1170.

Witness: BARRON, Milford, exec-in-charge, logistics ops, Gen Motors Corp (GM), Warren, Mich.

Statement and Discussion: Damage to and theft of GM rail shipments; GM measures to avert losses (film, text, p. 1167-1169).

S721-2.3: June 9, 1971. p. 1170-1180.

Witness: NELSON, Donald L., dir, security, Penn Central Co (PCTC).

Statement and Discussion: Extent and nature of thefts and damage to Penn Central cargo and railroad property; recommended Federal and local action.

S721-2.4: June 9, 1971. p. 1181-1184.

Witness: GOLDSTEIN, Emil, asst vp, ops, US Freight Co, NYC.

Statement and Discussion: Extent of claims paid by U.S. Freight Co. in 1971.

S721-2.5: June 9, 1971. p. 1184-1213.

Witness: MANION, R. Rex, vp, ops and maintenance dept, Assn of Amer RRs.

Statement and Discussion: Opposition to Federal regulation of cargo handling; suggestions for improving police protection of cargo.

Insertion: Presentations to railroad conferences, by R. R. Manion, July 6, 1971, June 20, 1972 (p. 1188-1213).

S721-3 ADVERTISING OF PROPRIETARY MEDICINES. Part 3: Cough and Cold Remedies, Misuse of Antibiotics, Anti-Obesity Drugs.
Dec. 5-8, 13, 14, 1972. 92-2.
\$2.00; \$2.35 ppd.
S/N 5270-01738. Item 1049.
iv + 939-1351 p. il.
Y4.Sm1/2:M46/pt.3.
24963(73). 77-614484.

Continuation of hearings before the *Subcom on Monopoly* to examine the effect of the promotion and advertising of over the counter (OTC) and prescription drugs on competition, small business, and the public's health. This volume contains testimony on cold and cough remedies, anti-infectives, and anti-obesity drugs.

Appendix (p. 1311-1351) contains correspondence and articles including "Complications of Antibiotic Therapy" by Irwin Ziment et al, Dept of Medicine, Harbor General Hospital, Torrance, Calif. (p. 1313-1337).

S721-3.1: Dec. 5, 1972. p. 941-989.

Witnesses: KATZ, Sol (Dr.), dir, pulmonary disease div, Georgetown Univ Hosp, Wash, DC.

DUNPHY, Thomas W., assoc dir of clinical services, Hunter Fdn for Health Care.

HORNICK, Richard B. (Dr.), head, div of infectious diseases, Univ of Md School of Medicine.

S683-2

S683-2 CONGRESSIONAL BUDGET ACT OF 1974.
Mar. 6, 1974. 93-2.
v+104 p. † CIS/MF/4
eltem 1008-A.
S. Rpt. 93-688.
10732(74).

Recommends passage with amendments of S. 1541, the Congressional Budget Act of 1974, to reform congressional fiscal procedures and establish structures to make and implement comprehensive budgetary policy decisions, and to relate spending decisions with each other and to revenues. Provides Federal expenditures and national debt ceilings; creates Standing Budget Committees in each House, and establishes an independent supporting Congressional Office of the Budget; changes fiscal year to fall between October 1-September 30; and establishes new timetable for current services and President's budgets submission; and the congressional budget process.

S. 1541 is identical to title IV of S. 2049 and related to H.R. 7130.

Appendices include changes recommended in testimony or correspondence (p. 91-97); and comparison of S. 1541 as revised by committee on Rules and Administration with original version proposed by Government Operations Committee (p. 98-104).

S683-3 SALE AND DISTRIBUTION OF THE CONGRESSIONAL RECORD.
May 6, 1974. 93-2. 4 p. †
CIS/MF/3 eltem 1008-A.
S. Rpt. 93-824.

Recommends passage of S. 3373, to provide that the Congressional Record be entitled to be mailed at the same postal rates at which any newspaper or other periodical publication, with a legitimate list of paid subscribers, is entitled to be mailed.

S683-4 AUTHORIZING ADDITIONAL APPROPRIATIONS TO THE NATIONAL MUSEUM OF THE SMITHSONIAN INSTITUTION.
May 22, 1974. 93-2. 6 p.
† CIS/MF/3 eltem 1008-A.
S. Rpt. 93-868.

