In my opinion, Congressman Collier has performed yeoman service on behalf of the residents of our West Suburban area and his presence as our representative in national matters will be sorely missed by his constituents.

Although a lifelong Republican, Congressman Collier has represented all of the residents of his district in a non-partisan manner and has always made himself available at all times to discuss legislation and even personal problems of those whom he represents.

Congressman Collier has stated that "shuffling back and forth between Washington and Illinois for eighteen years" has been a long time, and we thoroughly agree with him. We do feel, however, that the sacrifices he has made on our behalf should be rewarding to such a dedicated man.

The congressman has stated that he would like to spend his remaining active years in the private, rather than the public sector, and we wish him well in whatever pursuit he wishes to follow.

To those of us in the print media, who have grown to know Congressman Collier over the years, we have found him to be one of the most cooperative persons we have chanced to meet in public life. No matter how busy he might be, he has always been willing to take the time to discuss government matters which have been of importance to his constituents.

I would like to personally thank Congressman Collier for his eighteen years of public service and feel that I am reflecting the thoughts of the thousands of citizens in the Sixth District who have returned him to office for 9 consecutive terms. Finding a replacement for such a devoted man will take quite a bit of doing.

SALUTE TO SISTER CELESTIA

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, December 5, 1973

Mr. LUJAN. Mr. Speaker, it is often said that behind a good man is a good woman. New Mexico has many good men with very good women behind them.

One such woman is Sister Celestia, a member of the Sisters of Charity of Cincinnati. This outstanding woman serves behind no one. Indeed, she is a leader.

Sister Celestia is administrator of St. Joseph Hospital in Albuquerque. There can be few persons with more love for God and fellow man. Sister Celestia has been a member of our community since 1964.

But in that time she has compiled a record of accomplishment which will certainly be most difficult to top.

Mr. Speaker, the purpose of my comment today is to recognize Sister Celestia for what she is and has done for the city of Albuquerque and the State of New Mexico. If Sister were in this Chamber today she would be embarrassed. Her modesty does not allow for personal tribute. In fact, she is the type woman who thanks God every day for the opportunity to serve.

Despite that, Sister Celestia recently learned that she is being included in the 1974 issue of "The World's Who's Who of Women."

Other listings for this dynamic woman include:

First. "Who's Who of American Women."

Second. "Two Thousand Women of Achievement."

Third. "Who's Who in the West."

Fourth. "Dictionary of International Biography."

Sister Celestia also has been cited for outstanding service by the National Federation of Business and Professional Women, the Heights Optimist of Albuquerque, and the Albuquerque Chamber of Commerce.

Just this past spring she was presented a plaque by New Mexico's law enforcement officers in recognition of her dedication to the needs of man.

When she was assigned to Albuquerque, Mr. Speaker, Sister Celestia was given an antiquated, three-story, 120-bed hospital to administer. Plans were being worked on to build a new hospital for our rapidly growing city. But from the day of her arrival she became involved in every aspect of planning and construction of that project.

Not quite 4 years after her arrival, in October 1968, the doors to an $11 million, 10-story, 200-bed hospital opened. Today St. Joseph Hospital is a $14 million facility with a 320-bed capacity. Last year St. Joseph served 12,100 inpatients and provided 68,900 days of patient care.

Sister Celestia was the driving community force to have the city of Albuquerque open narcotic and alcoholic treatment centers in the old hospital for the great sum of $1 a year. Those treatment centers are considered among the best of their kind in the Nation.

In addition to overseeing an operation of such magnitude, let me cite some of the other community projects she has participated in since coming to Albuquerque.

In 1970 she instituted the "Police Appreciation Day" in which police officers from throughout the State are invited to dinner in recognition of their community service. This year, Mr. Speaker, almost 500 law enforcement officers and community and civil leaders attended this party.

Other work in which she participated since coming to Albuquerque is service as treasurer, vice president and president of the New Mexico Hospital Association, president of the New Mexico Hospital Association, president of the Albuquerque Area Health Council, and treasurer of the Mid-Rio Grande Health Planning Council.

Sister Celestia is a member of the American College of Hospital Administrators, the American Hospital Association, the National Catholic Hospital Association, and was twice a delegate to the Western Hospitals Association.

She is currently on the hospital admission precertification program committee of the New Mexico Foundation for Medical Care and also serves on its medicaid systems management committee. She has served on the New Mexico users committee of the Los Alamos Scientific Laboratories, as chairman of the unemployment compensation committee for the New Mexico Hospital Association, and is also serving as the assistant diocesan coordinator for hospitals.

Other working memberships held by Sister Celestia include the Albuquerque Chamber of Commerce, the Denver Provential Council of the Sisters of Charity, charter member of the New Mexico Right to Life Committee, and the City of Albuquerque New Technologies Task Force.

Most recently she was named 1 of the 10 persons in the Nation to serve on an American Hospital Association Special Committee on Financing of Comprehensive Health Care Delivery Organization and is an author on the subject of health maintenance organizations published in Hospital Progress.

Last year Sister was the subject of an indepth interview on the front page of the National Observer and at this time is a committee member inspecting comprehensive health care delivery installations throughout the Nation and will deliver a report to the American Hospital Association to be used as a guideline for health maintenance organizations.

Mr. Speaker, I am most proud and happy to include a woman of such achievement, dedication and love for God and man as Sister Celestia. I am indeed a lucky man to have such a friend at work in my home State and one of my constituents.

HOUSE OF REPRESENTATIVES—*Thursday, December 6, 1973*

The House met at 10 o'clock a.m.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Be strong in the Lord and in the power of His might.—Ephesians 6: 10.

God of our fathers, give to us here assembled a growing appreciation of our American heritage and a glowing remembrance of the great personalities in our past who have lived and labored to make our Nation a true democracy. Remind us once again that Thou art God, that Thou art with us strengthening us and guiding us, and that though the wrong seems oft so strong, Thou art the Ruler yet.

Lay Thy hand in blessing upon him who shall be the Vice President of our country. Grant unto him wisdom, courage, and strength for the experiences that lie ahead. In Thee may he find the spirit to get along well with others and yet be true to his own faith and to the genuine ideals of his great office.

Enable him and all of us to play our part fully and faithfully doing always what is right and leaving the results to Thee who bringest all good things to pass.

In Thy holy name we pray. Amen.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1443) entitled "An act to authorize the furnishing of defense articles and services to foreign countries and international organizations."

The message also announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 1747. An act to amend the International Travel Act of 1961 with respect to authorizations of appropriations.

The message also announced that the Senate agrees to the amendments of the House with amendments to a bill of the Senate of the following title:

S. 1559. An act to provide financial assistance to enable State and local governments to assume responsibilities for job training and community services, and for other purposes.

The message also announced that the Senate insists upon its amendment to the bill (S. 1559) entitled "An act to provide financial assistance to enable State and local governments to assume responsibilities for job training and community services, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. NELSON, Mr. RANDOLPH, Mr. KENNEDY, Mr. MONDALE, Mr. CRANSTON, Mr. HUGHES, Mr. HATHAWAY, Mr. JAVITS, Mr. DOMINICK, Mr. SCHWEIKER, Mr. TAFT, and Mr. BEALL to be the conferees on the part of the Senate.

The message also announced that Mr. BEALL was appointed to replace Mr. STEVENS as a conferee on H.R. 11324, proposing use of daylight saving time on a year-round basis until April 1975.

The message also announced that the Senate had passed a joint resolution of the following title, in which the concurrence of the House is requested:

S.J. Res. 133. Joint resolution to provide for the establishment of the American Indian Policy Review Commission.

APPOINTMENT OF CONFEREES ON S. 1559, JOB TRAINING AND COMMUNITY SERVICES ACT OF 1973

Mr. PERKINS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1559) to provide financial assistance to enable State and local governments to assume responsibilities for job training and community services, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky? The Chair hears none, and appoints the following conferees: Messrs. PERKINS, DENT, DOMINICK V. DANIELS, O'HARA, MEEDS, BURTON, GAYDOS, Mrs. GRASSO, and Messrs. BADILLO, QUIE, ESCH, STEIGER of Wisconsin, FORSYTHE, PEYSER, and SARASIN.

GOVERNOR ASKEW APPRECIATION DINNER IN FLORIDA

(Mr. SIKES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SIKES. Mr. Speaker, an estimated 4,000 enthusiastic Floridians and their guests filled Curtis Hixon Hall in Tampa on Friday night, November 30, to honor Gov. Reubin Askew of Florida. Billed as the "Governor Askew Appreciation Dinner," it was one of the largest dinners of its nature ever programed in the State of Florida and it was recognized as an unqualified success. The dinner was bipartisan in nature and was held to show appreciation for the outstanding progress of the State under Governor Askew's administration, and for the personal standards of conduct which the Governor has set for himself and the officials of his administration. Ed H. Price, Jr., of Bradenton, was dinner coordinator, and Mallory Horne, president of the Florida Senate, was master of ceremonies. U.S. Senator LAWTON CHILES and I were privileged to serve as dinner cochairmen.

EULOGY TO THE HONORABLE HENRY AWA WONG, MAYOR OF CHINATOWN, HONOLULU

(Mr. MATSUNAGA asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. MATSUNAGA. Mr. Speaker, the mayor of Chinatown, Honolulu, is dead.

A self-made man and a legend in his own time, the Honorable Henry Awa Wong has departed from our midst, and Chinatown, Honolulu, is left with a gaping, unhealable inner wound.

Henry will be missed as a tall pine tree, fallen from an empty space in the sky.

For the passing of Henry Awa Wong leaves a lonely emptiness in the hearts of all who knew him.

As his erstwhile legal counsel, I was counseled by him—steeped in the ancient philosophy of the Orient and tempered by the business sense of the Occident—on matters political and social.

As his friend who shared a bit of his boundless store of love and affection, I shed a tear for having done less in return.

Goodby, dear friend. In sorrow we rejoice, for who can doubt that you now dwell in the House of God.

CHANGE IN THE RULES ON VICE-PRESIDENTIAL NOMINATIONS

(Mr. HOGAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. HOGAN. Mr. Speaker, today we will discharge our responsibilities under the 25th amendment to the Constitution for the first time.

I think it is important for the House to consider promptly a change in our rules as to how we consider Vice-Presidential nominations in the future.

As a means of stimulating discussion and consideration of this important matter, I am today introducing a House resolution which would amend the rules of the House relating to Vice-Presidential nominations.

My resolution would mandate the referral of such a nomination to the judiciary which would report a resolution. The resolution would be one of high privilege and it would be in order at any time for the Speaker to recognize the chairman or any other member of the Judiciary Committee to move to take up the resolution. This motion to take up the resolution would be decided without debate and not amendable. Debate would be limited to no more than 8 hours which would be divided equally between the chairman and ranking minority member of the Judiciary Committee.

At the conclusion of general debate, one motion to recommit would be in order. The vote on final passage would be required to be by the yeas and nays.

Mr. Speaker, I feel strongly that we should promptly adopt such a rule before we are again called upon to consider the nomination of another Vice-President-designate.

APPOINTMENT OF CONFEREES ON H.R. 11324, DAYLIGHT SAVING TIME ACT OF 1973

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 11324) to provide for daylight saving time on a year-round basis for a 2-year trial period, and to require the Federal Communications Commission to permit certain daytime broadcast stations to operate before local sunrise, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and appoints the following conferees: Messrs. STAGGERS, MOSS, STUCKEY, BROYHILL of North Carolina, and WARE.

CALL OF THE HOUSE

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. DELANEY. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 632]

Andrews, N.C.	Gray	Rarick
Blatnik	Griffiths	Rees
Burke, Calif.	Gubser	Reid
Chisholm	Gude	Rodino
Clark	Hansen, Wash.	Rooney, N.Y.
Clawson, Del	Harvey	Runnels
Clay	Hébert	Ryan
Collier	Jordan	Seiberling
Collins, Tex.	Long, Md.	Shoup
Conyers	McSpadden	Sisk
Crane	Macdonald	Steiger, Ariz.
Dellums	Mills, Ark.	Stephens
Diggs	Mitchell, Md.	Stokes
Downing	Moorhead, Calif.	Tiernan
Ford, Gerald R.	Passman	Walsh
Ford, William D.	Railsback	Wiggins
Giaimo	Rangel	

The SPEAKER. On this rollcall 383 Members have recorded their presence by electronic device, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

CONFIRMING NOMINATION OF GERALD R. FORD TO BE VICE PRESIDENT

Mr. DELANEY. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 738 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 738

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 27(d)(4) of rule XI to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 735) confirming the nomination of Gerald R. Ford, of the State of Michigan, to be Vice President of the United States. After general debate, which shall be confined to the resolution and shall continue not to exceed six hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the Committee shall rise and report the resolution to the House, and the previous question shall be considered as ordered on the resolution to final passage.

The SPEAKER. The gentleman from New York is recognized for 1 hour.

Mr. DELANEY. Mr. Speaker, I yield 30 minutes of that hour to the gentleman from Illinois (Mr. ANDERSON) pending which I now yield myself such time as I may consume.

Mr. Speaker, this resolution makes in order consideration of House Resolution 735, a simple resolution providing for the confirmation of the Honorable GERALD R. FORD of the State of Michigan to be Vice President of the United States. The resolution provides for 6 hours of general debate. It also provides that points of order against clause 27(d)(4) of rule XI of the Rules of the House of Representatives be waived. That simply means that we are waiving the 3-day rule.

Mr. Speaker, I urge adoption of House Resolution 738 in order that we may discuss and debate House Resolution 735.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from New York just explained, in essence House Resolution 738 provides for a waiver of clause 27(d)(4) of rule XI—known as the 3-day rule—and calls for 6 hours of general debate on the House Resolution 735. In simple language that belies its importance, the resolution reads:

That the House of Representatives confirm the nomination of Gerald R. Ford, of the State of Michigan, to be Vice President of the United States.

In doing so, House Resolution 735 calls upon the House to fulfill its obligation spelled out with equal clarity by the 25th amendment to the Constitution. The amendment reads:

Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Mr. Speaker, our action today is unprecedented in the history of the United States. Its enormous significance, however, was suggested long ago by John Adams, then the Vice President serving under President George Washington. When asked what it meant to be Vice President, he responded, "I am nothing, but I may be everything." Every Vice President since has exclaimed in his own way the irony of holding a job with comparatively few powers while sitting on the threshold of succession to the Presidency. And beginning with John Adams in 1797, 12 Vice Presidents have assumed that responsibility.

Very much at issue then in the deliberation today is whether this body finds the Vice-President-designate fit and qualified, not only to be confirmed Vice President, but also to succeed to the Presidency. Indeed, this consideration is a thread that wove its way through the hearings of the Committee on the Judiciary in both the House and the other body in their deliberations of the nomination of our colleague, Mr. FORD. Without a dissenting vote the committee of the other body endorsed his nomination on November 20, and on November 29, by an overwhelming majority the Judiciary Committee of the House also recommended confirmation.

On November 27, the other body meeting as a whole also voted overwhelmingly for the confirmation of Mr. FORD. Today, in this Chamber, the decisive vote will be cast. Under the 25th amendment, the President has made his nomination, the other body has confirmed it, and now the House is compelled to exercise its independent judgment.

I stress the deliberation of the committees and of the other body because the people have a right to know that any action we take today is based on the most thorough scrutiny possible on the qualifications of the nominee. On the other hand, I stress the independence of the House because the people also have the right to know that our action is not pro forma.

The responsibilities of the House under the 25th amendment seem to me to be similar to those imposed by the 12th amendment in the event that the electors do not present a candidate for President with a majority of their votes. In that case the 12th amendment directs the House by ballot to choose the President. In much the same way today we must exercise similar judgment on the Vice President, in essence in this selection acting for the first time as a surrogate for the people.

To be sure this responsibility is shared by the other body, but perhaps our responsibility is more poignant because the Constitution intended for us to be the representatives of the people and the Members of the Congress most responsive to the people. In addition, the 25th amendment confers upon the House for the first time power to confirm or disapprove a Presidential nomination of any kind.

It is my own belief that the House shall act today on the basis of a thorough and fair study of the nomination by the Judiciary Committee, and that we can take pride in its distinguished Members and offer them our thanks. No similar investigation by the Congress exceeds it in depth or incisiveness. Furthermore, we owe our thanks to those members of the committee who felt compelled to offer supplemental or dissenting views for their contribution to a painstaking examination. It is my conviction that the House has acted with intelligence and honor in executing for the first time the untried 25th amendment, and that it has done so overcoming narrow partisanship and in spite of a national climate of suspicion. It is also my conviction that this body, with dispatch, should grant the rule as stated, and with great confidence and pride confirm our distinguished colleague, GERALD FORD, as the Vice President of the United States.

Mr. Speaker, during his confirmation hearings, GERRY told the committees that his platform was "to always support the truth and intelligent compromise." His appearances demonstrated to the Nation what we, his colleagues, have always known, that he is a man of candor, honesty, and of utmost decency. These qualities, as well as his keen understanding of public policy, would characterize his Vice-Presidency if confirmed. That he would do honor to the office is to me unquestionable, but even more importantly, I deeply believe that he would execute the office in such a way as to help restore the faith of the people in their elected officials.

Mr. Speaker, I urge adoption of House Resolution 738 in order that the House can consider House Resolution 735, the nomination of our most distinguished colleague, GERALD F. FORD, to be Vice President of the United States. I urge, moreover, that you join me in wishing our colleague Godspeed.

Mr. DELANEY. Mr. Speaker, I yield 10 minutes to the distinguished chairman of the Committee on Rules (Mr. MADDEN).

Mr. MADDEN. Mr. Speaker, today the U.S. Congress, and particularly the

House of Representatives, is implementing a constitutional provision requiring the replacement of a vacancy in the office of Vice President of the United States.

It is indeed a historic occasion. This is the first time since the Constitution was written almost two centuries ago that the Congress will have legislated on Vice-Presidential vacancy.

Our Nation has become the leader of the world under the two-party political system. Occasionally, in Federal elections, a so-called third political party or splinter organization has entered Presidential and congressional elections. These freak groups only serve to mislead and divide our citizens in an effort to emasculate our two-party system.

These "wildcat" political splinter groups never win, but they occasionally confuse the voters, sometimes resulting in curtailment or destruction of the Nation's economy and prosperity.

RULES COMMITTEE HEARINGS

Yesterday afternoon, for the first time in our Government's history, the Rules Committee met to hold hearings on the rule which was reported out of the House Judiciary Committee presenting the name of a nominee to fill a Vice-Presidential vacancy. As chairman of the Rules Committee, I can report that when the voice vote was taken it was the unanimous recommendation of our colleague from Michigan (Mr. GERALD FORD).

I was present at the White House the evening President Nixon announced the name of Congressman FORD to the Nation for ratification to this high office. The announcement of his name on that occasion met with unanimous approval of all those present.

I personally have served with Congressman FORD since he arrived in Congress 25 years ago. The Members of both sides of the House Chamber hold "JERRY" in the highest esteem for his honesty, industry, and integrity as a person and as a public official. I intend to cast my vote today for our distinguished colleague to be the next Vice President of the United States.

Over these years, Congressman FORD's legislative voting record and my legislative voting record have been far apart, primarily because he, as minority leader of his party, evidently felt duty-bound to give support to the leader of his party who was elected President of the United States in 1968 and 1972. I, as my colleagues know, possess a record of endeavoring to give the platform of my party support, legislatively and otherwise, as a Member of this great legislative body.

This policy is, in essence although not an ironclad rule of law or political partisanship, a solid rule of procedure.

We are all sorry to lose our colleague from Michigan because, on both sides of the House, we have enjoyed his congeniality, companionship, and reputation for honesty and sincerity which he has exhibited in this House Chamber for over a quarter of a century.

As a friend, I also wish to warn him that he will miss this pleasant, serene, and calm atmosphere of the House Chamber when he goes down to the other end of Pennsylvania Avenue. For several years now, we "up here on the Hill" have been receiving, almost weekly, shocking reports on the various political massacres of so many outstanding Republican statesmen who have become victims of that mysterious White House political network and I for one extend to you "JERRY" my congratulations and best wishes.

No doubt the people of the country feel that possibly you will be a welcome addition for reform in the executive department on account of the vast education, legislative, and political experience you have received in these hallowed Chambers, and that you will not become entangled and will preserve that same reputation for honesty and integrity exhibited in your 25 years of service in this body.

MINORITY LEADERSHIP RESPONSIBILITY

As minority leader of your party you had an unwritten obligation to follow the leadership of the executive department and you gave noble allegiance by reason of your leadership on the other side of this aisle.

It is my optimistic hope that you will use your great legislative ability which you exemplified in this legislative body and help to get our economy and prosperity restored. You could be of magnificent service to millions of people throughout the Nation by interceding in the exceutive department of our Government to reinstall and make active a number of the various great legislative programs which this Congress has passed in the last dozen years.

As Vice President you can be so helpful in trying to restore the approximately $10 to $12 billion which this Congress has authorized and appropriated on many much-needed programs that are today practically dormant.

IMPOUNDED PROGRAMS

I will mention but a few which Congress has so enthusiastically passed with the support of possibly 80 percent of the American people, to wit:

EDUCATION

A vast majority of the House Members, especially from the urban areas, have been pressing the White House to release the impounded funds on educational expansion for our universities, colleges, and other schools. The president of Purdue University, when in my office last August while visiting the Indiana delegation, told me personally that some $2,400,000 of Federal funds vitally needed has been deducted this year from Purdue's budget. He stated most departments will be curtailed, three abolished, including the nursing school—on account of Federal impoundments.

HOUSING

Congressman FORD, you could be of great help to us by reinstating the great Federal housing program which has been curtailed by impoundments and lack of cooperation from the executive department. Today, we lack millions of homes on account of housing impoundments and fabulous high interest rates.

TRANSPORTATION

Much help is needed by the people in urban areas to install a system of freeways and mass transport facilities to relieve them from the intolerable bumper-to-bumper congestion of automobiles, buses, streetcars, and freight trains running through out metropolitan areas. You could help millions of our people to expand this problem which impedes business, industry and wastes millions of gallons of fuel.

PUBLIC PARKS

Mr. Vice President, I believe you could convince the executive department to interceed in the reestablishment of parks and recreation centers for millions of Americans not only those in urban areas, but also those in the rural centers of our country. A few years ago, the great Dunes National Park, which we have been fighting for for over a dozen years, was established by this Congress, but the executive department has been denying about 6 million people in the Chicago area and northwest Indiana and southern Michigan area from enjoying the great potential for a public park within an hour's drive from their homes. The money for this great development is also impounded.

ENVIRONMENT AND ENERGY

With your great experience and close touch with the people, legislators and Federal officials you could be invaluable in helping to establish a sensible and fair energy program.

REVENUE SHARING

The revenue-sharing program installed last year has been a complete hoax and failure. The cities and urban areas are denied or curtailed Federal help on establishing programs.

They are told to use revenue-sharing money. The revenue-sharing program has also been reduced. The news media report small towns, some low populative rural cities have no need for relief. Billions are sent out to areas which are rejecting the money or building golf courses, swimming pools, et cetera.

Mr. Vice President, I feel that this is a good time to touch on these matters as you will not be as close to this great legislative body in the future as you have been in the past. On my frequent returns to Indiana, I hear complaints from members of both the Democratic and Republican parties regarding the things I have mentioned today.

I join the other Members of this legislative body in wishing you Godspeed, good health, and congratulations on this rewarding and distinguished recognition from the political party with which you have so fervently cooperated over the years.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield as much time as he may desire to the gentleman from Illinois (Mr. ARENDS).

Mr. ARENDS. Mr. Speaker, I rise in support of House Resolution 735.

Almost 25 years ago GERALD R. FORD appeared in this same Chamber to be sworn in as a Member of this, the world's greatest legislative body. As all of us here know so well, tenure in the Congress is an uncertain thing; and I am sure that

on that day this freshman Congressman from Michigan had no intention of remaining here for a quarter of a century. I doubt that he could foresee, also, that his outstanding service here would over the years bring him to this, the proudest day of his life, when colleagues in the House and Senate bestow upon him the high honor of becoming the Vice President of the United States. What a wonderful occasion this is—and how meaningful to him and his family.

On January 4, 1965, JERRY—and he will always be affectionately known that way to most of us—was chosen as minority leader, the highest post on our side of the aisle. As minority whip then and since, it has been my great pleasure to serve with him in the leadership organization of our party in the House.

Working with him so closely in all the day-to-day problems we have faced, I doubt that anyone in the House knows JERRY FORD, the man, better than I do. And what a great person he is—able, courageous, dedicated, loyal, and respected. He will indeed be an ideal Vice President for our Nation in these times.

I know that the people of this country, whatever their political philosophy, will quickly learn to respect and admire this man for what he is and what he stands for—just as the overwhelming majority of us on Capitol Hill do today.

We will miss JERRY in these daily sessions in the House. But speaking as one Member, I want to assure him that as Vice President of the United States and President of the Senate he will always have my wholehearted cooperation in working toward a legislative program which the Nation can applaud.

Again, JERRY, let me say how glad I am for you, your family, and your countless friends in Michigan and across the country for the wonderful and well-deserved recognition of this day. This is a splendid tribute to one of the finest Americans I have ever been privileged to know.

Mr. DELANEY. Mr. Speaker, I yield 3 minutes to the gentlewoman from New York (Ms. HOLTZMAN).

Ms. HOLTZMAN. Mr. Speaker, I wish to thank the gentleman from New York, my distinguished colleague (Mr. DELANEY) for yielding me this time. Mr. Speaker, I rise in opposition to the rule with great reluctance because I feel very firmly that this House has the right and in fact the constitutional obligation to express its will on the nomination of a Vice President by President Nixon. However, after examining the Constitution I am constrained to raise at this point the constitutional impediment that may exist in Mr. FORD's taking office if he is confirmed, namely, whether the "emoluments clause" of the Constitution (art. I, sec. 6) would bar him from that office.

Public Law 93–136 which was passed in October of this year increased the pension rights for the Office of Vice President. This increase constitutes an emolument. Therefore, there is a serious question as to whether Mr. FORD is barred by the emoluments clause of the Constitution from taking the office of Vice Presdent of the United States.

The emoluments clause provides:

> No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created or the emoluments whereof shall have been increased during such time; . . ."

Mr. Speaker, this constitutional issue was brought to the attention of the House Committee on the Judiciary virtually on the last day of the hearings. Unfortunately we heard no witnesses on this subject. We did not have any legal memorandums presented to us at the time the Judiciary Committee considered this subject.

I have attached, however, a legal memorandum prepared by a law professor at Yale Law School in my dissenting views on this subject. From this memorandum, it seems as though a serious constitutional issue is raised.

The reason I suggest at this point that we defeat this rule is precisely because this House seems to be bent on the confirmation of Mr. FORD. And since, as I expect, this House of Representatives wants to see the gentleman remain in office as the Vice President and not be subject to removal by the courts, I believe that we should remove any constitutional impediment to the gentleman's taking and keeping that office. If we need curative legislation, such as the legislation we recently passed regarding Senator SAXBE, then we should do it before Mr. FORD is confirmed rather than suffer the consequences of our failure to do so afterward. If by his confirmation we intend to insure confidence in and stability to that office—and I think the American people have the right in these troubled times to demand stability in the Office of Vice President or indeed in the Presidency if Mr. FORD should succeed to that position—then I think we owe it to the American people to remove any such possible constitutional impediment.

So, Mr. Speaker, for that reason I ask that the rule be defeated, in order that the Committee on the Judiciary may review this matter thoroughly and recommend appropriate curative legislation.

Mr. DELANEY. Mr. Speaker, will the gentlewoman from New York yield?

Ms. HOLTZMAN. I yield to my colleague, the gentleman from New York (Mr. DELANEY).

Mr. DELANEY. Mr. Speaker, the question that the gentlewoman from New York has brought up did concern a number of people, and I inquired of the chairman of the Committee on the Judiciary, Mr. RODINO, and the gentleman informs me that they have gone into this matter in detail, and they have secured the opinions of leading authorities, and the gentleman assures me that there is nothing to worry about from that particular point.

Ms. HOLTZMAN. Mr. Speaker, if I may respond to the gentleman, the leading authority he is referring to is, the Library of Congress, hardly a leading constitutional authority. But after I read their report I found that it omitted a very significant part of the debate on the Constitution. Its conclusions are therefore suspect. Furthermore, the Library's report was submitted after the Judiciary Committee's deliberations. And I am satisfied, at least, from my own scrutiny of the matter, that a serious question is raised.

I thus urge the House at this time to send the matter back to the Judiciary Committee so as to make sure we will not be giving the country a lawsuit on this matter.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Ohio (Mr. LATTA).

Mr. LATTA. Mr. Speaker, I would like to add my voice to the statement just made by the gentleman from New York (Mr. DELANEY).

We did discuss this matter yesterday with the chairman of the Judiciary Committee, and I think that the chairman is quite prepared to go into the matter raised by the gentleman from New York in detail, and will do so during general debate. I do not believe that this question is something with which we need to be concerned.

Mr. McCLORY. Mr. Speaker, will the gentleman yield?

Mr. LATTA. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Speaker, I would like to comment that the Constitution makes a definite distinction between the offices of the President and Vice President, and "civil officers."

I would also like to point out that this is a "nomination" is not an appointment to a civil office, which is a further distinction.

Furthermore, we have secured ample legal authority to assure that there is no constitutional impediment to GERALD FORD's nomination and confirmation as Vice President. Furthermore, it is my conviction that the 25th amendment stands clearly on its own firm basis, and is not controlled or covered by the article of the Constitution to which the gentlewoman from New York made reference. I do not think there is any question of any constitutional impediment whatever.

Mr. Speaker, as the gentlewoman knows, the contention that GERALD FORD is ineligible to hold the office of Vice President because of the emoluments provision (article I, section 6) of the Constitution was raised and rejected both in the other body and in the Judiciary Committee here. There are a number of valid answers to it. The simplest and clearest is that the Constitution does not consider the office of Vice President to be a "civil office" within the scope of article I, section 6. This is evident, first, from article II, section 4 of the Constitution, which states that the "President, Vice President and all civil officers of the United States" may be removed from office by impeachment, thus drawing a plain distinction between the Vice President and a civil officer. In addition, as a memorandum of legislative counsel in the Congressional Research Service shows, the history of article I, section 6 at the Constitutional Convention indicates that the term "civil office" was carefully arrived at in order to mark a distinction not only between military and civilian offices but also between offices created by the Congress, and offices cre-

ated by the Constitution itself, such as the Presidency and the Vice Presidency. Cementing this analysis is the fact that article I, section 6 speaks only of "appoint[ment]" to a civil office, thus apparently contemplating only congressionally created offices of the type enumerated in article II, section 2 of the Constitution. These offices are not the same as and do not include the 25th amendment situation which speaks, in precise language, of a Vice President "nominated"—not "appointed."

In sum, even without reaching the separate and debatable issue whether, as to GERALD FORD, the emoluments of the office of Vice President have been increased during his term, it is clear that article I, section 6 is not applicable to the Vice Presidency and thus creates no impediment to Mr. FORD's confirmation.

Mr. LATTA. Mr. Speaker, let me say the Congress will make history today when it elevates to the Office of Vice President, the Honorable GERALD FORD of Michigan. This will be the first time the new procedure outlined in the 25th amendment to the Constitution will have been used. I am prepared to say that it is a good procedure and has met the test. So has the gentleman from Michigan met every test given him since he was first nominated for this high office. He has submitted to every investigation and fully and satisfactorily answered every question. There were literally hundreds of individuals investigating him. The FBI had 70 or 80 agents in his hometown alone talking with everyone who knew him or knew of him. After such a searching investigation, they could turn up nothing not in order about JERRY FORD.

The Senate had its investigation. He was investigated by a partisan committee. His nomination was in the hands of partisan individuals who were searching and searching for something adverse to report. They found nothing and when the vote came in the Senate, there were only three votes against him. Remarkable, especially when one considers the political and ideological differences among them.

In the House Committee on the Judiciary, another partisan committee investigated him thoroughly. Once again JERRY came through with flying colors. It is true there were more votes cast against him in that committee than were cast in all the Senate.

I respectfully urge the Members to examine the dissenting opinions very thoroughly. They seem to be saying that since they do not agree with all the votes JERRY has cast in the House, they cannot vote for confirmation. This is their right and I guess if JERRY had voted to their liking, we would not now be voting on his confirmation to be Vice President.

Mr. Speaker, JERRY FORD has done this House proud since he first came here some 25 years ago. I have not had the good fortune of having known him all these years, but I am proud to have been able to call him my friend since I first come to Congress. He has been in my congressional district several times since I was first elected and many of my constitutents have come to know him and to know JERRY FORD is to like him.

The SPEAKER. The time of the gentleman has expired.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield 2 additional minutes to the gentleman from Ohio.

Mr. LATTA. I thank the gentleman.

Mr. Speaker, I think after today, when JERRY FORD is sworn in as Vice President in this Chamber, most Americans will be as proud as we are of our new Vice President. He will serve this Nation well. I am happy and very proud today to support this rule and to support JERRY's confrmation for this high office.

Mr. DELANEY. Mr. Speaker, I yield 2 minutes to the gentlewoman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Speaker, I presented to the Committee on the Judiciary a statement on November 26, which raised among other issues, the question of the possible ineligibility of Mr. FORD for the office of Vice President by reason of the emoluments clause. On November 28, I wrote to the committee and proposed that, in view of this serious constitutional question, the hearings should be reopened for purpose of taking testimony from constitutional authorities and for receiving an authoritative opinion, before action on the confirmation by the Committee on the Judiciary. On December 5 I appeared before the Rules Committee and opposed the issuance of the rule as premature until this constitutional issue was resolved.

Nothing was done. That is why I object to the rule. I take the process in which we are today involved very seriously. We are acting for the first time under the 25th amendment. We are responsible to the country, as surrogates of the electorate as well as protectors of the Constitution, for how we act here today.

This constitutional issue has been brushed aside in the haste to confirm Mr. FORD, but I feel it may come back to haunt us if a court test of the nomination is instituted as, undoubtedly, it will be, and is successful.

We should not act on the confirmation without the Judiciary Committee having had hearings, which it did not have on this issue; without the committee having had an authoritative opinion from an Attroney General, which it did not have on this issue; and without the Congress addressing itself to the constitutional defect of this nomination, which it has not.

Even in the case of Senator SAXBE, an office far less important than that of Vice President, the Congress dealt with the issue. When it found that there was a contravention of the emoluments section of the Constitution, a bill was introduced and passed by the other body and this House in an attempt to cure the defect. I do not happen to think it cured that defect, but at least there was an attempt to do so.

Here we have done nothing like this. We have ignored our responsibility under the Constitution and under our oath of office. The country has enough constitutional crises and we do not need yet another constitutional crisis. We do not need new questions raised about the Executive leadership of our Nation and indeed about the leadership of this body. I ask my colleagues: Do the Members think we should place ourselves and the American people in such a dilemma about the Vice President when we already have the most widespread national concern as to the legitimacy of the President's remaining in office?

We are confronted by a serious unresolved question as to whether or not the emoluments clause applies here. We have a responsibility to resolve this question before we report out a rule for the confirmation of the Vice President the first time that we are called upon to exercise our duty under the 25th amendment.

The statement referred to follows:

CONSTITUTIONAL DEFECT IN THE NOMINATION OF CONGRESSMAN FORD TO BE VICE PRESIDENT

The nomination of Congressman Ford to be Vice President, under procedures established by the Twenty-Fifth Amendment to the Constitution, contravenes Article I, Section 6, Clause 2 which provides:

"No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States which was created, or the emoluments whereof shall have been increased during such time; . . . ."

During this session of Congress, Public Law 93–136 was enacted, becoming law on October 24, 1973.

Specifically, the law provides that the immediate (not deferred) Civil Service retirement annuity of an employee retiring after the effective date of a cost-of-living increase shall not be less than his annuity would have been if he had retired on the effective date of the last cost-of-living increase. This provision applies whether or not the retiring employee met the age and service requirements for annuity before the effective date of the cost-of-living increase. Similarly, the law provides that the annuity of an employee's widow or widower beginning after the effective date of a cost-of-living increase shall not be less than it would have been if it had begun on the effective date of the last cost-of-living increase. The provisions of the law apply to annuities beginning on or after July 2, 1973 and apply to those employees who retire or die in service after July 1, 1973. Thus, an employee retiring on or after July 1, 1973, and before January 1, 1974, when another annuity increase may be due, will be entitled to the annuity computed as of June 30, 1973, plus the 6.1 percent increase effective that date, *or* the annuity earned on the date of actual separation, whichever is higher. (Of course, the same will be true after future cost-of-living increases.)

Elsewhere, "Member of Congress" is defined to include the Vice President. 5 U.S.C. 2106. The Senate floor debate raised this issue, but the answer given to Senator Hathaway by Senator Cannon was incorrect in this respect.

EMOLUMENTS

Although the Framers of the Constitution did not specifically define the meaning of the term "emolument", it would appear that it was meant to be a broad generic term, designed to encompass more than simply the salary attached to an office. This seems confirmed by the use of the more narrow term "compensation" in Article I, section 6, clause 1 ("The Senators and Representatives shall receive a compensation for their services . . .") and Article III, Section 1 (The Judges . . . shall . . . receive for their services, a compensation . . ."). Of course, pen-

sions were not unknown at the time of the adoption of the Constitution.

Further, legal dictionaries generally agree on a broad definition of the term:

"emoluments. The profit arising from office or employment; that which is received as compensation for services, or which is annexed to the possession of office as salary, fees, perquisites; advantage; gain public or private . . . Indirect or contingent remunerations which may or may not be earned; remunerations in the nature of compensation or in the nature of reimbursement. *Waller* v. *U.S.*, 180 F. 2d 194 . . . (Ballantine's Law Dictionary, 3rd Edition, 1969, pp. 398–399).

"Emolument. The profit arising from office or employment; that which is received as compensation for services, or which is annexed to the possession of office as salary, fees, and perquisites; . . . It imports any perquisite, advantage, profit or gain from the possession of an office." (Bouvier's Law Dictionary, Baldwin's Century Edition, 1948, p. 353)."

The Courts have also given the term an expansive reading. In *McClean* v. *United States*, 226 U.S. 374 (1912), the Supreme Court commented, "Pay and emoluments are but expressions of value used to give complete recompense to a deserving officer. Their association was deliberate; emoluments were additive of pay. They may be called "indirect or contingent remuneration," as they have been called; it may be said, as it has been said, that 'they are sometimes in the nature of compensation and sometimes in the nature of reimbursement'." (226 U.S. at p. 382).

Finally, in the context of the Emoluments Clause itself, it appears certain that the Framers meant to include all varieties of pecuniary gain that might be attached to an office. One of the principal purposes of the provision was to prevent Members from seeking offices which they had "enriched". It cannot be presumed that the Framers were unaware that an office could be "enriched" by means other than simply the raising of its salary.

Since the salary of the Vice President is considerably in excess of that of a Member, if Mr. Ford serves for three years his annuity will be substantially greater than it would have been as a Member. As a result, Mr. Ford, upon retirement, could receive a significant added benefit from the alternate computation afforded by Pub. L. 93–136. If one focuses on the Vice President's office, it is seen that the new law could reap an incumbent a considerable benefit.

The Constitutional and legal definition of the term "emoluments" when applied to the facts surrounding P.L. 93–136, compel the conclusion that this law constitutes an emolument to the office of Vice President.