Recommends passage with an amendment of S. 2137, to authorize additional appropriations for FY75-77 for the Smithsonian Institution's National Museum Act programs.

S683-5 AUTHORIZING THE PROCUREMENT OF AN OIL PORTRAIT AND MARBLE BUST OF FORMER CHIEF JUSTICE EARL WARREN.
June 4, 1974. 93-2. 3 p. †
CIS/MF/3 eltem 1008-A.
S. Rpt. 93-898.

Recommends passage of S.J. Res. 123, to authorize procurement of an oil portrait and marble bust of former Chief Justice Earl Warren for placement in the U.S. Supreme Court Building.

S683-6 PROVIDING FOR THE REAPPOINTMENT OF DR. WILLIAM A. M. BURDEN AS CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION.
July 11, 1974. 93-2. 3 p.
† CIS/MF/3 eltem 1008-A.
S. Rpt. 93-1002.

Recommends passage of S.J. Res. 220, to provide for the reappointment of Dr. William A. M. Burden as citizen regent of the Board of Regents of the Smithsonian Institution.

S683-7 PROVIDING FOR THE REAPPOINTMENT OF DR. CARYL P. HASKINS AS CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION.
July 11, 1974. 93-2. 3 p.
† CIS/MF/3 eltem 1008-A.
S. Rpt. 93-1003.

Recommends passage of S.J. Res. 221, to provide for the reappointment of Dr. Caryl P. Haskins as citizen regent of the Board of Regents of the Smithsonian Institution.

S683-8 PROVIDING FOR THE APPOINTMENT OF DR. MURRAY GELL-MANN AS CITIZEN REGENT OF THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION.
July 11, 1974. 93-2. 2 p.
† CIS/MF/3 eltem 1008-A.
S. Rpt. 93-1004.

Recommends passage of S.J. Res. 222, to provide for the appointment of Dr. Murray Gell-Mann as citizen regent of the Board of Regents of the Smithsonian Institution.

S683-9 OVERSEAS CITIZENS VOTING RIGHTS ACT OF 1974.
July 16, 1974. 93-2. 11 p.
† CIS/MF/3 eltem 1008-A.
S. Rpt. 93-1016.

Recommends passage with amendments of S. 2102, to provide uniform procedures for absentee voting in Federal elections by citizens residing outside the U.S., and provides that voting will not result in loss of any existing Federal or State tax exemption.

S683-10 SMITHSONIAN INSTITUTION MUSEUM SUPPORT FACILITIES.
July 31, 1974. 93-2. 4 p.
† CIS/MF/3 eltem 1008-A.
S. Rpt. 93-1051.

Recommends passage with amendments of S. 857, to enable the Smithsonian Institution to undertake preliminary planning of museum support facilities on federally owned land within the Washington, D.C. metropolitan area for the training of museum conservators, and for the

care, conservation, and study of national collections of scientific, historical, and artistic objects and artifacts.

S683-11 FEDERAL ELECTION CAMPAIGN ACT AMENDMENTS OF 1974.
Oct. 7, 1974. 93-2. 128 p.
† CIS/MF/4 eltem 1008-A.
S. Rpt. 93-1237.

Conference report on S. 3044, to amend the Federal Election Campaign Act of 1971 to provide for public financing of primary and general election campaigns for Federal elective office.

S683-12 AMENDING THE RULES OF PROCEDURE AND PRACTICE IN THE SENATE WHEN SITTING ON IMPEACHMENT TRIALS.
Aug. 22, 1974. 93-2.
iv+77 p. † CIS/MF/3
eltem 1008-A.
S. Rpt. 93-1125.

Recommends passage of S. Res. 390, to amend the Senate's rules of procedure and practice during impeachment trials.

S. Res. 390 is related to S. Res. 370 and S. Res. 371.

Appendix contains summaries of the 12 U.S. impeachment trials excerpted from "Presidential Impeachment—An American Dilemma" by Walter Ehrlich (p. 43-53), and CRS study, "Evolution of the Rules of Procedure and Practice in the Senate When Sitting on Impeachment Trials" by Robert L. Thornton, Sept. 3, 1974 (p. 54-77).