The Twenty-Fifth Amendment created procedures for the filling of a vacancy in the office of Vice President. Section 2 of that amendment provides:

"Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress."

The process of nomination and confirmation is exactly parallel to the procedures required by the Constitution for appointment to all governmental offices (save where the Congress waives its right of confirmation to inferior offices under Article II, Section 2 of the Constitution) except that it waives the practice of commission after confirmation, as required by Article 2, Section 3. The Twenty-Fifth Amendment uses the term "nominate" instead of "appoint", but the thrust of the amendment is clear, in that the Vice President takes office not upon election, but upon completion of a process materially the same as appointment under all other articles of the Constitution: The President makes an initial selection, and the legislature approves for purposes of the Emoluments section, therefore, the process of filling a vacancy in the Vice Presidency constitutes an appointment.

In order that Article I, Section 6, Clause 2 of the Constitution apply to the nomination of Congressman Ford it is necessary that the appointment be to a "civil office under the authority of the United States."

The use of the term "civil" as modifying the term "office" leads to the conclusion that the Vice Presidency is such an office. The debates at the Constitutional Convention reveal that only in its final form was the term "civil" inserted in the phrase "any office under the authority of the United States." (See Farrand, "The Records of the Federal Convention of 1787," 4 vols. (Yale University Press, 1966, volume 2, pages 489–492.) There is no explanation of this change in the debates, and the simplest answer is that it was intended to distinguish civil offices from military offices, thus permitting Members of Congress to continue their historic practice of taking office in the military during the time in which that office was created, or where the emoluments of the office had been increased. This simple and direct reading of the phrase is perfectly consistent with the legislative history, and the purposes of the constitutional prohibition embodied in Article I, Section 6, Clause 2. (A long series of cases decided in state courts has consistently construed "civil offices" in this fashion. See for example Sate v. Hawkins, 79 Mont. 506, 257 P. 411, 413 (1927); Texas Nat. Guard Armory Bd. v. McCraw, 132 Tex. 613, 126 S.W. 2d 627 632 (1939); Harvey v. Ridgeway, 450 S.W. 2d 281, 287 S.C. Ark. (1970)).

It remains to be considered if the Vice Presidency is an "office under the authority of the United States." Nothing in the legislative history of either the Constitutional Convention or the Twenty-Fifth Amendment indicates the answer to this question.

If the intent of Article I, Section 6, clause 2, is analyzed however, an answer emerges. There were two basic evils that were apprehended by the Framers, and which they sought to prevent by this clause. The first was that legislators might seek elective office as a means of advancing to other lucrative public offices, and use their legislative position to create or enlarge the emoluments to such an office. The second was the possible abuse of the appointive process by the executive branch, so that appointment to office might be used to entice and influence members of the legislature. James Mdaison favored the existing restriction and said "the unnecessary creation of offices, and increase of salaries, were the evils most experienced, and that if the door was shut and it might be properly left open for the appointment of members to other offices as an encouragement to the Legislative service." (Farrand's Vol. 2, p. 492.)

The appointive procedures under the 25th amendment have the potential for the same sort of evil that the Framers sought to prevent. The possible appointment to the Vice Presidency may be a powerful inducement to many legislators, and to the executive branch, to abuse the political process.

Nor is the probability of appointment under the 25th Amendment so unlikely that no real danger is presented. The Vice Presidency has been vacant numerous times, for a period of almost forty years of our history.

The remedy the Constitution provides for such a situation is clear. In addition to representing an individual case of disregard of the Constitution, the Framers wished to prevent the setting of an unconstitutional precedent, and therefore made the bar absolute if the requested facts are proven. The setting of such a precedent is as unfortunate as the disregard of the Constitution in each particular case.

The use of the term "civil office" or "office" in the Impeachment Clause, the Appointment Clause, and the Commission Clause are all consistent with characterizing the Vice Presidency as a "civil office" for purposes of the emoluments clause.

Further, whatever the ultimate character of the office of the Vice Presidency, it can be argued that for the purposes of Article I, Section 6, clause 2 of the Constitution—the appointive Vice Presidency—the Vice Presidency is a civil office. One basic truth emerges from the new procedures under the 25th amendment; it is now an appointive office, and whatever the term of art used by the Framers in the emoluments clause, they intended that there be an absolute bar to public appointive office created or where the emoluments were increased in order to safeguard the nation against corruption of the legislative process.

Finally, as a matter of law, given that the evidence of an emolument and of the Vice Presidency as a civil office has prohibitive value. It is therefore for the proponents of the Ford nomination to meet the burden of qualifying him for office, as is the case with any nomination. Congressman Ford must be affirmatively qualified, and its burden is upon him.

As a matter of fact, and of law, the nomination of Gerald Ford contravenes the letter and the intent of Article I, Section 6, Clause 2 of the constitution.

The simple and direct meaning of the words of the constitution must be respected.

In the words of Mr. Justice Holmes, in *United States* v. *Brown*, 206 U.S. 240, 244:

"Whatever the consequence, we must accept the plain meaning of the words."

Mr. ANDERSON of Illinois. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan (Mr. CEDERBERG).

Mr. Speaker, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Illinois.

Mr. ANDERSON of Illinois. Mr. Speaker, I intended to ask the distinguished gentlewoman, in view of the fact that she does not feel the kind of curative legislation which was proposed with respect to the Attorney General was effective in removing the constitutional impediment with respect to the emoluments clause of the Constitution, I cannot follow her argument. It seems to me she leaves us in a position where no matter what we attempt to do, any Member of this House nominated to that post would be under a constitutional disability. I do not know what good it does to suggest we have to have curative legislation if, as in the case of the gentlewoman from New York (Ms. ABZUG) and the gentlewoman from New York (Ms. HOLTZMAN) who spoke earlier, they both oppose it anyway.

Ms. ABZUG. Mr. Speaker, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentlewoman from New York.

Ms. ABZUG. Mr. Speaker, my point is that we have a responsibility to deal with the question. We have not dealt with it. We have not satisfied ourselves either in the Judiciary Committee or in the Rules Committee, where I raised this question yesterday, or before this body as to whether or not there is a violation of this constitutional provision and as to whether or not there could be curative legislation.

I point out that we have a responsibility. There may be a difference of opinion. I believe there is a violation of this clause and that Mr. FORD is a civil officer under the authority of the United States. I think the issue has to be determined. It can be determined by legislation in the minds of some and in the minds of others by a declaratory judgment by a court.

What I think of the attempted Saxbe curative legislation is not the question. The question I raise is that this matter has not been before the body properly. We have not gone into the constitutional question and it is our responsibility to do so.

The SPEAKER. The time of the gentleman from Michigan has expired.

Mr. ANDERSON of Illinois. Mr. Speaker, I yield the gentleman from Michigan (Mr. CEDERBERG) 2 additional minutes.

Mr. CEDERBERG. Mr. Speaker, this is a proud and happy day for the members of the Michigan delegation and for the people of the State of Michigan. One of our own is about to assume the great office of the Vice President of the United States. Those of us who have worked with JERRY FORD over the years have found him to be a man of great integrity, unusual competence, and a man who works hard and long at his tasks.

Today more than 400 people from the State of Michigan will be coming here, many of them from the city of Grand Rapids and the district he has represented these 25 years, to pay their respects and to honor him in this new position.

It has been my privilege as a member of this delegation to have nominated him for the post of minority leader when he was first a candidate for that post.

I have nominated him in every Congress since that time and it has been a real personal pleasure for me. It has been a personal pleasure for me to have worked with JERRY these long years, not only as a legislator, but also to have known him and have been with him socially. Our families have been together many times.

So today the overwhelming majority of us are just delighted that we can nominate a new Vice President from our great State of Michigan.

Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. CEDERBERG. I yield to the gentleman from Michigan.

Mr. CONYERS. Was he speaking for the entire Michigan delegation?

Mr. CEDERBERG. I suppose I was speaking for the entire delegation at a ratio probably of 19 to 2.

Mr. CONYERS. Thank you.

Mr. CEDERBERG. That is a pretty good ratio.

Mr. DELANEY. Mr. Speaker, I yield 1 minute to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker and my colleagues, I want to thank this House for reducing the qualifications for Vice-President to something that all minorities can aspire to hold this very high office. It seems to me that what we are concerned with is honesty and integrity and I am certain that this will open the doors to many people who aspire higher office.

I, for one, will never dispute that our illustrious minority leader has these qualities. I had asked really that we postpone the voting of the rule today until I as one of the newer Members would have an opportunity to check out as to whether or not we needed a rule, because with all due respect to the leadership to which I look in determining the legislative calendar, I read in the Washington Post and again in the New York Times that at 5 o'clock the President will be here. The U.S. Supreme Court will be here and the coronation will take place. So if this is so, of course, then we are merely expressing our personal views and the views of our constituents as to whether or not we are going to confirm the next Vice President of the United States.

Another question I had is that it did not appear clear today in the rules as to what posture we serve after we go through the motions of for and against JERRY FORD in the so-called joint meeting. I understand that as Members of the House of Representatives in a joint session, we would exercise some legislative rights. But at a joint meeting when everyone is invited, I did not know whether the Speaker presides, whether he yields for a question from a Member of the House or whether or not if we wanted to question the President, whether we ask him to respectfully yield; since all of this is happening in the House of Representatives, of which I am proud to be a Member. I hope the rule will make clear what if anything do we do in the House, what rights do we have in the House. Can one Government employee question another Government employee or can a Congressman question the President in the Chambers of the House of Representatives?

I thought we might have an opportunity to have an exchange with the President, an opportunity which we have not had in recent years.

For those reasons, I ask that we vote against the rule.

Ms. HOLTZMAN. Mr. Speaker, will the gentleman yield?

Mr. RANGEL. I yield to the gentlewoman from New York.

Ms. HOLTZMAN. I would like to respond to the gentleman from Illinois, inasmuch as he mentioned my name. I believe that curative legislation would be effective. In fact, the legal memorandum which I attached to my dissenting views indicated that remedial legislation at this point might well cure the problem posed by the emoluments clause.

Mr. ANDERSON of Illinois. Mr. Speaker, I have no further requests for time.

Mr. DELANEY. Mr. Speaker, I yield 2 minutes to the gentleman from Maryland (Mr. LONG).

Mr. LONG of Maryland. Mr. Speaker, I am going to vote for GERALD FORD. He is wrong much of the time, but he is decently wrong. I think decency and stability are the most important considerations.

I am very conscious of the significance of my vote. GERALD FORD could be the next President, and if the gentlemen on the Republican side of the aisle are wise, they will move as fast as they can to make him the next President by calling on the incumbent in the near future and asking him to resign.

Now, I do not offer this suggestion out of any partisan consideration. Any partisan Democrat would have to be out of his mind to want to take this millstone off the necks of the Republican Party. For if Mr. Nixon remains in office 3 more years, the Democrats could win in 1976 with the Boston Strangler. And in your hearts, you know I am right.

(By unanimous consent, Mr. DELANEY was allowed to speak out of order.)

POSTPONEMENT OF MEETING OF COMMITTEE ON RULES TODAY

Mr. DELANEY. Mr. Speaker, I take this time to announce that the 11 a.m. meeting of the Committee on Rules is postponed. The report is not filed. Members will be notified of the new meeting time.

Mr. Speaker, I have no further requests for time.

Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Ms. HOLTZMAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 389, nays 15, not voting 29, as follows:

[Roll No. 633]

YEAS—389

Abdnor	Brasco	Collier
Adams	Bray	Collins, Tex.
Addabbo	Breaux	Conable
Alexander	Breckinridge	Conte
Anderson, Calif.	Brinkley	Corman
	Brooks	Cotter
Anderson, Ill.	Broomfield	Coughlin
Andrews, N.C.	Brotzman	Cronin
Andrews, N. Dak.	Brown, Calif.	Culver
	Brown, Mich.	Daniel, Dan
Annunzio	Brown, Ohio	Daniel, Robert W., Jr.
Archer	Broyhill, N.C.	
Arends	Broyhill, Va.	Daniels, Dominick V.
Armstrong	Buchanan	
Ashbrook	Burgener	Danielson
Ashley	Burke, Mass.	Davis, Ga.
Aspin	Burleson, Tex.	Davis, S.C.
Bafalis	Burlison, Mo.	Davis, Wis.
Baker	Burton	de la Garza
Barrett	Butler	Delaney
Bauman	Byron	Dellenback
Beard	Camp	Denholm
Bell	Carey, N.Y.	Dennis
Bennett	Carney, Ohio	Dent
Bergland	Carter	Derwinski
Bevill	Casey, Tex.	Devine
Biaggi	Cederberg	Dickinson
Biester	Chamberlain	Dingell
Bingham	Chappell	Donohue
Blackburn	Clancy	Dorn
Boggs	Clausen, Don H.	Drinan
Boland		Dulski
Bolling	Cleveland	Duncan
Bowen	Cochran	du Pont
Brademas	Cohen	Eckhardt

Edwards, Ala.	Long, La.	Rousselot
Eilberg	Long, Md.	Roy
Erlenborn	Lott	Roybal
Esch	Lujan	Ruppe
Eshleman	McClory	Ruth
Evans, Colo.	McCloskey	St Germain
Evins, Tenn.	McCollister	Sandman
Fascell	McCormack	Sarasin
Findley	McDade	Sarbanes
Fish	McEwen	Satterfield
Fisher	McFall	Scherle
Flood	McKay	Schneebeli
Flowers	McKinney	Schroeder
Flynt	Madden	Sebelius
Foley	Madigan	Seiberling
Forsythe	Mahon	Shipley
Fountain	Mailliard	Shoup
Fraser	Mallary	Shriver
Frelinghuysen	Mann	Shuster
Frenzel	Maraziti	Sikes
Frey	Martin, Nebr.	Sisk
Froehlich	Martin, N.C.	Skubitz
Fulton	Mathias, Calif.	Slack
Fuqua	Mathis, Ga.	Smith, Iowa
Gaydos	Matsunaga	Smith, N.Y.
Gettys	Mayne	Snyder
Gibbons	Mazzoli	Spence
Gilman	Meeds	Staggers
Ginn	Melcher	Stanton,
Goldwater	Mezvinsky	J. William
Gonzalez	Michel	Stanton,
Goodling	Milford	James V.
Grasso	Miller	Steed
Green, Oreg.	Mills, Ark.	Steele
Green, Pa.	Minish	Steelman
Gross	Mink	Steiger, Ariz.
Grover	Minshall, Ohio	Steiger, Wis.
Gude	Mitchell, N.Y.	Stephens
Gunter	Mizell	Stratton
Guyer	Moakley	Stubblefield
Haley	Mollohan	Studds
Hamilton	Montgomery	Sullivan
Hammer-schmidt	Moorhead, Calif.	Symington
Hanley	Moorhead, Pa.	Symms
Hanna	Morgan	Talcott
Hanrahan	Mosher	Taylor, Mo.
Hansen, Idaho	Moss	Taylor, N.C.
Harrington	Murphy, Ill.	Teague, Calif.
Harsha	Murphy, N.Y.	Teague, Tex.
Harvey	Myers	Thompson, N.J.
Hastings	Natcher	Thomson, Wis.
Hays	Nedzi	Thone
Hébert	Nelsen	Thornton
Hechler, W. Va.	Nichols	Tiernan
Heckler, Mass.	Obey	Towell, Nev.
Heinz	O'Brien	Treen
Helstoski	O'Hara	Udall
Henderson	O'Neill	Ullman
Hicks	Owens	Van Deerlin
Hillis	Parris	Vander Jagt
Hinshaw	Patman	Vanik
Hogan	Patten	Veysey
Holifield	Pepper	Vigorito
Holt	Perkins	Waggonner
Horton	Pettis	Waldie
Hosmer	Peyser	Wampler
Howard	Pickle	Ware
Huber	Pike	Whalen
Hudnut	Poage	White
Hungate	Podell	Whitehurst
Hunt	Powell, Ohio	Whitten
Hutchinson	Preyer	Widnall
Ichord	Price, Ill.	Wiggins
Jarman	Price, Tex.	Williams
Johnson, Colo.	Pritchard	Wilson, Bob
Johnson, Pa.	Quie	Wilson, Charles H., Calif.
Jones, Ala.	Quillen	
Jones, N.C.	Railsback	Wilson, Charles, Tex.
Jones, Okla.	Randall	
Jones, Tenn.	Rarick	Winn
Karth	Rees	Wolff
Kastenmeier	Regula	Wright
Kazen	Reuss	Wyatt
Keating	Rhodes	Wydler
Kemp	Riegle	Wylie
Ketchum	Rinaldo	Wyman
King	Roberts	Yates
Kluczynski	Robinson, Va.	Yatron
Koch	Robison, N.Y.	Young, Alaska
Kuykendall	Rodino	Young, Fla.
Kyros	Roe	Young, Ga.
Landgrebe	Rogers	Young, Ill.
Landrum	Roncallo, Wyo.	Young, S.C.
Latta	Roncallo, N.Y.	Young, Tex.
Leggett	Rooney, Pa.	Zablocki
Lehman	Rosenthal	Zion
Lent	Rostenkowski	Zwach
Litton	Roush	

NAYS—15

Abzug	Conyers	Metcalfe
Badillo	Dellums	Mitchell, Md.
Chisholm	Edwards, Calif.	Nix
Clay	Hawkins	Rangel
Collins, Ill.	Holtzman	Stark

NOT VOTING—29

Blatnik	Ford, William D.	Macdonald
Burke, Calif.	Giaimo	Passman
Burke, Fla.	Gray	Reid
Clark	Griffiths	Rooney, N.Y.
Clawson, Del	Gubser	Rose
Conlan	Hansen, Wash.	Runnels
Crane	Johnson, Calif.	Ryan
Diggs	Jordan	Stokes
Downing	McSpadden	Stuckey
Ford, Gerald R.		Walsh

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York for, with Mrs. Burke of California against.

Mr. Diggs for, with Mr. Stokes against.

Mr. Blatnik for, with Miss Jordan against.

Until further notice:

Mr. Giaimo with Mr. Clark.

Mr. Gray with Mr. Ryan.

Mr. Reid with Mr. Macdonald.

Mr. Passman with Mr. Stuckey.

Mrs. Hansen of Washington with Mrs. Griffiths.

Mr. Downing with Mr. Rose.

Mr. Runnels with Mr. McSpadden.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. RODINO. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 735) confirming the nomination of GERALD R. FORD, of the State of Michigan, to be Vice President of the United States.

The SPEAKER. The question is on the motion offered by the gentleman from New Jersey (Mr. RODINO).

The motion was agreed to.

The SPEAKER. The Chair requests that the distinguished dean of the House, the gentleman from Texas (Mr. PATMAN) preside over the Committee of the Whole.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution House Resolution 735, with Mr. PATMAN in the chair.

The Clerk read the title of the resolution.

By unanimous consent, the first reading of the resolution was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New Jersey (Mr. RODINO) will be recognized for 3 hours, and the gentleman from Michigan (Mr. HUTCHINSON) will be recognized for 3 hours.

The Chair recognizes the gentleman from New Jersey.

Mr. RODINO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, for the first time since the 25th amendment became law, and House of Representatives has been asked to decide whether a man, designated by the President as his Vice-Presidential nominee, has the qualifications to become the Vice President of the United States.

On October 10, 1973, the Vice President resigned his office under circumstances familiar to us all. On October 13, the nomination of Representative GERALD R. FORD, of the State of Michigan, to be Vice President of the United States was received by the House and referred for consideration to the full Committee on the Judiciary.

As chairman of the Judiciary Committee, I was charged with the responsibility of presiding over all investigative processes necessary for confirmation. While the committee's report includes a comprehensive statement on the scope of our inquiry, I would like to summarize what took place during the weeks of our investigative work.

Our inquiry led to more than 100 formal interviews in 14 States; the examination of countless public and private documents; independent audits of the nominee's personal finances; an exhaustive review of all identifiable contributors to the nominee's various campaign committees for the past 20 years; an inquiry into the nominee's relations with every agency and department of the Federal Government; and a review of the recipient of every Government contract of more than $50,000 in the nominee's congressional district in recent years.

Mr. FORD made available to the committee copies of his tax returns for the period 1965–72, and results of Internal Revenue audits. At the direction of the Judiciary Committee, staff of the Joint Committee on Internal Revenue Taxation on loan to us conducted an inquiry into Mr. FORD's finances: his salary and other income, his bank accounts, and those maintained by other members of his family.

The committee has reviewed comprehensive records pertaining to Mr. FORD's law practice and other business associations and holdings, his congressional and minority staff payroll, and his personal health. In addition, the committee examined Mr. FORD's public voting record; newsletters, campaign literature and statements attributed to him; news articles written about Mr. FORD during 25 years as a U.S. Congressman; and his ratings as published by special interest groups.

All of this material was made available to every member of the Judiciary Committee.

In addition, eight members of the committee, four Democrats and four Republicans, were given access to data collected by the Federal Bureau of Investigation during their investigation of the nominee. That investigation resulted in more than 1,700 pages of material from more than 1,000 personal interviews by 350 special FBI agents.

Hearings into the nomination began on Thursday, November 15, 1973, with the first witness the Vice President-designate, GERALD R. FORD. The hearings consumed 36½ hours, more than half of which consisted of questions addressed by the committee to the nominee. Other witnesses testified before the committee, including three persons who testified in executive session on November 20. The committee has published the complete proceedings of all sessions.

The issue of the applicability of the emoluments clause, article I, section 6, clause 2, of the Constitution has been raised. It was also raised in the course

of debate in the Senate, and satisfactorily disposed of. The American Law Division of the Library of Congress did thorough research and an analysis at the request of the committee. Their conclusion supported by the history of the adoption of the clause, court decisions, and the commentaries of leading constitutional scholars indicates the Office of Vice President was not intended to be encompassed by that clause. I am including at this point for reference purposes the results of that research:

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C.

APPLICABILITY OF THE EMOLUMENTS CLAUSE (ARTICLE I, SECTION 6, CLAUSE 2) OF THE CONSTITUTION TO THE OFFICE OF VICE PRESIDENT

The question has been raised whether Public Law 93–136, effective October 24, 1973, which guarantees to federal employees certain minimum benefits under the Civil Service Retirement System, is an increase in the "emoluments" of a "civil office" which would disqualify Vice-President-designate Gerald Ford from holding such office under the prohibition of Article I, section 6, clause 2 of the Constitution. That provision states: "No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; . . .".

The House Committee Report (H.R. Rep. No. 93–457) on the legislation underlying Pub. L. 93–136 described the legislation as:

". . . designed to (1) eliminate the anomaly of a difference in amount between annuities that commence on or before the effective date of a cost-of-living increase and those that commence shortly after that date; (2) moderate the peaking of retirements immediately before cost-of-living increases become effective; and (3) reduce disruption in the work of Government agencies caused by many employees suddenly retiring at the same time."

Specifically, the law provides that the immediate (not deferred Civil Service retirement annuity of an employee retiring after the effective date of a cost-of-living increase shall not be less than his annuity would have been if he had retired on the effective date of the last cost-of-living increase. This provision applies whether or not the retiring employee met the age and service requirements for annuity before the effective date of the cost-of-living increase. Similarly, the law provides that the annuity of an employee's widow or widower beginning after the effective date of a cost-of-living increase shall not be less than it would have been if it had begun on the effective date of the last cost-of-living increase. The provisions of the law apply to annuities beginning on or after July 2, 1973, and apply to those employees who retire or die in service after July 1, 1973. Thus, an employee retiring on or after July 1, 1973, and before January 1, 1974, when another annuity increase may be due, will be entitled to the annuity computed as of June 30, 1973, plus the 6.1 percent increase effective that date, *or* the annuity earned on the date of actual separation, whichever is higher. (Of course, the same will be true after future cost-of-living increases).

The Vice-President of the United States may avail himself of the Federal retirement system covered in the Civil Service Retirement Laws. 5 U.S.C. 8331 et. seq. For purposes of these laws, a Member of Congress may, by giving "notice in writing to the official by whom he is paid . . . , become subject" thereto. 5 U.S.C. 8331 (2). Elsewhere, "Member of Congress" is defined to include the vice-president. 5 U.S.C. 2106.

We have no information as to whether Mr. Ford has executed the requisite notice under 5 U.S.C. 8331(2). Nor do we have information whether Mr. Ford would benefit by the alternate method computing his annuity if he did so elect. Assuming that he has given the requisite notice, two questions must be faced: First, did Pub. L. 93–136 effect an increase in the emoluments of the office of vice-president, and, if so, second, is the office of vice-president a "civil office" within the meaning of Article I, section 6, clause 2?

I.

Although the Framers of the Constitution did not specifically define the meaning of the term "emolument", it would appear that it was meant to be a broad genetic term which was designed to encompass more than simply the salary attached to an office. This seems confirmed by the use of the term "compensation" in Article I, section 6, clause 1 ("The Senators and Representatives shall receive a compensation for their services . . .") and Article III, section 1 (The Judges . . . shall . . . receive for their services, a compensation . . ."). Of course, pensions were not unknown at the time of the adoption of the Constitution.

Further, legal dictionaries generally agree on a broad definition of the term:

Emoluments. The profit arising from office or employment; that which is received as compensation for services, or which is annexed to the possession of office as salary, fees, perquisites; advantage; gain public or private. . . . Indirect or contingent remunerations which may or may not be earned; remunerations in the nature of compensation or in the nature of reimbursement. *Waller v. U.S.*, 180 F. 2d 194 . . . (Ballantine's Law Dictionary, 3rd Edition, 1969, pp. 398–399).

"Emolument. The profit arising from office or employment; that which is received as compensation for services, or which is annexed to the possession of office as salary, fees, and perquisites; . . . It imports any perquisite, advantage, profit or gain from p. 353)."

the possession of an office. (Bouvier's Law Dictionary, Baldwin's Century Edition, 1948, Court decisions have also tended to give the term an expensive reading. In *McClean v. United States*, 226 U.S. 374 (1912), the Supreme Court commented, "Pay and emoluments are but expressions of value used to give complete recompense to a deserving officer. Their association was deliberate; emoluments were additive of pay. . . . Of what consequence, then, how they may be defined? They may be called 'indirect or contingent remuneration', as they have been called; it may be said, as it has been said, that 'they are sometimes in the nature of compensation and sometimes in the nature of reimbursement'." (226 U.S. at p. 382).

Finally, in the context of the Emoluments Clause itself, it would appear certain that the Framers meant to include all varieties of pecuniary gain that might be attached to an office. One of the principal purposes of the provision was to prevent Members from seeking offices which they had "enriched". It cannot be presumed that the Framers were unaware that an office could be "enriched" by means other than simply the raising of its salary.

It may be argued that the increased benefit provided by Pub. L. 93–136 does not attach to the office of vice-president but rather to Mr. Ford himself since annuities are computed essentially on the basis of length of service, age and high average pay of the annuitant. If so, the Emoluments Clause does not apply since the emoluments of the office of vice-president have not been increased during Mr. Ford's current term. To the contrary, it may be contended that since the salary of the vice-president is considerably in excess of that of a Member, if Mr. Ford serves for three years his annuity will be substantially greater than it would have been as a Member. As a result, Mr. Ford, upon retirement, could receive a significant added benefit from the alternate computation afforded by Pub. L. 93–136. Since this would also be true of many other Members of Congress, the benefit may not be viewed as simply an individual one. If one focuses on the vice-president's office, it is seen that the new law could reap an incumbent a considerable benefit.

It may also be argued that Mr. Ford's situation is closely analogous to that which faced Hugo Black at the time of his appointment to the Supreme Court. Then it was debated whether an increase in retirement benefits during his term in the Senate constituted an increase in emoluments within the scope of the Emoluments Clause. The Senate confirmed the nomination, apparently agreeing with the Attorney General that Senator Black was nevertheless eligible because the purpose of the Clause was served "inasmuch as Mr. Black was only 51 years old at the time and so would be ineligible for the increased emolument for nineteen years, it was not as to him an increased emolument." See Corwin, Annotated Constitution at 133; N.Y. Times, August 14, 1937, p. 1, col. 13. The Ford situation, however, would seem to be distinguishable. Mr. Ford's potential retirement is not so remote, and in view of his lengthy service, would probably be eligible for full retirement benefits upon completion of his term as vice-president.

II

But even assuming that Pub. L. 93–136 had the effect of increasing the emoluments of the office of Vice-President, it does not appear that the Emoluments Clause was meant to apply to that office. This conclusion is supported by the history of the adoption of the Clause, the usage of term "civil office" elsewhere in the Constitution, court decisions dealing with the meaning of the term, and the commentaries of leading constitutional scholars. The weight of these authorities and precedents leads to the conclusion that the constitutional term "civil office" was meant to include only those offices which are created by Congress and subject to appointment, and not those elective offices established by the Constitution itself.

After the preliminary debates in the Convention on the Emoluments Clause, the Committee of the Whole reported the following language: "Members of the first and second branch of the National Legislature ought to be ineligible to any office established by a particular state, or under the authority of the United States (except those particularly belonging to the functions of each branch) during the term of service, and under the National Government for the space of one year after its expiration." This language was referred to the Committee on Detail which reported out the provision, then embodied in Article I, Section 9, as follows:

"The Members of each House shall be ineligible to, and incapable of holding, any office under the authority of the United States during the time for which they shall respectively be elected; and the Members of the Senate shall be ineligible to, and incapable of holding, any such office for one year afterwards. (Farrand, vol. 2, p. 180)."

At that point, then, the only changes found necessary by the Committee were the elimination of the prohibition against state office holding and the deletion of the additional one year disability for House Members. It may be noted that this relatively minor change came about despite attempts led by James Madison at modification.

The critical debate on the Clause occurred on September 3. The language then under consideration was a revision by the Committee of Eleven of the Committee on Detail's resolution (quoted above) which read as follows:

"The members of each House shall be in-

eligible to any civil office under the authority of the United States, during the time for which they shall respectively be elected; and no person holding an office under the United States shall be a member of either House during his continuance in office."

It was at this time, however, that proponents of modification again proposed that disqualification be limited to situations where an office had been created, the emoluments attached to an old office have been increased during the term of a member, and also to situations of dual office-holding. The significant change to be noticed here for present purposes was that the proposal on the floor limited ineligibility to any *civil* office under the authority of the United States. Proponents of modification ultimately carried the day on a close vote. The language adopted, which but for one further important change, is virtually that which found its way into the final draft, read:

"The members of each House shall be ineligible to any Civil office under the authority of the United States, created, or the emoluments whereof shall have been increased during the time for which they shall respectively be elected—And no person holding any office under the U.S. shall be a member of either House during his continuance in office."

This language may now be compared with that which appears as Article I, Section 6, Clause 2:

"No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been encreased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office."

The final important change alluded to was the addition by the Committee on Style of the words "be appointed to," the significance of which is discussed below.

The evolution of the clause therefore demonstrates the following: First, the Framers consciously limited ineligibility to civil offices rather than to the more encompassing phrase "any office" as had previously appeared. That this was a significant distinction in the minds of the Framers is indicated by the fact that the disqualification for dual office-holding in the last phrase of the Clause applies to "any office under the United States." Second, the addition of the words "be appointed to" gives further meaning to the term civil office since it conforms it to the sense of similar terminology found elsewhere in the Constitution. That is, where the term civil office appears in other provisions of the Constitution, it seems clear that a distinction is being made between offices created by the Constitution and offices to be created by the Congress. By specifically linking the concept of appointment to those offices which Members could not hold under the conditions specified, the Framers were making the Emoluments Clause consistent with those other provisions of the Constitution; and by that consistency the office of the Vice-President seems taken out from under the coverage of the Clause.

In the absence of any contrary evidence as to the meaning of "civil office" in the debates on this provision, the evolution in terminology must be deemed of significance in itself. The Framers, we have been taught, chose their words with care. And reference to analogous terminology in other provisions tends to confirm the thesis propounded.

Article II, Section 2, declares that: "The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, and other high crimes and misdemeanors." The distinction made between civil officers and the two elected constitutional officers is clear and unmistakable.

Article II, Section 3 provides that the President "shall commission all the officers of the United States." Of course the Vice-President is not commissioned by the President and it is significant that under the Twenty-fifth Amendment, the nomination and confirmation of a new Vice-President by both Houses of Congress is not followed by a commissioning.

Finally, Article II, Section 2, Clause 2 provides that the President:

"Shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and counsels, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of the departments."

Judicial interpretation of this provision has made it clear that there can be no offices of the United States except those which are created by the Constitution itself, or by an act of Congress, and that no one can be deemed an officer of the United States unless appointed by the President by and with the advice and consent of the Senate, or appointed by the President alone, or a court of law, or the head of a department; and if the latter, Congress must have vested that power in the person making it, by some statute, and Congress must also have created the office, unless it is one created by the Constitution itself. *United States* v. *Germaine*, 99 U.S. 508 (1879); *United States* v. *Mouat*, 124 U.S. 303 (1888); *United States* v. *Smith*, 124 U.S. 525 (1888); *Burton* v. *United States*, 202 U.S. 344 (1906); *United States* v. *Maurice*, 96, 26 Fed. Cas. No. 15, 747 (1823); *Scully* v. *United States*, 193 F. Rep. 185 (1911); and see also, *Willoughby*, The Constitutional Law of the United States (1929), pp. 605, 1447–1448, 1510; Corwin, The President, Office and Powers (1957), pp. 69–73.

In *United States* v. *Maurice*, Chief Justice Marshall (sitting as a circuit judge) held that "this clause makes a general provision, that the President shall nominate, and by and with the consent of the Senate, appoint to all offices of the United States, with such exception only as are made in the Constitution, and that all offices (with the same exceptions) shall be established by law."

In the *Germaine* case, the Supreme Court declared: "The argument is that provision is here made (that is, in Art. II, Sec. 2) for the appointment of all offices of the United States. . . . The Constitution, for purposes of appointment, very clearly divides all its officers into two classes. The primary class requires a nomination by the President and confirmation by the Senate. But, foreseeing that when officers became numerous, and sudden removals necessary, this mode might be inconvenient, it was provided that, in regard to officers inferior to those specifically mentioned, Congress might by law vest their appointment in the President alone, in the courts of law, or in the heads of departments. That all persons who can be said to hold office under the government about to be established under the Constitution were intended to be included within one or the other of these modes of appointments, there can be little doubt." In the *Smith* case the Court stated: "An officer of the United States can only be appointed by the President, by and with the advice and consent of the Senate, or by a court of law, or the heads of a department. A person in the service of the Government who does not derive his position from one of these sources is not an officer of the United States in the sense of the Constitution."

It may be noted that in subsequent decisions the Court has not departed from this rule although they have recognized that the word "officer" may have a broader meaning when used in statutes. In such cases the Court has distinguished between the constitutional and the statutory use of the term. Thus in the *Lamar* cases the Supreme Court held that Members of Congress are officers of the United States within the meaning of a provision of the criminal code. But Justice Holmes in the first *Lamar* case, and Justice White in the second, were careful to distinguish that ruling from earlier ones which held that Members were not officers in the constitutional sense. *Lamar* v. *United States*, 240 U.S. 60 and 241 U.S. 107 (1916); see also *United States* v. *Gradwell*, 234 Fed. 446 (1916).

Since the Vice-President does not hold his office by virtue of an appointment under Article II, Section 2, Clause 2, and since the Twenty-fifth Amendment's nomination and confirmation process in no way changes the nature of the Vice-Presidency as a constitutional office under the Constitution, it would appear reasonably certain that the office of Vice-President was not intended to be encompassed within term "civil office" in Article I, Section 6, Clause 2.

In summary, then it is concluded that, although not entirely free from doubt, Pub. L. 93–136 effected an increase in the emoluments of the office of Vice-President, but that, assuming it effected such an increase, it does not appear that the Vice-President is a "civil officer" in the sense in which that term is used in Article I, Section 6, Clause 2 and elsewhere in the Constitution.

MORTON ROSENBERG,
Legislative Attorney.

THE LIBRARY OF CONGRESS,
CONGRESSIONAL RESEARCH SERVICE,
Washington, D.C., December 5, 1973.

To: House Judiciary Committee. Attention: Mr. Allan Parker
From: American Law Division.
Subject: Emoluments Clause.

You submit the following two questions regarding the qualification of Gerald Ford for the Vice Presidency under the Emoluments Clause:

1) Was the term "civil office" meant only to distinguish military officers from the scope of its coverage?

2) Why doesn't the general principle underlying the Emoluments Clause apply to office of Vice President even if the term "civil office" does not encompass that office?

1) The history of the evolution of the Emoluments Clause appears to indicate that the initial reason for the insertion of the term "civil office" was to prevent the disqualification of those most capable of being military officers, who were at the time Members of Congress, during time of war. However, this occurred at an early stage in the debates and the full meaning and scope of the term was not clarified and settled until much later in the proceedings.

As indicated in our report of November 27, 1973, the Committee on Detail, on August 6, presented the following draft proposal to the Convention:

"The members of each House shall be ineligible to, and incapable of holding any office under the authority of the United States, during the time for which they shall respectively be elected; and the members of the Senate shall be ineligible to, and incapable of holding any such office for one year afterward."

The report of the Committee on Detail on this section was taken up August 14. A motion was offered, as a substitute, to make members eligible to any office with the provision that acceptance of another office would vacate the member's seat; that is, a rule of incompatibility to hold two offices

simultaneously. The motion was defeated. Gouverneur Morris then "put the case of a war, and the citizen most capable of conducting it, happening to be a member of the Legislature." Randolph, one of the advocates of severe disqualification, admitted that military and naval offices ought to be excepted. At that point, however, it was decided that further consideration of the section should be postponed until after the powers of the Senate were determined and the matter was referred to the Committee of Eleven. Farrand, vol. 2, pp. 289–290.

It would appear that the Committee of Eleven accepted this qualification for on September 1 it reported the provision as follows:

"The Members of each House shall be ineligible to any civil office under the authority of the United States during the time for which they shall respectively be elected, and no persons holding an office under the United States shall be a member of either House during his continuance in office." (Farrand, vol. 2, p. 484).

But subsequent debates and developments make it abundantly clear that even if the military question was the initial reason for the insertion of the terms, its ultimate and primary objective was to cover appointed civil officers.

The critical debate on the provision occurred on September 3. At that time proponents of modification again proposed that disqualification be limited to situations where an office has been created, the emoluments attached to an old office have been increased during the term of a member, and also to situations of dual office-holding. They agreed that some prohibition had to be placed on the eligibility of Members of Congress for executive office in order to guard against the possibility of office seeking and executive influence but argued that a total disability during a term of office would materially affect the supply of able men available to move to executive positions and also the ability of the legislature to attract capable persons to run for legislative office in the first place. These arguments were finally accepted, and it may be noted that there was no discussion whatsoever at that time, or at any time thereafter, of the military question. The language adopted, which but for one further important change, is virtually that which found its way into the final draft of the Constitution. It read:

"The members of each House shall be ineligible to any Civil office under the authority of the U. States, created, or the emoluments whereof shall have been increased during the time for which they shall respectively be elected—And no person holding any office under the U.S. shall be a member of either House during his continuance in office."

The final important change was the addition by the Committee on Style of the words "be appointed to" before the words "any civil office." (Farrand, vol. 2, p. 593).