S684 Executive Reports RULES AND ADMINISTRATION Committee, Senate

S684-1 NOMINATION OF NELSON A. ROCKEFELLER OF NEW YORK TO BE VICE PRESIDENT OF THE U.S.
Dec. 3, 1974. 93-2.
iv+200 p. † CIS/MF/5
Exec. Rpt. 93-34.
Y1.93/2:rp.34.

Recommends confirmation of Nelson A. Rockefeller to be Vice President of the U.S.

Includes compilations of materials relating to nominee, including: data on financial status (p. 23-31); nominee's views on current issues (p. 33-87); and special issues bearing on his qualifications (p. 91-165).

Also includes additional approving views (p. 185-188).

- l.* Yankwich, Leon R. "Impeachment of Civil Officers Under the Federal Constitution" from *Georgetown Law Journal*, May 1938 (p. 689-704).
- m.* "Power of Impeachment" from *Congressional Quarterly Guide to the U.S. Congress* (p. 705-718).

H522-8 APPLICATION OF THE TWENTY-FIFTH AMENDMENT TO VACANCIES IN THE OFFICE OF THE VICE PRESIDENT, Legislative History.
Nov. 1973. 93-1. †
iv+469 p.

Contains hearings on H.J. Res. 1, proposing an amendment to the Constitution to provide for the orderly transfer of power in time of presidential disability and for filling the office of Vice President in the event of vacancy, and on thirty-seven related bills (texts, p. 14-43), and to receive testimony by members of Congress and legal scholars (p. 3-296).

Also contains:

- a.* H. Rpt. 89-203 on H.J. Res. 1 (p. 297-319).
- b.* House floor debate on H.J. Res. 1, Apr. 13, 1965 (p. 321-416).
- c.* S. Rpt. 89-66 and H. Rpt. 89-564, conf. rpt., on S.J. Res. 1 (p. 417-449).
- d.* Celada, Raymond J. "Presidential Continuity and Vice Presidential Vacancy Amendment" Mar. 13, 1967 (p. 451-467).

H523 JUDICIARY Committee, House

Reports

H523-1 FEDERAL RULES OF EVIDENCE.
Mar. 7, 1973. 93-1. †
●Item 1008-A. 4 p.
H. Rpt. 93-52.
26104(73).

Recommends passage with amendments in the nature of substitutes of S. 583, to secure to the Congress additional time for considering the rules of evidence for U.S. courts and magistrates, the amendments to the Federal Rules of Civil Procedure, and the amendments to the Federal Rules of Criminal Procedure which the Supreme Court on Nov. 20, 1972, ordered the Chief Justice to transmit to Congress.

The effect of the change is:

- a.* To require affirmative action by Act of Congress before the rules become effective.
- b.* To make it clear that this or any succeeding Congress may act on the rules.
- c.* To make it clear that the rules as proposed may be accepted in whole or in part, with or without changes.

The amended text also takes into account the existence of the second order of the Supreme Court, dated Dec. 18, 1972, promulgating the rules.

H523-2 AMENDING THE IMMIGRATION AND NATIONALITY ACT.
Apr. 5, 1973. 93-1. †
●Item 1008-A. 28 p.
H. Rpt. 93-108.
27130(73).

Recommends passage, with an amendment in the nature of a substitute, of H.R. 982, to make it unlawful to knowingly employ aliens who have not been lawfully admitted for permanent residence or are not authorized by the Attorney General to work while in the U.S., and to establish a 3-step procedure for the imposition of sanctions against employers who hire illegal aliens. Also provides for adjustment of status in the U.S. of natives of the Western Hemisphere, if otherwise qualified to immigrate to the U.S.

H.R. 982 is almost identical to (92) H.R. 16188, the clean version of (92) H.R. 14831 and passed by the House.

Includes additional views (p. 25-28).

H523-3 ESTABLISHING THE AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION, and for Other Purposes.
May 24, 1973. 93-1. †
●Item 1008-A. 26 p.
H. Rpt. 93-226.
28352(73).

Recommends passage with amendments of H.R. 7446, to terminate the American Revolution Bicentennial Commission and to establish in its place a temporary, independent American Revolution Bicentennial Administration, with provisions for a full-time Administrator, a Board, and an Advisory Council.

H.R. 7446 is a revised version of H.R. 3695 and companion bills.

Includes additional views (p. 26).

H523-4 LAW ENFORCEMENT ASSISTANCE AMENDMENTS.
June 5, 1973. 93-1. †
●Item 1008-A. 40 p.
H. Rpt. 93-249.
28366(73).

Recommends passage with amendments of H.R. 8152, to amend the Omnibus Crime Control and Safe Streets Act of 1968 to extend LEAA for two years.

Also replaces the LEAA "troika" system with a single Administrator and a Deputy Administrator appointed by the President with the advice and consent of the Senate; clarifies that appropriated monies address all aspects of the criminal justice system, not merely police; broadens definition of law enforcement and criminal justice to include prosecutorial and defender services, and rehabilitation as well as detection and apprehension of criminals.

The National Institute of Law Enforcement and Criminal Justice is given a new role in evaluating projects, developing training programs, and acting as clearing house to stimulate research and reform. The act itself contains provisions protecting civil rights and civil liberties.

Includes additional views (p. 33-40).

H523-5 COMMISSION ON THE BANKRUPTCY LAWS.
June 6, 1973. 93-1. †
●Item 1008-A. 4 p.
H. Rpt. 93-262.
32041(73).

Recommends passage of H.J. Res. 499, to extend for one month from June 30, 1973 to July 31, 1973, the date on which the Commission on the Bankruptcy Laws of the U.S. is to submit its report and to extend the life of the Commission for thirty additional days beyond final report submission.

H523-6 TO PROHIBIT THE MISUSE OF THE NAME OR SYMBOL OF THE FEDERAL GOVERNMENT IN THE COLLECTION OF DEBTS.
June 11, 1973. 93-1. †
●Item 1008-A. 6 p.
H. Rpt. 93-268.
28370(73).

Recommends passage, with an amendment in the nature of a substitute, of H.R. 689, to prohibit persons attempting to collect private debts from misusing names or symbols in order to convey the false impression that an agency of the Federal Government is involved in such collection.

H523-7 LAW ENFORCEMENT ASSISTANCE AMENDMENTS.
July 26, 1973. 93-1. †
●Item 1008-A. 34 p.
H. Rpt. 93-401.
29886(73).

Conference report on H.R. 8152, to amend Title I of the Omnibus Crime Control and Safe Streets Act of 1968, concerning activities of LEAA. Report is identical to S. Rpt. 93-349. (For complete summary, see S523-22.)

H523-8 FEDERAL PRISONERS FURLOUGH.
July 31, 1973. 93-1. †
●Item 1008-A. 4 p.
H. Rpt. 93-425.

Recommends passage with amendments of H.R. 7352, to amend the Prisoner Rehabilitation Act of 1965, to expand provisions permitting furloughs of Federal prisoners for the re-establishment of family and community ties or for other significant reasons not of an emergency nature.

H523-9 RELIEF FOR PAYEES AND SPECIAL INDORSEES OF FRAUDULENTLY NEGOTIATED CHECKS Drawn on Designated Depositories of the U.S., By Extending the Availability of the Check Forgery Insurance Fund.
Aug. 3, 1973. 93-1. †
●Item 1008-A. 10 p.
H. Rpt. 93-448.

Recommends passage with amendments of H.R. 6274, to extend the availability of the Check

H522-10

3. Thirteen allegations concerning the Watergate break-in and related activities, including alleged White House and other cover-up efforts.
4. Allegations concerning improprieties regarding the President's personal finances.
5. Twenty-six allegations concerning efforts by the White House to use executive branch agencies for political purposes, and alleged White House involvement with election campaign contributions.
6. Three allegations concerning other misconduct: bombing of Cambodia; impoundment of funds; and dismantling of OEO.

Also includes information on special inquiry staff and biographies of counsel employed since Feb. 5, 1974.

- H522-11 SUMMARY OF ACTIVITIES OF THE COMMITTEE ON THE JUDICIARY, 93d Congress, 1st Session.**
1974. 93-2. vi+38 p. †
CIS/MF/3 Y4J89/1:Ac8/974.
09847(74).

Review of whole committee's and subcommittees' legislative, oversight, and other activities during the 93d Congress, 1st Session.