The evolution of the clause therefore demonstrates the following: First, the Framers consciously limited ineligibility to civil offices rather than to the more encompassing phrase "any office" as had previously appeared. That this was a significant distinction in the minds of the Framers is indicated by the fact that the disqualification for dual office-holding in the last phrase of the Clause applies to "any office under the United States." Second, the addition of the words "be appointed to" gives further meaning to the term civil office since it conforms it to the sense of similar terminology found elsewhere in the Constitution. That is, where the term civil office appears in other provisions of the Constitution, it seems clear that a distinction is being made between offices created by the Constitution and offices to be created by the Congress. Further, by specifically linking the concept of appointment to those offices which Members could not hold under the conditions specified, the Framers were making the Emoluments Clause consistent with those other provisions of the Constitution; and by that consistency the office of the Vice President seems taken out from under the coverage of the Clause.

Finally, some caution would seem necessary in reading too much into the action of the Committee of Eleven in adding the words "civil office." It may well be that the Committee was acting on the suggestion of Gouverneur Morris as to the military office question. However, it should be remembered that the Committee's report represented only recommendations to the full body. The provision adopted on September 3 must be read and be given meaning in the light of that days discussions. The debate dealt exclusively with the problems of appointment to executive offices. There was no discussion of the military question. The later addition of the words "be appointed to" further confirms this conclusion.

In the absence of any contrary evidence as to the meaning of "civil office" in the debates on this provision, the evolution in terminology must be deemed of significance in itself. The Framers, we have been taught, chose their words with care. And reference to analogous terminology in other provisions tends to confirm the thesis propounded. (See report of November 27 for these provisions.)

2) In answer to the second question, it would seem that the reason the Framers focused on appointive office was that such appointees would not be responsible or answerable to the electorate if a question arose as to how and why a person took an office which arguably might have been specially created for him or the emoluments of which had been increased partly by his action. The case of the Vice President is different since in nearly all circumstances he stands for election and may be subject to scrutiny by the voters as to his motives in this regard.

Nor would it appear that the procedure authorized by section 2 of the Twenty-fifth Amendment for selection of a Vice President alters the normal appointment procedure to which the Emoluments Clause has reference. In the ordinary case of appointment to a "civil office" three distinct operations seem contemplated:

"1st. The Nomination. This is the sole act of the president, and is completely voluntary. 2d. The appointment. This is also the act of the president, and is also a voluntary act, though it can only be performed by and with the advice and consent of the Senate. 3d. The Commission. To grant a commission to a person appointed, might, perhaps be deemed a duty enjoined by the constitution. 'He shall,' says that instrument, 'commission all officers of the United States.' " (Marbury v. Madison, 1 Cranch 137 (1809).

The Twenty-fifth Amendment, apart from describing the selection procedure in terms of "nominate" and "confirmation" rather than appointment, does not require a commissioning. In these respects, then, there is an indication that a new type of constitutional procedure was being created, one which has no reference to the normal appointment process and which also does not alter the nature of the office.

Support in this regard may be found in the legislative history of the amendment which indicates the intent of creating a hybrid selection process—on the one hand incorporating the election procedure of the Twelfth Amendment, and on the other, combining it with the advice and consent feature of Article II, section 2, clause 2. As more fully explained by Senator Bayh, the amendment's chief spokesman, section 2:

". . . will accomplish two purposes. First, it will guarantee that there will be a Vice President, who will be able to work with the President. Second, it guarantees to the people that their representatives in Congress, those who are most responsive to the wishes of the people at any given time, will be able to express the voice of those whom they represent." 110 Cong. Rec. 23060 (1965).

". . . It is the feeling, first of all, in the normal procedure of our convention process, the President does have a strong voice—not always the final voice—but a strong voice in choosing who his running mate may be. Certainly it is wise, and particularly in the time of crisis it is imperative that we have a Vice President with whom the President can work. It would be worse, in my judgment, to have a Vice President who was looking for ways to embarrass the President than to not have a Vice President at all. For this reason, we give the President the same authority that he now has, as far as the Cabinet officials and others are concerned to nominate. Then, instead of his selections being confirmed only by the Senate, we bring in the Senate and the House—sort of a combination of the election procedure of the 12th amendment plus the advise-and-consent powers that the Senate now has. They would work together as two Houses sitting separately, but making the final determination to support or refuse to support the President."

The implication of the "election" nature of the selection process is evidence that the elective character of the office was meant to be maintained. Combined with the departure in language and procedure from the normal appointment process, the argument that the amendment in no way changes the understood meaning of the term "appointment" in the Emoluments Clause seems persuasive. and in the absence of any affirmative legislative history to indicate an intended change in the operation of that Clause, the usual canons of constitutional interpretation would eschew construing such a change by implication.

MORTON ROSENBERG,
Legislative Attorney.

DEPARTMENT OF JUSTICE,
Washington, D.C., December 4, 1973.

Hon. PETER W. RODINO, Jr.,
Chairman, House Judiciary Committee, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: We have been asked to express our views on the effect of a possible increase in civil service retirement annuity under Public Law 93–136 on the nomination of Congressman Gerald R. Ford as Vice President. This letter sets forth our views, and the letter is being sent concurrently to Congressman Edward Hutchinson.

A statute enacted during the current session of Congress, Public Law 93–136, liberalizes eligibility for cost-of-living increases in civil service retirement annuities. The Vice President is a participant in the civil service retirement program. 5 U.S.C. 8331(2) and 2106. The question has been raised whether in view of Article I, § 6, clause 2 of the Constitution, enactment of the foregoing statute is an impediment to Mr. Ford's eligibility to become Vice President pursuant to the 25th Amendment.

Analysis of the question leads to the following conclusions: (1) the emoluments provision of Article I does not apply to the office of Vice President and (2) in any event, because of the contingent nature of any possible benefit to Mr. Ford by virtue of Public Law 93–136, that law has not increased the emoluments of the office of Vice President.

1. THE 1973 ACT

Prior to enactment of Public Law 93–136, eligibility for cost-of-living increases in civil service retirement annuities was limited to persons who retired before the effective date of the increase. The effect of the new statute is to make it possible for a person retiring

after the date of an increase. However, this result is clearly not automatic. For example, in the case of an employee who retires six months after the date of an increase, the additional longevity (six months) might cause a greater increase in his annuity than would receipt of the cost-of-living increase. In such a case, the annuity would be based upon longevity and Public Law 93–136 plainly would not affect the size of the annuity.

2. THE MEANING OF ARTICLE I, § 6, CLAUSE 2

Article I, § 6, clause 2 provides, in part, as follows:

"No Senator or Representative shall, during the Time for which he was elected, be appointed to any Civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time;

There are several grounds for the conclusion that the above constitutional provision does not apply to Mr. Ford.

First, the office of Vice President is not a "civil office" within the meaning of Article I, § 6, clause 2. It can be stated that the term "civil office" refers only to one covered by Article II, § 2, clause 2, *i.e.*, an office filled by appointment by the President, a court or a department head. Cf. *United States* v. *Mouat*, 124 U.S. 303, 307 (1888). See 17 A.G. Ops. 522 (1883).

Under the 25th Amendment, a clearly different process is used—nomination by the President and confirmation by a majority vote of both Houses of Congress. The amendment does not refer to "appointment." It is also proper in construing the emoluments provision to consider other provisions using the terms "appointment" and "civil officer." Article II, § 4 provides for impeachment of the "President, Vice President and all civil officers of the United States." Thus, there is a distinction between "civil officers" and the Vice President. To the extent that the pertinent terms are used elsewhere in the Constitution, they show that Mr. Ford is not being "appointed" to a "civil office." It follows that no increase in emoluments would be a bar to his eligibility.

3. THE CONTINGENT NATURE OF THE RETIREMENT BENEFITS

It is clear that, unlike a law increasing the salary of the Vice President, Public Law 93–136 did not result in an immediate benefit to the holder of that office.

In 1969, former Attorney General Clark issued an opinion regarding the eligibility of Congressman Laird to be appointed Secretary of Defense. See 42 A.G. Ops., No. 36 (1969). Under a statute enacted during the 91st Congress, an increase in the salary of the Secretary of Defense was possible, but would probably remain uncertain until after Mr. Laird's appointment. The Attorney General held that Mr. Laird's appointment was not prohibited by Article I, § 6, clause 2. He stated:

"It is my view that, notwithstanding submission of any salary increase recommendations in the Budget message, the salaries in question will not 'have been increased' within the meaning of the constitutional prohibition so long as Congress may still exercise its power of disapproval."

The present case is analogous. Normally, a Vice President must serve for five years before he would be eligible for civil service retirement benefits. Mr. Ford is in a different position, because of his service as a Member of Congress. It is most unlikely that Public Law 93–136 would work to the benefit of Mr. Ford as Vice President. A cost-of-living increase might occur toward the end of his tenure, if he should retire thereafter and the timing of the increase is such that an annuity reflecting the increase is larger than one based on longevity. The foregoing events are quite uncertain and will no doubt remain uncertain until after the end of the current Congress.

The case of Justice Black furnishes further support for Mr. Ford. Senator Black was appointed to the Supreme Court in 1937. The question of his eligibility for the appointment was raised by reason of the fact that Congress had during his term of office as Senator provided for an improved financial position of Justices retiring at seventy. The appointment was justified on the ground that inasmuch as Mr. Black was only fifty-one years old at the time and thus would be ineligible for any "increased emolument" for nineteen years, it could not be as to him an increased emolument. The situation gave rise to the case of *Ex Parte Levitt*, 302 U.S. 633 (1937), and it i significant that the Supreme Court declined to pass upon the validity of Justice Black's appointment.

On the basis of the foregoing discussion it appears to be plain that the Constitution presents no bar to Congressman Ford's confirmation as Vice President.

Sincerely,

ROBERT G. DIXON, Jr.,
Assistant Attorney General, Office of Legal Counsel.

Mr. FORD outlined views on the roles of the separate branches of Government that I believe are generally shared by most Members. We are separate and distinct branches, each having particular responsibilities. Mr. FORD emphasized his understanding of this separation, and the need to bring greater unity of purpose to our actions. This he has pledged to do.

On Thursday, November 29, 1973, the committee, having completed an exhaustive investigation directed by its own staff, having availed itself of all other official investigative sources, having exchanged information with the Senate Committee on Rules and Administration, and having completed 6 days of hearings, brought the nomination to a vote.

With all 38 committee members in attendance, the committee voted 29 to 8, with one member voting "present," to recommend to the House of Representatives that Mr. FORD's nomination be confirmed.

It is the committee's conclusion, after a most comprehensive review, that Mr. FORD is fit and qualified to hold the high office for which he has been nominated pursuant to the 25th amendment.

This, then, Mr. Chairman, is the report we present today to the House: a thorough inquiry into every aspect of Mr. FORD's background and a recommendation that he be confirmed as Vice President of the United States.

Before concluding these remarks, however, I would like to ask the indulgence of the House so that I might outline some personal observations.

There is little doubt that in adopting the 25th amendment, Congress intended to establish a mechanism that would eliminate protracted vacancies in the Office of Vice President. As chairman of the Committee on the Judiciary, I have done all in my power to insure that prompt action be taken on Mr. FORD's nomination.

It is my firm belief, in keeping with the intent of the 25th amendment, that the party which wins the Presidency in a general election should maintain control of the Presidency through whatever circumstances of succession events may require. In light of recent events, it is imperative that a new Vice President be appointed as quickly as fairness and thoroughness will allow.

While, I recognize the President's right to make such an appointment, I feel it necessary to express some reservations.

I hope that my observations will in no way reflect on the integrity or qualifications of GERALD FORD as Vice President-designate. GERRY FORD has been a hard-working, fair and incorruptible colleague of mine for 25 years .There are few Members of this body that I know or respect more than GERALD FORD. During the weeks that I spent reviewing GERRY's public and private life, I have only grown to respect his character and integrity more.

In the long and arduous process of confirmation, GERALD FORD has gone the extra mile in candor and willingness to accommodate the committee's every request. He sat through many days of exhausting hearings with patience and an appreciation of the importance of the process in which we were engaged.

I doubt that any nominee to any public office has been subject to such scrutiny as has GERALD FORD. Yet nothing in Mr. FORD's public or private life has been found to bear the taint of dishonesty or disrepute.

At a time when trust in public officials is at its lowest ebb, GERALD FORD stands as a man of exemplary personal integrity and dignity. I congratulate GERRY FORD most sincerely on his stature as a public official.

In committee, Mr. Chairman, I voted to report favorably on the resolution to report Mr. FORD's confirmation to the House. I felt that it was my duty to bring to the House as quickly as possible sufficient information to permit each Member to make a reasoned judgment on the question of confirmation.

But now that I have discharged my obligations as chairman of the Committee on the Judiciary, I must exercise my obligation as an individual Member of Congress, representative of the people of the 10th District of New Jersey.

In the course of our 25 years of service in the House, GERALD FORD and I have often disagreed. Certainly in the areas of labor, civil rights, and urban problems, GERALD FORD and I have been on the opposite sides of issues. But our disagreement goes beyond votes on particular bills.

At the root of our disagreement is a fundamental difference in our perception of the role of the Federal Government in serving the needs of all our citizens.

If he is confirmed by the Congress, GERALD FORD may one day become the President of the United States. That possibility is one which faces each man who occupies the office of Vice President. And the views which Mr. FORD had held in his 25 years as a Congressman would no doubt affect his policies as a future President should he be called upon to succeed to that office. Should that day come, GERALD FORD must serve as President of all the people.

My district typifies the plight which the cities of our Nation face today. My

constituents, like so many of the citizens of our over-crowded and crime-infested cities, cry out for executive leadership in the area of human rights and the cause of working people. We have not seen that leadership during the present Administration.

I must therefore express in voting the frustration which the great majority of my constituents feel with the course the incumbent President has embarked upon.

I vote, not against GERALD FORD's worth as a man of great integrity, but in dissent with the present administration's indifference to the plight of so many Americans.

In conclusion, I want to make clear that my respect for Mr. FORD has been enhanced by the exhaustive confirmation process through which we have all just come. I respect his sincerity, his integrity, and his devotion to duty—qualities which will serve him well in the future as they have in the past. I have no doubts that GERALD FORD will be confirmed by the Members of the House of Representatives today, and I pledge him my continued friendship and full cooperation and assistance as the next Vice President of the United States.

Mr. HUTCHINSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to support the confirmation of GERALD R. FORD to be Vice President of the United States.

After the most intensive, exhaustive, thorough and complete investigation to which any nominee for high public office was ever subjected, Mr. FORD has been found to be the same man he has always appeared to be, a decent man, a good man, an honest man, a man of great integrity and of the highest character. The facts clearly support his good reputation.

He is eminently qualified to become perhaps the Nation's finest Vice President, and, indeed, if fate decrees, to assume the awesome responsibilities of the office of President.

The next Vice President is a man of whom we can all be proud. He is a man of this Chamber. He is a man whose life, both political and private, was meticulously examined by the Committee on the Judiciary and found not wanting.

It is most appropriate, Mr. Chairman, that a vacancy in the office of Vice President be filled out of the membership of this House. Of the 39 former Vice Presidents, 20—a clear majority—have served here, and only one has served in this House longer than has JERRY FORD.

Of the 39 Vice Presidents, 30 have served in the Congress, either here or in the other body.

Of the 36 citizens who have served as President of the United States, all but eight have been Members of Congress.

Our history confirms that our people have most often entrusted the stewardship of Government to those political leaders who have had experience as Members of Congress. It is most appropriate, I say, Mr. Chairman, that the President should have turned to Congress for his nominee to fill the existing vacancy in the Vice-Presidential office proposing one of our colleagues, who has a brilliant and outstanding record of leadership in this House.

JERRY FORD is known to all of us. Even the newest Member has seen him in action in his role as minority leader. Some in this House have served with him during all of the 25 years he has been here. I have known him in Michigan politics for all of those 25 years, and I have known him personally for all of that time. I have worked closely with him as a colleague since I first came to Congress 11 years ago. He is a man thoroughly versed in experience and knowledge of our American Government, a man of the House who deeply appreciates the necessity of separated powers and the genius of divided powers in our Federal system. He is a man who loves the American people and respects what they think. He is a man of decency, committed to traditional values. He is a man of integrity. Yes, as most of us in this Chamber know from our own experience, JERRY FORD is a leader.

When the 89th Congress convened in January 1965, the Republican Members in that Congress chose him to be their leader. The contest for this position was spirited and hard fought, and he won by a mere seven votes. The test of leadership in a legislative body lies as much in holding on to a position once obtained as in achieving it initially. It is not without consequence that JERRY FORD has been five times chosen his party's leader in the House.

Starting in 1965 with the acknowledged support of only a majority of the Republican Conference, Mr. FORD worked diligently and effectively to unify the minority. By the time the 90th Congress organized in 1967, he was chosen again to lead the Republican minority, that time without opposition. Nor has he experienced opposition since then within the Republican Conference.

We on the Republican side of the aisle know of his long-time ambition to preside over this House and how well he prepared himself and how hard and how honestly he has worked to achieve the post of Speaker. He is a man worthy of Advancement to the Office of Vice President. He is a man of stature who could well have been chosen as a Vice-Presidential or Presidential nominee by a Republican National Convention.

A different test of leadership came again for JERRY FORD in the 91st Congress. From 1965 to 1969 he had been the leader of the loyal opposition. Democrats controlled the executive as well as the legislative branch of the Government. In those years his role was to lead the Republican minority in opposition to majority Democratic proposals on issues where the two political parties were at variance, while supporting the majority on issues where both parties concurred, or where the national interest required political unanimity.

With the coming of the first Nixon administration in 1969, however, the role of the minority leader abruptly and materially changed. Instead of dealing with a Democratic administration, he was called upon to lead in support of a Republican administration's proposals, and to seek assistance in the enactment of the President's program from the Democrats who controlled in the Congress.

So great a change in a leadership role would be an adjustment many men in political life could not successfully make. But JERRY FORD accomplished it with ease and in the process even strengthened his position. He demonstrated his capacity to grow, to accept greater responsibilities as they were thrust upon him, and to discharge those new responsibilities with ability. This is one of the merits of true leadership.

Some have remarked that the Vice President designate has had no experience in the executive branch of government. Neither did 16 of his predecessors as Vice President. Neither did 15 Presidents, among them some of our greatest. Although there is truly no adequate training for the awesome responsibilities of the Presidency, throughout history the men who have held that office have risen and have grown to meet the burdens cast upon them. I am confident that the man we confirm today as Vice President will likewise fully meet those responsibilities, should he succeed to the office of President.

Mr. Chairman, this marks the first occasion for action by the House pursuant to the 25th amendment. As I stated in 1965 during our consideration of the amendment, procedure for confirmation of a nomination by both Houses of Congress is unique in our experience. Never before has this House had the constitutional function of confirming any nomination made by the President of the United States. History is devoid of precedent to guide us. We are totally inexperienced in the confirming process, quite unlike the other body, which has been advising and consenting to—or rejecting—Presidential nominations for 185 years.

But if the past be a measure of the future it will be necessary under the mandate of the 25th amendment to fill a vacancy in the office of Vice President on an average of one term out of three. Eight Vice Presidents have assumed the Presidency, leaving vacant the office to which they were elected because there was no machinery to fill it. Another six Vice Presidents have died in office; two have resigned. That makes a total of 16 out of 47 terms, 1 out of 3.

Our proceedings are precedent-setting. The occasion is historic. The new Vice President we will install later this afternoon in this Chamber is a man of this House, eminently qualified to preside over the other body, signally able to perform such duties as may be delegated to him by the President of the United States, and if it becomes his lot, to assume the awesome responsibilities of the office of the Presidency itself.

Mr. RODINO. Mr. Chairman, I yield 5 minutes to the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Chairman, a few hours after the nomination of GERALD R. FORD to be Vice President of the United States, the House Judiciary Committee launched a far-reaching and searching inquiry into every facet of his public and private life. No effort was spared in our determination to gather and analyze

every available bit of information relating to GERALD FORD and his qualifications to serve in the second highest office in our country.