- H522-12 IMPEACHMENT INQUIRY PROCEDURES.**
May 2, 1974. 93-2.
iii+2 p. † CIS/MF/3

Contains set of procedures, unanimously adopted, May 2, 1974, applicable to the presentation of evidence in Committee inquiry into impeachment of President Nixon.

- H522-13 LEGISLATIVE CALENDAR, No. 4.**
Apr. 26, 1974. 93-2.
v+479 p. Oversized. †
Y4J89/1:93/cal.4.

Cumulative record of committee activities to Apr. 26, 1974.

- H522-14 RULES OF PROCEDURE.**
May 1974. 93-2. 6 p. †
CIS/MF/3

Contains text of rules of procedure for the committee, as adopted Feb. 6, 1973, and amended June 19, 1973, and May 2, 1974.

- H522-15 PROPOSED CUTBACKS IN THE COMMUNITY RELATIONS SERVICE.**
May 1974. 93-2. iii+11 p.
† CIS/MF/3

Report of the *Subcom on Civil Rights and Constitutional Rights*, with its findings and recommendations based on hearings in Mar.-Apr. and Oct. 1973, on Administration-proposed cutbacks in the FY74 budget of the Community Relations Service, Justice Dept.

Includes dissenting and supplemental and concurring views (p. 6-11).

- H522-16 COMPARISON OF PASSAGES FROM TRANSCRIPTS OF EIGHT RECORDED PRESIDENTIAL CONVERSATIONS.**
July 9, 1974. 93-2.
i+131 p. Offset. †
CIS/MF/4

Contains comparisons between certain passages in the transcripts of the eight conversations delivered by the President to the Committee and released to the public in April (for summary, see H940-1.), and the same passages as transcribed by the Committee's Inquiry staff (for complete summary, see H521-18).

- H522-17 COMMENTARY: PROPOSED AMENDMENTS, FEDERAL RULES OF CRIMINAL PROCEDURE.**
July 1974. 93-2. v+63 p.
† CIS/MF/3

Compilation of letters received by the *Subcom on Criminal Justice* in response to invited comments on H. Doc. 93-292, containing the proposed amendments to the Federal Rules of Criminal Procedure promulgated by the Supreme Court and the Notes prepared by the Advisory Committee of the Judicial Conference of the U.S. Respondents include chief judges of Federal district courts and circuit courts of appeals, presidents of State bar associations, law school professors, and representatives of the Justice Dept and of various legal organizations.

Also includes text of H. Rpt. 93-1144, accompanying H.R. 15461, proposing postponement of the effective date of the amendments to Aug. 1, 1975 (p. 61-63).

- H522-18 LEGISLATIVE CALENDAR, No. 5.**
Aug. 28, 1974. 93-2.
v+543 p. Oversized. †
Y4J89/1:93/cal.5.

Cumulative record of committee activities to Aug. 28, 1974.

- H522-19 CIVIL RIGHTS ACTS OF 1957, 1960, 1964, 1968 (AS AMENDED THROUGH THE 93D CONGRESS, FIRST SESSION); VOTING RIGHTS ACT OF 1965.**
Sept. 1974. 93-2. iii+82 p.
\$1.15 CIS/MF/3

Contains texts of the four Civil Rights Acts, 1957 through 1968 (p. 1-47), and of the Voting Rights Act of 1965, as amended (p. 48-82).

- H522-20 ANALYSIS OF THE PHILOSOPHY AND PUBLIC RECORD OF NELSON A. ROCKEFELLER, NOMINEE FOR VICE PRESIDENT OF THE U.S.**
Oct. 1, 1974. 93-2.
viii+193 p. † CIS/MF/5

CRS-prepared analysis, requested jointly by this Committee and the Senate Committee on Rules and Administration, of the public policy and

political philosophy of Nelson A. Rockefeller, nominee for Vice President. Focuses particularly on nominee's public statements and actions as Governor of New York State (1959-73), and includes earlier public service and campaigns for Republican Presidential nomination, using as principal sources the "Public Papers of Governor Nelson A. Rockefeller" and the New York Times.

Examines record in the following major areas: economic affairs, education and public welfare, environment and natural resources, foreign policy and national defense, general government, and science policy.

- H522-21 SELECTED ISSUES AND THE POSITIONS OF NELSON A. ROCKEFELLER: Nominee for Vice President of the U.S.: An Analysis.**
Nov. 1974. 93-2.
vi+130 p. † CIS/MF/4

Committee analysis of statements made and positions taken by Nelson Rockefeller in the following areas of public interest:

- a. Ethical Standards and Responsibilities of a Public Servant (p. 1-36).
- b. Tenure as Governor (p. 37-46).
- c. Civil Liberties, Law Enforcement, and Criminal Justice (p. 47-92).
- d. Functions and Role of Government (p. 93-130).

H523 JUDICIARY Committee, House

Reports

- H523-1 INVESTIGATORY POWERS OF COMMITTEE ON THE JUDICIARY WITH RESPECT TO ITS IMPEACHMENT INQUIRY.**
Feb. 1, 1974. 93-2. 15 p.
† CIS/MF/3 Item 1008-A.
H. Rpt. 93-774.
09033(74).

Recommends passage of H. Res. 803, to authorize and direct the Committee on the Judiciary to investigate whether sufficient grounds exist for House of Representatives impeachment of President Richard M. Nixon. Provides procedures for flexible exercise of subpoena and interrogation authorities.

Includes additional, supplemental, and separate views (p. 9-15).

- H523-2 AMENDING TITLE 35, UNITED STATES CODE, "PATENTS."**
Feb. 28, 1974. 93-2. 5 p.
† CIS/MF/3 Item 1008-A.
H. Rpt. 93-856.

Recommends passage with amendment of H.R. 9199, to: change title of First Assistant Commissioner of Patents, and appointment procedure for 15 examiners-in-chief; permit patent issue fee late payment.

- a. GAO report on U.S. programs in Cambodia, Laos, and South Vietnam, FY74, FY75, tables (p. 65-70).
- b. Text of law governing U.S. assistance to Indochina (p. 79-85).

S522-10 FREEDOM OF INFORMATION ACT AND AMENDMENTS OF 1974 (P.L. 93-502). Source Book: Legislative History, Texts, and Other Documents.
Mar. 1975. 94-1. ix+571 p.
\$4.80 Y4.G74/7:In3/16.
S/N 052-070-02805-0.
CIS/MF/8
10245(75). 75-601607.

Compilation prepared by staffs of the *Subcom on Administrative Practice and Procedure* and the House Committee on Government Operations *Subcom on Government Information and Individual Rights*, with CRS assistance, of materials relating to the legislative history of P.L. 93-502, the Freedom of Information Act Amendments of 1974. (For complete summary, see H402-6.)

S522-11 MARIHUANA AND THE QUESTION OF PERSONNEL SECURITY.
Feb. 1975. 94-1.
ii+43+iii p. Index. \$0.70
S/N 052-070-02773-8.
CIS/MF/3 Y4.J89/2:M33/2.
75-601796.

Staff study by *Subcom on Internal Security* to aid Government security officers in making judgments on fitness of applicants or employees for positions involving sensitive information or operations.

Contains excerpts of and commentary on testimony during subcom hearings, "Marihuana-Hashish Epidemic and Its Impact on U.S. Security," held during May and June 1974. Includes index (p. i-iii) of individuals and organizations.

S522-12 LEGISLATIVE AND EXECUTIVE CALENDAR, No. 1.
Apr. 6, 1975. 94-1.
150 p. Oversized. †
Y4.J89/2:94/cal.1.

Cumulative record of committee activities to Apr. 6, 1975.

S522-13 OMNIBUS DISTRICT JUDGESHIP BILL.
May 1, 1975. 94-1.
41 p. il. † CIS/MF/3

Draft report recommending passage of S. 287, to create additional Federal district court judgeships.

S522-14 OUR NATION'S SCHOOLS—A REPORT CARD: "A" IN SCHOOL VIOLENCE AND VANDALISM.
Apr. 1975. 94-1. iii+39 p.
† CIS/MF/3
75-602304.

Report prepared by the *Subcom on Juvenile Delinquency* reviewing preliminary findings of 1971-75 investigation into rising trends in student violence and vandalism in the Nation's public school systems.