During the course of the Judiciary Committee's investigation, it was repeatedly demonstrated that Congressman FORD's views on a number of major issues sharply diverged from mine and from a majority of my constituents. He is a Republican and there is no way to make him into a Democrat.

However, it is my conviction that, under the provisions of the 25th amendment, the President has the right to nominate for Vice President an individual with ideological, political, and philosophical orientations similar to his own. We cannot realistically expect him to do otherwise. Nevertheless, Congress has the constitutional responsibility to determine the overall fitness for office of the nominee.

In his appearances before the Judiciary Committee, Congressman FORD responded to every request in a straightforward manner with no apparent effort to cover up or evade the issues. He appeared as an honest, candid, and capable man, fully qualified for the office of Vice President and even higher office. Should the office of the President be vacated within the next 3 years, GERALD FORD has shown that he has the capability of bringing much needed personal honor and integrity to the highest office in the land.

Although GERALD FORD would not be my choice in a national election because of our philosophical and political differences, I have concluded that this old friend merits my support in this confirmation procedure and I will today vote to confirm him as a Vice President with a great future.

Mr. HUTCHINSON. Mr. Chairman, I yield 7 minutes to the gentleman from Illinois (Mr. MCCLORY).

Mr. MCCLORY. Mr. Chairman, a great deal has been said and written about the method by which Vice Presidents of the United States are selected. In our earliest history, the Vice President was the candidate for President who came out second. Under this practice, the President and Vice President were generally arch rivals. This split the Office of our Chief Executive, and diminished the power and effectiveness of the President.

Following adoption of the 12th amendment to the Constitution in 1804, the Vice President was elected separately from the President. A number of relatively obscure individuals thereafter occupied that office, with the result that on occasion, when the Office of President became vacant, these obscure individuals ascended to the highest office in the land.

Mr. Chairman, the practice of selecting running mates at political conventions has also resulted in serious questions as to the methods by which our political parties permit candidates for Vice President to be selected, and as a consequence, the Vice President to be elected. Nevertheless, the 25th amendment to the Constitution passed by this House in 1965, and ratified in February 1967, provided for filling a vacancy in the Office of Vice President by nomination of the President.

It should be recalled that in the committee report addressed to this House by the House Judiciary Committee, the committee declared that:

> It is without contest that the procedure for the selection of a Vice President must contemplate the assurance of a person who is compatible with the President. The importance of this compatability is recognized in the modern practice of both major political parties in according the presidential candidate a major voice in choosing his running mate subject to convention approval. This proposal would permit the President to choose his Vice President subject to Congressional approval. In this way the country would be assured of a Vice President of the same political party as the President—someone who would presumably work in harmony with the basic policies of the President.

In supporting the confirmation of Representative GERALD R. FORD as Vice President of the United States, I am convinced that the Judiciary Committee has fulfilled its full constitutional role in a painstaking review of the nominee's qualifications.

Mr. FORD's qualifications, by the way, are very impressive.

JERRY FORD won election to the U.S. House of Representatives the hard way. In 1948 he challenged the incumbent Republican Congressman from Michigan's Fifth District. He won in the November 1948 election only after first defeating the incumbent in the primary.

Thereafter, he was reelected successively for 13 consecutive terms. For 14 years, he served as a member of the House Appropriations Committee, during which time he had served 12 years on the Defense Subcommittee and on the Foreign Aid Subcommittee, as well as on the CIA Subcommittee. In 1963 he became chairman of the Republican conference or caucus. I was proud to support him for that post—and in 1965 to back him for minority leader. The high calling to which he is now responding attests to the qualities of leadership and record of effective service which have characterized JERRY FORD's 10 years as our Republican Leader in the U. S. House of Representatives.

The bare recitation of statistics does not tell the whole story. He has provided faithful and effective representation of his constituents. They in turn have supported him for reelection by margins of more than 60 percent of the votes cast. He has studied and acquired a thorough understanding of our fiscal affairs, domestically and internationally, consistently demonstrating an awareness of and concern for the taxpayer's hard earned dollar. His knowledge gives him the background necessary to set prudent priorities upon which our Government should obligate the funds of this country. He has led the members of his party here in this House with fairness, forthrightness, wisdom, and candor, and has earned the respect of his colleagues from both sides of the aisle. In confirming his nomination as Vice President we are recognizing his position as a true national leader.

During the hearings before the Committee on the Judiciary, he was criticized for being loyal to his party. Clearly, however, a partisan selection was contemplated by the framers of the 25th amendment. Let no one accuse him of being parochial or of limited vision; he made a statement before the committee which bears repeating today:

> It is the country we have to think of, Mr. Chairman and members of the committee, not Jerry Ford or the House or the Congress or majority or minority or the segments of the country that each of us represent. I am sure each and everyone of us is thinking about the country, and will have to carry out in our own way the oath we have taken together.

The hearings clearly disclosed that he has always had the national interest of the country in mind as he lived up to his oath as U.S. Representative for the Fifth District of Michigan.

Mr. Chairman, I attended all the sessions of the committee, and gave attention to all of the testimony, as well as the Members' comments and observations. In addition, I took occasion to review the voluminous FBI report. Also, I reviewed the committee's independent investigations, and examined the personal financial data made available to the committee, and which was interpreted by staff provided by the Joint Committee on Internal Revenue.

Further, I have called upon my own personal observations and knowledge of Congressman FORD, whom I have come to know quite intimately as a Member of the House and as a friend, not only here in Washington, but in my congressional district where he has visited—and in his congressional district, where I was privileged to keynote a Grand Rapids Chamber of Commerce meeting on an occasion when he was honored as the "Man of the Year." I believe that was in 1968.

In my opinion, Congressman FORD measures up in every significant way to the high calling of the Vice President of the United States. In my opinion, no person elected or appointed to high public office has ever undergone such an intensive and detailed investigation and examination. It is understandable that he should have a few critics. However, their principal criticisms consisted of disagreement with various of his votes cast during his 25-year career in the House of Representatives. No witnesses that I can recall, questioned seriously JERRY FORD's integrity, character, sincerity, or candor.

Six days of hearings were held. Long hours were spent in interrogation of Congressman FORD and the other witnesses. Many hours were spent by the committee members and staff reviewing transcripts, preparing questions and exhibits, and examining great masses of documents and information. After all that, I can only state that I am proud to have served with my friend and colleague, the Congressman from Michigan.

He is a great leader, Mr. Chairman. He has guided our party here in the House with wisdom and ability. The loss we will feel here in this body is shared by his constituents in Michigan, but is the great gain of the other body whose presiding officer he becomes—and it is the greatest gain of the entire Nation whom he will now represent.

Mr. Chairman and fellow Members of Congress, our colleague is a man of principle, of high integrity, and exceptional

leadership ability. The announcement of his name drew forth near unanimous praise. The exhaustive and searching scrutiny which he has undergone before the Committee on the Judiciary demonstrates the wisdom of his selection. The intent and purpose of the 25th amendment to the Constitution is appropriately, and in my opinion, ideally fulfilled in the confirmation of Congressman GERALD R. FORD as Vice President of the United States.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. DONOHUE).

Mr. DONOHUE. Mr. Chairman, as a member of the House Judiciary Committee which preliminarily approved the nomination, I intend to support and I most earnestly urge and hope that the very great majority of this House will also accept and support this resolution before us to confirm the nomination of the Honorable GERALD R. FORD for the Vice-Presidency of the United States.

Our committee, under the scrupulously impartial direction of our most able and distinguished chairman, after many weeks of preparation, conducted 6 full days of public hearings on this resolution. Our various committee members listened very carefully to Mr. FORD's personal testimony, cross-examined him in depth and at length, thoroughly reviewed the testimony of all other witnesses and the evidence contained in the committee's voluminous file. After an exhaustive study of the complete record the resolution was resoundingly approved by a vote of 29 for, 8 against, and 1 "present."

Mr. Chairman, the record before our committee indicated that Mr. FORD was subjected to the most intensive FBI investigation in the history of that organization and he was also very thoroughly investigated by the Internal Revenue Service, the General Accounting Office, and the Judiciary Committee's own staff.

Our committee's most painstaking examination and assessment of all the information provided by these investigations and testimony of witnesses did not produce one single serious criticism of the character and integrity of Congressman GERALD FORD and I might add that these investigations covered his life practically from the day he was born until the day he appeared before our committee.

I should also state that our committee file emphasized that Mr. FORD cooperated fully and complied completely with every request that was made of him for personal information and for documents and records of every kind bearing upon his fitness for the Office of Vice President.

Mr. Chairman, there is certainly no need for anyone here today to unnecessarily dwell upon the most unhappy and frustrating state of the Union insofar as the productive cooperation of the executive and legislative departments, for the well-being of the Nation, is concerned. There is no need for anyone here to extensively expand on the obvious and awful disruption that would be additionally inflicted upon our already agonized country if the legislative and executive departments should become unendingly engaged in politically partisan competitiveness over the Office of the Vice-Presidency of the United States. Also, Mr. Chairman, there is surely no need here to deliver any prolonged recital about the commonly accepted urgency of filling the Vice-Presidential vacancy, in the public interest, with all deliberate speed.

I have personally observed JERRY FORD, throughout his 25 years service in this House, as a colleague of truth and honor. I have consistently and vigorously disagreed with his political philosophy and legislative appeals as a member and as the leader of the minority party and I shall continue in that disagreement. Nevertheless, I have also consistently known him to be, and I congratulate him for it, a man of the highest honor, trust, diligence, competence and patriotic devotion in his personal and public life.

In summary, Mr. Chairman, may I simply say that because of his proven character and integrity, because of his unquestioned knowledge and experience in national affairs, because I very deeply believe he will substantially help in the imperative need to restore truth and confidence in our National Government and because I conscienciously believe that GERALD FORD as Vice President of the United States and possible President will perseveringly exert every effort to make this Government work better for the good of all Americans, I earnestly hope this House will overwhelmingly adopt this resolution.

Mr. RODINO. Mr. Chairman, I yield 10 minutes to the gentleman from California (Mr. WALDIE).

Mr. WALDIE. Mr. Chairman, when I first approached my responsibility as a Member of Congress in voting for a nominee of the President to fill the office of Vice President under the 25th amendment, I searched as to the parameters of that responsibility, as I am certain every Member of this House did. I concluded that I probably will not cast, with perhaps one exception, any more important vote in my congressional career than the vote that I will be casting today, because in reality I will be electing the President of the United States, a function heretofore reserved for the people of this country.

Now each one of us will be voting for a President of the United States. One might suggest that we are voting for a man whose title is Vice President of the United States, and that is true, but the only function of the Vice President is in fact to succeed to the Presidency, so we really are voting for the President of the United States.

We are voting, and thereby exercising, a responsibility that has never before been exercised by other than the people of the United States, the election of a President of the United States of America. That is an enormous responsibility, and how we perform it, I think, is a matter that deserves a great deal of deep reflection.

I have determined, at least to my own satisfaction, that the only restriction that I have in terms of how I approach this vote is that I concur the President has the right and the responsibility to select an individual with whom he is comfortable ideologically and, therefore, I would not expect the President to have nominated a person with whom I would be comfortable ideologically. But I think beyond that there are no restrictions upon the manner in which I approach this vote.

The only standard I recognize is, "Does the individual selected demonstrate a capacity sufficient to effectively govern this country?" That responsibility is always an enormously difficult responsibility because any Vice President, when he succeeds to a Presidency has a difficult job. But the Vice President who succeeds to this Presidency has an incomparably more difficult job than anyone in the history of the country, because no Presidency will have been left in the shambles that this Presidency will have been left when succession is demanded of the nominee that we will be confirming today.

The executive branch has too long been without effective leadership and the chaos that already is discernible within the executive branch will, all of us know, become even greater and even worse as this situation deteriorates to its inevitable result, the resignation or the impeachment of the incumbent and the succession of Mr. FORD to the Presidency.

Now, therefore this means that whoever succeeds to this Presidency has a more difficult and demanding job and will require greater strengths than anyone who has succeeded to the Presidency in the history of the country. Does GERALD FORD really meet that demanding standard? I do not think he does, and that really is no serious reflection on JERRY FORD because very few people in this country could meet that demanding a requirement—but there are those who could and who should have been nominated.

I might say, and I have said it publicly during the hearings and I have been one of the most outspoken critics of JERRY FORD during this proceeding, that I was enormously impressed and remain so today by the integrity and honesty GERALD FORD presented during his examination by our committee. Would that the American people had the opportunity to have all of our Vice Presidents and all of our Presidents subjected to the scrutiny that GERALD FORD was subjected to. Few would have been able to pass that scrutiny with the ease that JERRY FORD did pass it. So I find impressive his honesty and integrity. As a matter of fact they are superior and unique.

But I detect, and I am a little bit alarmed by it, a relief on the part of many of my colleagues that in comparison with what is presently the prevailing administration standard of decency, integrity and honesty, JERRY FORD stands out so visibly that we ought to with relief retreat from where we are with Richard Nixon, and advance to GERALD FORD. I can understand that feeling.

But I suggest to the Members that we do not fulfill our responsibility if we are just voting for GERALD FORD because it will make it easier, under whatever theory we approach it, to obtain the removal of the incumbent President of the United States.

We know we hear that. We hear that all over the floor, and we see it on the wire services, and prominent members of the Republican Party and of the other House are suggesting that the moment GERALD FORD is confirmed, the requirement that confronts the country of removing the President will be more easily and readily obtainable.

And that is a very enticing theory to some of us who desire that result.

But even that would be the wrong standard. We ought not to be confirming GERALD FORD in order to get rid of Richard Nixon. We ought to be confirming GERALD FORD because each of us believes in so doing that he is the best qualified individual that the President could have submitted to succeed to the Presidency. He is not.

His past record and his present attitude toward the enormous problems confronting this country demonstrate an incapacity to be able to achieve the greatness literally that will be required of the person who succeeds to the shambles that the Nixon Presidency has become.

GERALD FORD has one major question in his record as far as I could ascertain and I present it to this body not because I think it will have one wit of bearing upon the decision of any individual in this House as to how he or she will vote on GERALD FORD's confirmation. I present it only because it seems to me that GERALD FORD will become confirmed and will become President, and those of us who have reservations owe it to the country and owe it to GERALD FORD in his capacity as President to explain our reservations with the hope that his examination of those reservations may in fact result in a change or in the accommodation on his part to these deficiencies as we perceive them.

The deficiency that I perceive to be the most troublesome in GERALD FORD's record is his insensitivity to the rule of law in this country. And it is that insensitivity to the rule of law that has brought the Nixon administration to the terrible, deplorable situation in which it now finds itself.

The inability of President Nixon to understand that laws govern men and action in this Government, no matter how high their position, is what has brought the country to the present state that we are even discussing, let alone proceeding, with the impeachment of this President.

GERALD FORD has indicated in one major incident in his past record a similar insensitivity to the rule of law. I have reference to his efforts to bring about the impeachment of an Associate Justice of the U.S. Supreme Court.

The deficiencies of the approach of GERALD FORD to the impeachment of Justice Douglas that indicate his insensitivity, if not contempt, for the rule of law were two in number. First, he enlisted the support of the Department of Justice anonymously and secretly. They provided him, according to his own testimony before our committee, confidential information that it is reasonable to believe was procured from FBI files. This unsubstantiated, erroneous raw data was taken by GERALD FORD and placed into a speech he made to the House of Representatives on April 15, 1970, urging the impeachment of Justice Douglas.

Now, the record is not clear that, in fact, that was FBI material. The record is quite clear that GERALD FORD did not ask from where those files were obtained, neither did he ask why the participation of the Department of Justice was asked by the Department of Justice not to be disclosed. That is a use of the Department of Justice for a political purpose. The political purpose was the elimination of a liberal Justice of the Supreme Court.

We have seen an awful lot of that in this administration—the use of the Department of Justice for a political purpose. The impeachment process is a process that ought to be used for the objective of removing an individual from office who has allegedly committed impeachable offenses.

GERALD FORD's use of the impeachment process was a political use of that process, in my view. I believe reference to the testimony in the committee hearings will persuade Members that this view is reasonably accurate. In my view, he was acting under the direction and at the request of the President of the United States.

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. RODINO, and by unanimous consent, Mr. WALDIE was allowed to proceed for an additional 5 minutes.)

Mr. WALDIE. In my view, when GERALD FORD brought the impeachment process, he did it for a political purpose, the political purpose being in the first instance to attempt to insure the favorable vote in the Senate for G. Harrold Carswell, who was then being considered for a vacancy on the Supreme Court. It all began when F. Clement Haynsworth was rejected for the Court by the Senate. Shortly after the rejection of Haynsworth in the Senate of the United States, GERALD FORD called John Mitchell and he said, "I want you to put the resources of the Department of Justice at my command so that I may proceed with the impeachment of Douglas."

Mitchell said, "I will send someone over to you immediately." He sent an assistant attorney general, Will Wilson, to FORD's office, and Will Wilson provided secretly the raw data from confidential sources in the Department of Justice. The raw data was not used for about 4 months. It was sent over in December 1969. It was not until April 1970 that it was used by FORD in his impeachment speech.

Why the lapse of time? Because during that lapse of time Carswell was being considered by the Senate for confirmation as a Justice of the Supreme Court. It is reasonable to believe that data was not used in that intervening time because the President did not want to jeopardize Carswell's confirmation. Carswell was rejected on April 8, 1970.

Do the Members know when the data were used—those confidential data provided secretly and anonymously by the Department of Justice to GERALD FORD? The data were used 7 days later, April 15, 1970.

Now, that is a political use of confidential information provided by the Department of Justice to accommodate the political desires of the President of the United States with reference to nominees to the Supreme Court. In one instance he desired to hold the impeachment of Douglas in hostage for the confirmation of Carswell. In another, FORD sought to retaliate against the Senate for rejecting Haynsworth and Carswell. That is clearly insensitivity to the rule of law.

That is a clear indication that the means are justified by the ends in GERALD FORD's philosophy. I find that to be a troublesome record on the part of the nominee. I find it particularly troublesome in this day when the rule of law is given such short shrift by this administration.

Will the rule of law be given equally short shrift in the new Ford administration? I pose the question, and I am persuaded that the question cannot be obviously answered.

I will vote against GERALD FORD. When GERALD FORD is President. I trust that GERALD FORD will ask that question of himself, and I trust that we will continue to ask it.

Thank you, Mr. Chairman.

Mr. McCLORY. Mr. Chairman, I yield 8 minutes to the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. Mr. Chairman and Members of the House, I want to address myself to some of the allegations that have been raised by the gentleman from California (Mr. WALDIE) relating to the Justice Douglas impeachment, or attempted impeachment. Before I do, I want to convey to the membership of the House my observations about the FBI reports, since I was one of eight who were privileged to review them.

There were more than 350 special FBI agents who interviewed over a thousand persons in an effort to learn as much as possible about JERRY FORD. I was impressed with the breadth of the examination inasmuch as they examined anybody and everybody that they had reason to believe knew something or knew anything about JERRY FORD. They talked to Supreme Court Justices in the State of Michigan; they talked to State and county judges; they talked to State and Federal elected representatives, both Democrats and Republicans; they talked to the Republican and Democratic Party officials; they talked to church leaders; they talked to labor leaders; they talked to prominent representatives of minority groups; they talked to news media people; they talked to law enforcement officers; they talked to prosecutors; they talked to business people, professional people, VFW officials, American Legion officials, ACLU officials, representatives of Americans for Democratic Action and many, many more.

Mr. Chairman, I can tell the Members that it is my belief that about 99 percent of the people interviewed that knew JERRY FORD spoke glowingly of him; and of those persons that did not know him personally, about 99 percent of them had nothing whatsoever to say of a derogatory nature.

Mr. Chairman, I want to refer now to the Justice Douglas case that has been alluded to by my friend from California (Mr. WALDIE). Let me remind the Members of the House of the mood that was prevailing at the time the House began an impeachment inquiry into the case of Justice Douglas. It shortly followed, by about I think a year, the case of Abe Fortas, who resigned under pressure after having been accused of receiving outside earned income from questionable sources.