Presents regional breakdown of juvenile delinquency statistics obtained from a survey of over 750 school districts, indicating increased occurrences of homicides, rapes, robberies, assaults, burglaries, drug and alcohol offenses, and dropouts. Also summarizes Federal and State legislative attempts to curb school crime.

S522-15 PROCEDURES RELATING TO MINIMUM CHARTER AIR FARES.
1974. 93-2. iii+22 p. †
CIS/MF/3

Report of the *Subcom on Administrative Practice and Procedure* staff summarizing inquiry based on Nov. 7 and 8, 1974, hearings into possible unlawful actions by DOT, CAB, and the State Dept to impose a single uniform minimum price rule on charter air carrier fares.

Findings suggest a variety of motivations for alleged governmental allowance of anticompetitive practices among charter airlines, including interest in assisting Pan American airlines to ward off impending bankruptcy.

S522-16 INDOCHINA EVACUATION AND REFUGEE PROBLEMS.
June 9, 1975. 94-1.
iii+52 p. Oversized. †
CIS/MF/3

Report prepared for the *Subcom on Refugees and Escapees*, assessing problems of refugee and escapee evacuation from Indochina. Preliminary findings and recommendations are based on 1974 subcom and committee hearings, field observations, and other inquiries.

S522-17 REPORT OF THE SUBCOMMITTEE TO INVESTIGATE THE ADMINISTRATION OF THE INTERNAL SECURITY ACT AND OTHER INTERNAL SECURITY LAWS.
Feb. 1975. 94-1. v+27 p.
\$0.45 CIS/MF/3
Y4.J89/2:In8/4/975.
10247(75). 75-601719.

Report of the *Subcom on Internal Security* on its activities for the fiscal year ending Feb. 28, 1975, in investigating administration and enforcement of Internal Security Act and other laws relating to espionage, sabotage, and the extent and nature of subversive activities in the U.S.

S522-18 DIRECT POPULAR ELECTION OF THE PRESIDENT.
1975. 94-1. 36 p. il. †
CIS/MF/3

Recommends passage of S.J. Res. 1, to amend the Constitution to provide for direct popular election of the President and Vice President, and to abolish the electoral college.

S.J. Res. 1 is identical to 93d Congress S.J. Res. 1.

S522-19 LEGISLATIVE AND EXECUTIVE CALENDAR, No. 2.
July 5, 1975. 94-1.
199 p. Oversized. †
Y4.J89/2:94/cal.2.

Cumulative record of committee activities to July 5, 1975.

S522-20 ADMINISTRATION OF THE INTERNAL SECURITY ACT OF 1950.
July 1975. 94-1.
iii+166 p., index. \$1.75
CIS/MF/4 Y4.J89/2:In8/18.
11734(75). 75-602745.

Paper prepared by former Associate Chief Counsel A. Warren Littman for the *Subcom on Internal Security* on administration of the Internal Security Act of 1950. Includes analysis of the act, its judicial treatment and history, effects of detente, legislative oversight, conclusions and recommendations of the author, and:

- a. Phelps, James R., "Judicial Technique and the Communist Party: The Internal Security and Smith Acts Construed," from *Univ of Cincinnati Law Review*, 1962 (p. 77-88).
- b. Satterfield, John C., "They Will Bury Themselves—If We Help Them," address before Missouri Bar, Mar. 2, 1962, from *Mississippi Law Journal*, 1964 (p. 88-94).
- c. Deakin, Thomas J. (special agent, FBI), "The Legacy of Carlos Marighella," from *FBI Law Enforcement Bulletin*, Oct. 1974 (p. 113-119).
- d. Sarnoff, David, "Program for a Political Offensive Against World Communism" memo (p. 137-151).

Includes subject and author index (p. 153-166).

S522-21 REVIEW OF THE IMPLEMENTATION OF SECTION 2 OF THE 25TH AMENDMENT.
Sept. 1975. 94-1. iii+6 p.
† CIS/MF/3

Report by the *Subcom on Constitutional Amendments* on the first implementation of and possible modifications to Section two of the 25th Amendment providing a method for filling vacancies in the Vice Presidency. Reviews functioning of the Amendment when President Richard M. Nixon nominated Gerald R. Ford as the new Vice President and when President Ford nominated Nelson A. Rockefeller.