Mr. Chairman, my recollection is that it was something in the amount of $20,000. This has, incidentally, nothing whatsoever to do with political philosophy or ideology.

There were allegations that came to light that Justice Douglas had been receiving $1,000 a month from the Albert Parvin Foundation.

There were further allegations that Mr. Parvin and people he was connected with had very unsavory reputations or had been engaged in rather unsavory activities, which I am not going to go into.

There was really a mood, I think, among the American people that it was not proper for a Supreme Court Justice, receiving a very high salary, to receive in addition to that salary, income which required the performance of outside work, and that it was very improper for somebody like Justice Fortas or Justice Douglas to actually be receiving what amounted to earned income for services performed. In the case of Justice Douglas, it was the Parvin Foundation, and that income amounted to $12,000 a year during a time when he was sitting on the highest court in the United States.

Now, concerning the mood that prevailed at that time, in the Committee on the Judiciary I got the feeling that some of my colleagues were trying to point to JERRY FORD and JOE WAGGONNER and LOU WYMAN as being the only people who were really concerned about Justice Douglas. The truth of the matter is that there were approximately 114 Members of the U.S. House of Representatives who sponsored a resolution calling for the impeachment of Justice Douglas. When we look at the list of sponsors, we find that there were about an equal number of Democrats with Republicans.

Incidentally, I was not a sponsor of the impeachment resolution.

Mr. Chairman, when I review the details that surrounded the Parvin Foundation and the Justice Douglas incident, I think that I can understand very easily why there were people who were very concerned about the $12,000 he was receiving.

In any event, Chief Justice Earl Warren as a result of all of the congressional activity called a meeting, and there were proposals to immediately change the financial disclosure rules, which had the effect of preventing judges from earning that kind of outside earned income. This was finally adopted by the Judicial Conference.

At the same time an inquiry was conducted by the American Bar Association, and the American Bar Association also took a position which was in effect critical of the kind of activities that had been carried on by Justice Douglas.

At the same time, or a little bit earlier, to give you an idea again about the mood of the House, the very distinguished and respected chairman of the Committee on the Judiciary, Chairman Emanuel Celler, was quoted in a newspaper article, which I, Mr. Chairman, shall later include in the RECORD.

This was a newspaper article in the Washington Post, under date of Wednesday, May 28, 1969, with the headline: "Celler raps Douglas on letter to Parvin."

When the proper time comes, I will put this letter in the RECORD, because I think it indicates that even the very distinguished chairman of the Committee on the Judiciary, who has an unblemished record in the field of human rights and civil rights, was very concerned about the activities of Justice Douglas.

Mr. Chairman, I think JERRY FORD will bring to the office of Vice President a record of public service unmatched in our political history. It is a record of accomplishment and, maybe more important than that, of accomplishment with honor and dignity.

Mr. Chairman, the newspaper article I referred to earlier is as follows:

CELLER RAPS DOUGLAS ON LETTER TO PARVIN

(By George Lardner, Jr.)

The chairman of the House Judiciary Committee said yesterday that Supreme Court Justice William O. Douglas overstepped himself in his correspondence involving the Albert B. Parvin Foundation.

Rep. Emanuel Celler (D-N.Y.) declined to say whether he felt Justice Douglas had been "practicing law" while still president of the tax-exempt foundation.

But he told a reporter: "If I were in Justice Douglas's shoes, I would never have written that letter."

Drafted May 12, the letter in question reportedly dealt with an Internal Revenue Service investigation of the Foundation's activities.

In it, Douglas was said to have called the investigation a "manufactured case" aimed at forcing him to leave the Court. According to published accounts, he also suggested ways that the Foundation might avoid future tax problems.

The Supreme Court Justice did not resign from his $12,000-a-year post as Foundation president until last week.

Legislation before the House Judiciary Committee would make it a crime for highly paid Government officials, including members of the bench, to accept more than $500 a year for "non-Governmental service."

In the Senate, meanwhile, Sens. Clifford P. Case (R-N.J.) and Philip A. Hart (D-Mich.) introduced a proposal with strong bipartisan backing to have Federal judges—along with other Government officials making more than $18,000 a year—make public reports on their outside income and financial interests.

RESTORING CONFIDENCE

The Senate Judiciary subcommittee headed by Sen. Joseph D. Tydings (D-Md.) has already directed its staff to draft a disclosure bill for judges "at least as tough" as the rules in force for members of the Senate. But under these, fees such as those received by Douglas and former Justice Abe Fortas would still remain secret.

The Case bill goes much farther in requiring public reports. Tydings and Senate Majority Leader Mike Mansfield (D-Mont.) have signed up as co-sponsors.

IRS officials declined to comment on the status of their inquiry into the Parvin Foundation, which was begun several years ago. But IRS Commissioner Randolph W. Thrower denied that it was politically motivated.

Thrower added that he intended to keep it "completely insulated from political and emotional reactions that have been reflected in the press."

The IRS investigation appears to be devoted at least in part to reports of so-called "self-dealing" transactions between the Parvin Foundation and its founder, Albert B. Parvin, the multimillionaire to whom Douglas addressed his May 12 letter. According to the initial bylaws, the Los Angeles businessman appears to have had almost complete control over the Foundation's investments and disbursements.

The Foundation's first self-dealing transaction was on April 3, 1961, when Parvin sold it 95,000 shares of Webb & Knapp Inc. for $119,700, which was said to be the market value at the time.

The sale, however, was not reported to the IRS until 1967 after the Government had started its investigation. In its initial application for tax-exempt status in 1962, the Foundation responded "No" to the question of whether its organizer had sold it "any securities or other property."

Self-dealing transactions are not banned by current tax laws, but they have on occasion prompted revocation of tax-exempt status. The House Ways and Means Committee said yesterday that it has voted to prohibit them altogether as part of its tax-reform package.

At a news conference Senate Republican Leader Everett M. Dirksen said he had received information involving the Foundation from an "unexpected source" but he declined to give details. He said only that he got the memo Monday evening from a private source.

However, Dirksen also described as "a somewhat dismal transaction but perfectly legal" the arrangements by which the Parvin Foundation got money from Nevada gambling profits.

In Los Angeles, Sen. Paul Fannin (R-Ariz.) said he had information that Douglas received outside income other than from the Parvin Foundation. Fannin said he may ask for a formal investigation by the Senate Judiciary Committee.

Mr. Chairman, I rise in strong support of the resolution that the House of Representatives confirm the nomination of the gentleman from Michigan (GERALD R. FORD), to be Vice President of the United States. I wish to commend our distinguished chairman from New Jersey (Mr. RODINO) and our distinguished ranking Republican from Michigan (Mr. HUTCHINSON) for their guidance and leadership in this historic proceeding. I want to commend the fine work of the Judiciary Committee staff that conducted a thorough investigation of Mr. FORD.

JERRY FORD's political philosophy, background, and private life withstood an unprecedented examination. The Senate Committee on Rules and Administration independently conducted a thorough investigation of JERRY FORD and then unanimously voted to favorably recommend him to the other body which overwhelmingly accepted that recommendation—92 yeas and 3 nays. The House Committee on the Judiciary, independent of any other investigation, thoroughly researched every imaginable aspect of the public and private life of JERRY FORD. The Internal Revenue Service and the House Judiciary Committee

conducted independent audits of JERRY FORD's financial transactions.

An investigation of the gentleman from Michigan (Mr. GERALD R. FORD) was conducted by the FBI. This examination was exhaustive. More than 350 special FBI agents interviewed over 1,000 persons in an effort to learn as much as possible about JERRY FORD. They talked to Supreme Court Justices, State and county judges, State and Federal elected representatives, Republican and Democratic party officials, church leaders, labor leaders, prominent representatives of minority groups, news media people, law enforcement officials, prosecutors, business associates, VFW, American Legion, ACLU officials, representatives of the Americans for Democratic Action and many, many others. Ninety-nine percent of those people interviewed by the FBI indicated strong personal approval of JERRY FORD.

Almost all of those persons who knew JERRY FORD spoke glowingly of him. Those that did not know him personally knew nothing about him of a derogatory nature.

There is one other point along this line which I think speaks very highly of JERRY FORD and that is the size and the consistency of the votes of the people of his congressional district. Since 1948 he has been elected 12 consecutive times and has won by over 60 percent of the vote cast in every election. It is clear that the voters of Michigan's Fifth Congressional District have confidence and trust in JERRY FORD.

In the other body the senior Senator of California (Mr. CRANSTON) was not content to delegate all responsibility to the Senate Committee on Rules and Administration, but set out on his own, weeks in advance of the action of the other body, to learn all that he could about JERRY FORD. Senator CRANSTON consulted many people, focusing on people he represented from California and of all the people he spoke with only five of them made unfavorable comments about JERRY FORD. The senior Senator from California also made an observation on the floor of the other body—CONGRESSIONAL RECORD, November 26, page S21048—during debate on the confirmation of Mr. FORD. He stated:

> Incidentally, I was struck during my canvas of so many citizens that no one—no Republican, no Democrat, no labor leader, no minority group leader, no civil rights activist, no attorney—no one ever raised the issue of Ford's abortive effort to impeach Justice William O. Douglas, let alone suggested that as a reason to vote against him.

Mr. FORD's part in the Justice Douglas investigation was thoroughly explored by the House Judiciary Committee. I will not at this time reopen that discussion except to point out that JERRY FORD was not alone in his concern over the "off-the-bench" activities of judges. Of this body, 114 Members, nearly half of whom were Democrats, cosponsored the Wyman resolution to create a select committee to investigate Justice Douglas. The American Bar Association created a Special Committee on Standards of Judicial Conduct to consider changes in the Canons of Judicial Ethics. A new code of judicial conduct was drafted and adopted by the ABA in August 1972. With some modifications, this new code was adopted by the U.S. Judicial Conference making it applicable to the Federal juriciary. I cannot help but believe that this new code of judicial conduct is a vest improvement over what existed before and I cannot help but think that it was Mr. FORD and many like him that helped bring this new code about.

Mr. Speaker, JERRY FORD will bring to office of Vice President a record of public service unmatched in our political history. It is a record of accomplishment. Accomplishment with honor and integrity.

Mr. CONABLE. Mr. Chairman, I do not wish to be repetitious, and I realize the great bulk of the Members will want to express their support for GERRY FORD, their pride in the choice of a leader of our House to be Vice President, and new confidence that his role will improve the relations of the executive branch with the Congress. It is one of Mr. FORD's more valuable attributes that those who associate with him not only have respect for him but consider him a personal friend. We need someone high in the executive branch who can relate to us in this way. One of the most important tributes I can pay to JERRY FORD at this time is that despite 9 years of service in the most partisan slot in the House—that of minority floor leader—he has the admiration of both sides of the aisle. Even those opposing him today seem to be more interested in a posture of opposition—understandable in today's political climate—than in personal dissent from the actual choice of Mr. FORD to be Vice President.

Mr. Chairman, in unison with the great majority of our colleagues, I shall be proud to cast my vote to confirm as Vice President a hard working, decent, perceptive, and in every way deserving and qualified public servant, GERALD FORD, of Michigan.

Mr. KUYKENDALL. Mr. Chairman, I am delighted to join with my colleagues in speaking for this nomination. I recognize the historical moment of the occasion, the first time in history that the House of Representatives has ever joined with the U.S. Senate in its traditional role of advice and consent, to approve the choice of a new Vice President of our Nation.

Seeing GERALD FORD sworn in will be a particular source of satisfaction to me. Some of you may remember that I was one of the first of his colleagues who urged the President to nominate him after the office became vacant 2 months ago. This will be the last time I can call him JERRY, but it will be a privilege to call him by his new name—Mr. Vice President.

Our colleague, the Vice-President-designate, was scrutinized, questioned, probed and picked apart more extensively than anyone else who has ever held this office—or sought it—and he has passed every test. Almost from the moment that President Nixon made his announcement in the East Room, swarms of investigators moved out to Grand Rapids and Ann Arbor, even went back to Omaha, where he was born. If there were any skeletons in the closets, they would have been found long ago.

As the House and Senate committee members phrased their questions to him, they seemed to want to know what kind of President he would make, rather than what kind of Vice President. But they learned quickly that the answer to both questions was the same.

JERRY FORD would make the same kind of President that he will make Vice President: honest, courageous, dedicated to the job at hand. God willing, he will not have to step in to fill out an unexpired term as eight other Vice Presidents have been called on to do in our history.

I am one who believes that our President will finish his term of office without resigning or having to withstand an impeachment trial.

But if GERALD FORD should be called on to take still another step up, our Nation would be in capable hands.

Mr. RODINO. Mr. Chairman, I yield 8 minutes to the gentleman from California (Mr. EDWARDS).

Mr. EDWARDS of California. Mr. Chairman, it is not a pleasant task, but a serious and necessary one nevertheless to be here today to urge my colleagues in the House to reject the nomination of GERALD R. FORD as Vice President of the United States. I have known JERRY for 11 years. He has always been nice to me personally; I like him as a person and as a colleague. He is candid, a good family man, sober, and hard-working. From the point of view of our friends across the aisle in the Republican Party, I know he is considered a competent minority leader. President Nixon obviously likes him and has proven it by nominating him to fill the now vacant office of the Vice President. The President's affection for Mr. FORD is certainly understandable—uncritical friends and supporters are a scarce commodity in the life of any politician, and a particularly scarce commodity around the White House today.

So, it really is not a pleasant task for me to stand here and urge you to vote nay. After all, it is very flattering to the House of Representatives that one of our own has been nominated for Vice President.

Well then, why do I not play the game with the overwhelming majority of you and agree to vote aye since the Judiciary Committee's investigation has determined that JERRY FORD is clean financially and morally? The committee's decision is, you say, in consonance with the 25th amendment to the Constitution, which has been interpreted by you and by the Washington Post and the New York Times as meaning that a President can choose as Vice President any person of national stature who can survive an investigation by the Senate and the House and who has been found to be financially and morally untainted.

You say objections to this nomination are an oversimplication? That the issue is larger and more sophisticated? I must answer it is not. My interpretation of the 25th amendment is different and not necessarily supported by the hear-

ings or the floor debate when the 25th amendment was approved by Congress. I am afraid I cannot prove much of anything by referring to the legislative history of this amendment. That legislative history is irrelevant to the situation facing us today. The bizarre scenario now confronting us was not considered in testimony presented by constitutional scholars, nor by the Members who addressed this body when the 25th amendment was rushed through Congress in unseemly haste which, in hindsight, is to the discredit of most of us here today. There is somehow, a certain aura of indecency about this whole procedure.

The situation we face today, with Mr. Nixon's first choice, Mr. Agnew, a confessed criminal and Mr. Nixon himself facing a serious threat of impeachment, was never discussed nor anticipated in the debate surrounding the enactment of the 25th amendment.

Again in hindsight, if we had anticipated the dilemma of today, I have an idea that Congress would have written the amendment differently, keeping the vital disability provisions—although hopefully clarifying them—making no provision for the replacement of a resigned or deceased Vice President, and in the event both offices became vacant, providing for an Acting President with a national election scheduled to follow within a few months. After all, our founders intended the people to elect, not the President and Congress.

But the 25th amendment is a part of our Constitution. Its provisions must be implemented and that is why we are here today. The problem is that some of us, after a most painstaking investigation by the House Committee on the Judiciary, feel strongly that President Nixon's selection does not measure up and that he should provide us with a more suitable choice, a man or woman known to possess the high qualities of leadership, judgment, compassion and sensitivity to the use of power required by our country and the world in the event the nominee should become President.

In the limited time available, I cannot describe in depth my reservations concerning the nominee's voting record, his views and actions concerning the great issues of our times: war and peace; equal opportunity for all Americans; and respect for the mandates of the Constitution and particularly its Bill of Rights. Other Judiciary Committee members will address these issues, will document Mr. FORD's dismal record in the area of civil rights, in legislation seeking to provide decent education, job, and medical care for the less fortunate. I will only say regarding these areas, that Mr. FORD's chief concern has been primarily for that portion of our population needing the least assistance, the rich and the powerful. In a multiracial, multicultural society, I submit that the President must have the best interests of all at heart.

President Nixon once wrote a book, "Six Crises," wherein he described the six largest challenges of his political life and how he handled them. He would not have written the book had he not looked back with pride on his actions. The Judiciary Committee hearings and investigation of Mr. FORD reflect that in the last decade he faced two extraordinary challenges which tested his capacity for leadership, judgment, intellectual honesty, and commonsense. Let us see how he measured up.

On April 15, 1970, Mr. FORD, in the House of Representatives, delivered a scathing attack on Associate Justice of the Supreme Court William O. Douglas, seeking his impeachment for alleged misconduct on and off the bench. The basis for this speech, as revealed in the recent hearings on Mr. FORD, was information from the files of the Federal Bureau of Investigation. This background information was solicited by Mr. FORD from the Department of Justice following the Senate rejection of President Nixon's nomination of Judge Clement Haynsworth to the Supreme Court. This information, uncorroborated and unconfirmed, written on titleless pieces of paper, was delivered personally to Mr. FORD by a high official of the Department of Justice. (See page 612 et seq. of the printed hearings before our committee.)

The Department of Justice, under the direction of former Attorney General John N. Mitchell, demonstrated no reluctance in turning over this raw data, which could be interpreted to reflect adversely on the character and judgment of Justice Douglas. Knowing the information to be unconfirmed, Mr. FORD, too, showed no reluctance to use much of the material, almost verbatim, in his speech against Justice Douglas.

After a resolution of impeachment had been filed and referred to a Special Subcommittee of the House Committee on the Judiciary, former Chairman Emanuel Celler and former ranking Republican Congressman William McCulloch, repeatedly sought assistance from the Department of Justice for information in its possession. Chairman Celler and of that special subcommittee, complained Mr. McCulloch, it is stated in the report to Mr. FORD about the lack of cooperation from the Department of Justice. Mr. FORD did not disclose to the chairman, nor to Mr. McCulloch, that the Department of Justice had supplied him with FBI information on which he based his initial attack.

This confidential material was not to be used for the work of any committee of the House, but solely for Mr. FORD's personal investigation of Justice Douglas.

I submit to the Members of the House that FBI files and other information in the records of the Department of Justice are not a private data bank for the personal use of 535 individual Members of Congress. They are not the records of the House Internal Security Committee to be published raw and unsubstantiated at the whim of whichever Member has in mind a personal attack on some judge, elected official, or ordinary citizen.

An indication of the unreliability of the information irresponsibly requested by and irresponsibly furnished to Mr. FORD by John Mitchell's department is that portion of Mr. FORD's speech attacking Mr. Justice Douglas wherein he clearly implies that Justice Douglas was in Las Vegas, Nev., on October 22, 1962 with Bobby Baker. The investigation by the House Judiciary Committee proved this totally false. Justice Douglas was not in Las Vegas, nor was Bobby Baker, on that date. The Judiciary Committee investigation showed there never was any association whatsoever between Justice Douglas and Baker.

Placed in perspective, we find the minority leader of the House of Representatives using the Department of Justice as a data bank for partisan political retaliatory action. The nominee before us is still the minority leader of the House, not a novice in the political arena nor a stranger to the moral responsibilities of his high position.

The second challenge faced by Mr. FORD in which he did not display those elements of moral and intellectual character, which the citizens of the country expect from their elected officials, followed the assassination of President John F. Kennedy.

President Johnson established the Warren Commission to investigate the circumstances surrounding the tragedy in Dallas, and Mr. FORD was selected to serve on that Commission. After months of hearings, the Commission published its report. Some of the documents amassed by the Commission and not published in the report were classified "top secret" and sent to Archives. Following his tenure on the Warren Commission, Mr. FORD coauthored the book "Portrait of the Assassin." Mr. FORD was the only member of the Warren Commission to personally gain from his service on the Commission. In his book, he used information that is today still classified "top secret." When I questioned him during the hearings on this matter, Mr. FORD's explanation was:

> If it was not included, I think it should have been, and if it was not in and we used it, it was strictly on the basis that it was an inadvertent error. (See page 582, printed record of the hearings.)

An inadvertent error? His nonchalance on being confronted with a prima facie violation similar to the type for which Dr. Daniel Ellsberg was made to face a jury is to me dismaying. His apparent inability to distinguish between the use of public and "top secret" documents is unsettling. I am not reassured by Mr. FORD's explanation that the documents were overclassified and that therefore he felt he committed no wrong, or at most, made a minor mistake.

So I think it is fair to say that in the two challenges faced by Mr. FORD in the last decade, he did not measure up.

The high obligations implicit in the Douglas impeachment and in the Warren Commission were not met with the care and responsible action that the country is entitled to.

If President, will Mr. FORD handle national and international crises in this same irresponsible manner? Will he have the same lack of respect for the law, for confidentiality and for truth as he showed in these two challenges?

For the first time in our history, spanning almost 200 years, we here today are called upon to discharge a new and solemn duty. We are called upon today to reflect the will of the people of this country. I do not believe we are called upon to reflect the will of a President who confronts us with an administration unprecedented in its moral decay.

I do not believe the responses to the challenges faced by Mr. FORD reflect the responsible use of power and judgment by one in high office. I do not believe the nominee will inspire and motivate the Nation to renewed respect for human and civil rights, to renewed respect for truth within government, nor to renewed respect for those few entrusted by the people to direct the government.

So, I am compelled to vote against this nomination and to appeal to the President to submit to this Congress the name of a person who embodies the qualities of leadership so vitally needed to solve the problems of this multifaceted and divided Nation in the years just ahead.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. EDWARDS of California. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding. I commend the gentleman on his statement. Was not the gentleman in the well also one of the members of the committee who questioned the procedure; that is, with a President with impeachment resolutions pending against him, we would consider a nominee who might potentially be his successor? Did the gentleman not raise that troublesome question during the proceedings?

Mr. EDWARDS of California. It troubles me very much. Mr. Nixon was elected by an overwhelming majority of the people in November 1972. Nearly a year later he was called upon to implement the 25th amendment. The situation is entirely different now. The President's first choice, Mr. Agnew, is a confessed criminal, and the President himself faces impeachment. This is a situation never contemplated by those of us who wrote the 25th amendment.

Mr. CONYERS. I quite completely concur with the gentleman that we are now passing on a confirmation in one of the most unusual periods of American history, one in which the President himself is under a cloud of such magnitude that for us to cavalierly consider this nomination in the ordinary course of the application of the 25th amendment is unreal. Many citizens in this country are questioning why we are not proceeding on the impeachment prior to the confirmation.

Mr. HUTCHINSON. Mr. Chairman, I yield to the gentleman from Indiana (Mr. BRAY) such time as he may consume.

Mr. BRAY. Mr. Chairman, today, the House of Representatives, and, indeed, the U.S. Congress as a whole, will, with the final confirming vote of our good friend and colleague GERRY FORD as Vice President, be giving the American Republic a loyal and devoted and capable public servant as Vice President.

The Office of Vice President, over the years, even going back to the beginnings of our Republic, has unfortunately been regarded as something more or less second rate. Even some who have held it have complained of their status.

This is a situation that has, I fear, in many regards, let a lot of our citizens to think there is nothing important about it; that it is intrinsically a ceremonial function; and that it is deserving of relatively little attention by our country as a whole.

That has never really been the case. Today, in the troubled times in which we live, the Vice President, the man who must step in and assume the awesome power of Chief Executive if fate so decrees, has an importance that affects us all.

It is true that it is second place. But it is no place for a second-rater. GERRY FORD is not a second-rater. He never has been and he never will be.

The President's choice has been wise. The decision of the Congress has been wise. The country is better off for it.

Strictly speaking, GERRY now goes to the executive branch, and is not technically one of us any longer. But all of us who had the great privilege of knowing him, working with him, and serving with him, will always think of him as one of us—one of our own.

He goes to his new post with our best wishes, and with our confidence that he will serve faithfully, successfully, and well. The House has lost him, but the American Republic has gained.

Mr. HUTCHINSON. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Chairman, I intend to use my time, not to discuss the personal qualifications of Congressman JERRY FORD, but rather to discuss with the Members our responsibilities under the 25th amendment as I see them. I believe that the committee's report is somewhat deficient in failing to articulate a standard by which the Congress is to discharge its responsibilities under the 25th amendment. In a historical sense, perhaps what we do here today in giving meaning to the 25th amendment transcends in importance the assessment of the personal qualifications of Congressman JERRY FORD.

I have read the views of the minority carefully. Several of the Members have attempted to articulate a standard for our consideration. Let me refer to the remarks of our distinguished colleague, the gentleman from California, Congressman DON EDWARDS, in his dissenting views.

He said:

I believe that each Member has an affirmative duty to go beyond the basic constitutional requirements, the basic honesty of the nominee and attempt to establish the moral, intellectual and philosophical fitness of the nominee, to potentially fill the Office of the President of the United States.

The gentleman from California (Mr. EDWARDS) goes on to say:

The new Vice President must be a man whose philosophy is commensurate with the moral and philosophical beliefs of the majority of the country, not as of November 1972, but as of today.

For reasons which I will state I believe that to be a deficient standard.

Our friend, the gentleman from Michigan, Congressman JOHN CONYERS, enunciated a different standard, and I read now from page 37 of the committee report:

I argue that a Member of Congress has an obligation to vote against a nominee solely on the grounds that the nominee holds views or has a philosophy which, if he brought to that high office, would in the Representative's judgment be unsatisfactory or harmful to the Nation as a whole.

Additionally, my friend, the gentleman from California (Mr. WALDIE) articulated a slightly different standard when he said:

The primary standard to be met is the conviction in each of our minds that Gerald Ford would perform the enormous and the unique responsibilities of the Presidency capably and effectively.

Of course, I have no quarrel with this latter standard so long as its application cannot be used as a vehicle for Congress to change an administration which has been elected by the people.

There has been discussion that the nominee should be compatible with the administration, and should be able to work in harmony with the President. The history of the Presidency and the Vice-Presidency preceding the adoption of the 12th amendment is justification in my opinion for requiring that a Vice President be compatible with, rather than antagonistic to, the administration then in power.

But most importantly, Mr. Chairman, it is my view that considerations of compatibility are not properly before the Congress under the procedures specified in the 25th amendment.

We may properly assume, in my opinion, that the President will nominate a person who will become a working partner in his administration. Considerations of political compatibility are thus to be made by the President under the 25th amendment, rather than by the Congress. The Congress should weigh other factors.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Michigan.

Mr. CONYERS. Did the gentleman, in reciting the various standards that were suggested, have disagreements with any of them?

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. HUTCHINSON, and by unanimous consent, Mr. WIGGINS was allowed to proceed for an additional 2 minutes.)

Mr. WIGGINS. At the conclusion of my remarks, I will be pleased to yield.

I shall now attempt to state a standard which correctly interprets the responsibility of the Congress under section 2 of the 25th amendment to the Constitution.

It is my opinion that confirmation should follow if a majority of both Houses of Congress are satisfied that the nominee is from among that group of persons who possess the constitutional qualifications to be President; and in

addition possess those qualities of integrity, experience, judgment, and ability, necessary to discharge the responsibilities of the Office of Vice President, and if required to do so, to execute the Office of the Presidency with competence and in a manner which will not frustrate the mandate of the electorate of the administration then in power.

I realize, Mr. Chairman, that in assessing the qualities of character and ability, individual Members of Congress will apply a subjective standard; but we must divorce, insofar as we can, from our assessment of these qualities, the requirement that the nominee adhere to our own political or personal philosophy or that of the constituents whom we represent. The 25th amendment must not be made the vehicle for reversing the most recent mandate of the people as to the philosophical and political directions of an elected administration.

I am personally satisfied, Mr. Chairman, that Congressman FORD meets the proper standards and should be confirmed as the Vice President of the United States.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from Michigan.

The CHAIRMAN. The time of the gentleman has again expired.

(At the request of Mr. HUTCHINSON, and by unanimous consent, Mr. WIGGINS was allowed to proceed for 1 additional minute.)

Mr. WIGGINS. Mr. Chairman, I yield to the gentleman from Michigan.

Mr. CONYERS. Well, I asked the gentleman a question. Does his disagree with any of the criteria that was outlined by the several Members in this dissenting views?

Mr. WIGGINS. Yes. I do disagree with all of them, for the essential reason common to all, that the application of standards enunciated in the disenting views would permit Congress to frustrate the mandate of the people in electing the most recent administration.

Mr. CONYERS. I want to reread the statement that the gentleman has attributed to me. I argued to the committee that every Member of Congress has an obligation to vote against a nominee solely on the grounds that that nominee holds views or has a philosophy which, if brought to the high office, would, in the Representative's judgment, be unsatisfactory or harmful to the Nation as a whole.

Now, does the gentleman suggest that this would run counter to any mandate of the people in this country?

Mr. WIGGINS. Yes, indeed, especially as applied to the gentleman from Michigan. Let me answer the question in this way.

In essence, the difficulty in applying the standards suggested by the gentleman from Michigan and the two gentlemen from California is that it applies a subjective standard without consideration of the mandate of the people as expressed in their last election.

Mr. KETCHUM. Mr. Chairman, will the gentleman yield?

Mr. WIGGINS. I yield to the gentleman from California (Mr. KETCHUM).

Mr. KETCHUM. Mr. Chairman, it is a great pleasure for me to rise today in support of the nomination of GERALD FORD as Vice President of the United States. During my service in the House of Representatives, I have come to know JERRY FORD as a man of impeccable integrity and decency. He is eminently qualified to assume the duties of Vice President.

For many years, JERRY FORD has been a beacon of leadership to the Republicans in the House. I have learned much from his wise counsel and his keen ability to perceive the issues at hand. Now he will bring his qualities of decency, integrity and leadership to his new role of Vice President, to the benefit of all the American people.

In the past few weeks, during the confirmation hearings in both Houses, the Nation has had its first real opportunity to get to know JERRY FORD. It is apparent from newspaper articles and editorials that they like what they see. The country is as solidly behind this nomination as is the Congress.

While I join all of my colleagues in wishing JERRY well in his new position, I also share their sense of loss at his departure from this House. We shall always be thankful for the opportunity to serve with him and benefit from his leadership.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. HEINZ).

Mr. HEINZ. Mr. Chairman, I rise to join what I believe should be the overwhelming positive support among my colleagues for the adoption of House Resolution 735, confirmation of the nomination of Hon. GERALD R. FORD as the 40th Vice President of the United States.

As you know, this is the first time in our Nation's history that a mid-term Vice-Presidential vacancy has been filled under the provisions of the Constitution's 25th amendment, and I find it particularly reassuring that the nominee is our colleague, GERALD FORD.

GERALD FORD has spent his entire adult life as an effective and loyal public servant, and he has also undergone and survived, I might add, the most thorough concern of a nation deeply frustrated over their lack of confidence in public officials.

GERALD FORD's integrity is above question, and the fact that he is more often than not respectfully referred to as "honest, decent, good, and fair" does not mean that those expressions become cliches. If anything, they reaffirm the fact that it is fitting and proper that GERALD FORD become the 40th man to hold this nation's second highest office. This I can testify to from my own personal association with him during my service in this body.

By his own description, he is "conservative in fiscal matters, moderate in domestic policy, and an internationalist in foreign policy." In my view, this constitutes a philosophy that will be the White House's gain and the House of Representatives' loss.

However, his decision to be sworn in the Capitol, in which he has served such a lengthy and distinguished career, rather than the White House, indicates to me a bond to the Congress that will be strengthened, not weakened, by his new and vitally important responsibilities.

Mr. Chairman, GERALD FORD has always displayed a willingness to stand up and be counted, through his votes on the floor of the House, his public statements, and his dealings with his constituency. Through it all, he has emerged a leader with a true sense of justice and an unyielding respect for the public he serves. Moreover, he shares a real appreciation for the anxieties felt by many over the misuse of Presidential power and this is a qualification that must not be underestimated.

Finally, one must not overlook the fact that, regardless of one's political party or philosophy, it is a fact of life that the man we designate today as our 40th Vice President might well become the President of the United States. In GERALD FORD, we have a man supremely capable of assuming this awesome task with firmness, fairness, and integrity. I wholeheartedly support and urge his confirmation.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Connecticut (Mr. SARASIN).

Mr. SARASIN. Mr. Chairman, I am pleased and proud to be able to add my voice to those supporting the confirmation of Representative GERALD R. FORD as the 40th Vice President of the United States. There is a particular satisfaction to have been one of the many who recommended the name of the Republican minority leader when the President elicited suggestions as to who would be best qualified for this historymaking appointment.

Congressman FORD has now been subjected to official and public scrutiny to an extent never before equaled, and it has borne out what most of us already believed: That JERRY FORD is a man of exemplary character, unquestioned integrity, and refreshing candor. This exhaustive investigation of every facet of his public service and private life has only served to reinforce the conviction that JERRY FORD is the right man at the right time.

Those few individuals who have opposed the confirmation of Mr. FORD as Vice President have done so on the grounds of ideological disagreement with his record as a Member of Congress or because he did not meet their personal perception of the ideal for the post. None have seriously questioned his basic qualifications for the job.

I respect the right of those who would fill the vacancy with a man of their own political philosophy to disagree with positions taken by Congressman FORD over his quarter century of service in the Congress of the United States, but I do not believe that to be the issue at hand.

It is true that Congressman FORD's political philosophy appears to coincide quite closely with that of President Nixon, but it is also true that this is the basic political philosophy endorsed by an overwhelming vote of the people in the election of 1972.

The 25th amendment to the U.S. Con-

stitution provides for this kind of continuity in office and this principle has been recognized by the great majority of Members of both the House and Senate.

Perhaps most important, however, Congressman FORD represents a great deal that is good about this Nation. While I have not had the opportunity to know JERRY FORD for as long as many of my colleagues, perhaps a first-term Congressman has a special perspective on this man.

This is because, as a relative newcomer, you are particularly conscious of the willingness to help, the regard for the problems of others, and the ability to lead through persuasion and accommodation exhibited by the minority leader. The clear evidence of the respect and affection with which he is regarded by members on both sides of the aisle is not lost on a new Member of Congress.

I would also like to take a little pardonable pride in pointing out that while Mr. FORD is frequently referred to in terms of his Middle Western background and University of Michigan football prowess, he is also a product of Connecticut's Yale University Law School.

Finally, while I know that reference has previously been made to the excellent column "Gerald Ford: Tradition and Civility," by Pulitzer Prize winning reporter David S. Broder of the Washington Post, I think a portion of that piece is deserving of repetition:

> Jerry Ford is one of the most decent human beings in Washington. He is not a hater, nor is he under a constant compulsion to prove his own worth by dominating and downgrading others.
>
> The qualities he has displayed in his confirmation hearings—and in 25 years in Congress—may be just what the doctor ordered for this badly battered Republic.

I think that admirably states one of the most important aspects of the need to act with all deliberate speed in confirming the nomination of JERRY FORD as 40th Vice President of the United States.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from New Hampshire (Mr. WYMAN).

Mr. WYMAN. Mr. Chairman, I thank the gentleman from Michigan for yielding to me. Mr. Chairman, I rise to enthusiastically support the nomination of my personal friend and distinguished minority leader, GERALD R. FORD, to be Vice President of the United States. Prior to his nomination, President Nixon sought recommendations from Members of Congress. I am proud that my first choice for his nomination was GERRY FORD. Clearly GERRY was the first choice of many of his colleagues This speaks volumes in behalf of a man who has served in close association with men and women over years and years when there was no thought whatever that they might be asked to submit a recommendation for nomination as Vice President.

Today is a beautiful, clear, cloudless day. The sun is bright and the breeze from the northwest. It is an auspicious occasion for confirmation as Vice President of the best qualified, most practically experienced, capable yet humble and likeable men in all this great land. Like the character of the day, the nomination of GERRY FORD as Vice President marks a significant turning point toward renewed and restored public confidence in the national leadership.

The President likes and trusts GERRY FORD. In no way is he envious or jealous of him, and no amount of divisive editorial comment suggesting that Mr. FORD's confirmation as Vice President will trigger renewed calls for resignation or impeachment of the President, will succeed in driving a wedge between the President and our new Vice President. On the contrary, Mr. FORD's acceptance of the nomination and his willingness to help with the national leadership is proof positive of his dedication to the President's ultimate goals of a generation of peace and domestic stability within a progressive social framework. His integrity is unquestioned and unquestionable. He has been an effective minority leader.

It is safe to predict that the responsibilities to be given GERRY FORD as Vice President will unquestionably vest him with a greater authority and degree of participation in the executive branch than has been the case with any former Vice President in history. Few Vice Presidents can come anywhere near the record of experience and background in Government that is possessed by Congressman FORD. In the defense field, he served for years as a member of the Defense Appropriations Subcommittee from which vantagepoint there is no better opportunity to develop a comprehensive perspective on the critical defense requirements of the Nation. In domestic affairs he has held a leadership position and carried the ball in the legislative branch on measure after measure involving all of the major domestic concerns of the Nation from pollution control to housing to energy to budgetary restraints.

It is comforting to know that a sound and capable man, who is also kind and compassionate and understanding, will shortly occupy that awesomely important post that is a single heartbeat removed from the Presidency of the United States.

President Nixon could not have made a better choice for Vice President.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Connecticut (Mr. MCKINNEY).

Mr. MCKINNEY. Mr. Chairman, the intangibles in life always seem to be the most difficult to grapple with. Has anyone written a manual on how to set a tone? Is there a book on the creation of a spirit? Where is there a set of blueprints which can tell us how to instill a faith, maintain a trust?

Assuredly, we are without definitive guides in these areas, yet all of these attitudes exist in one form or another in our Nation. In our history there have been men and women among us who by their actions and in their dealings with others have set a tone, created a spirit, instilled a faith and for that, we have given them our trust. Some, seemingly, have been born to the task; others have responded to a national need.

Today, our country faces a crisis of confidence and we are calling on JERRY FORD to respond to that national need. Mr. Chairman, I can think of no better choice than the gentleman from Michigan. In a recent editorial, the Bridgeport, Conn., Post commented:

> The emergence of Mr. Ford during this particularly troubled time for the United States is reassuring for it tells us in convincing fashion that there are people in government who are fully worthy of our utmost trust.

I believe that sentiment is one which is generously shared in this Chamber and one which in the days ahead will prove to be consistently correct.

There are many words and phrases which can more than adequately characterize the qualities of JERRY FORD but it seems to me that one stands out and that is decency. To me, the word conveys fairness, mutual respect and a concern for one's fellow man and in life one cannot ask for much more.

Mr. Chairman, I believe JERRY FORD to be that type of man and I feel that we as a Nation are fortunate to have him.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. ZWACH).

Mr. ZWACH. Mr. Chairman, I rise in support of House Resolution 735, the resolution to approve the nomination of GERALD R. FORD as the Nation's 40th Vice President.

When I was first elected to Congress in 1965 and was still learning the system in early 1966, JERRY FORD was already the minority leader in the House, and helped me a great deal.

For 25 years Mr. FORD has been a Member of this distinguished body, during 9 of these years he has been minority leader. During all those years no Member has displayed more integrity, higher moral character, ability, or faith in the basic principles that have made America great. Never have I seen him turn away from a difficult situation or a problem that needed long, hard work.

I am sure that congressional relations with the White House will be improved by Mr. FORD's selection, which should help to increase legislative-Executive interaction, and recreate a working harmony between the two levels of government.

Mr. Chairman, I consider it an honor to speak in favor of the resolution to approve the nomination of the Honorable GERALD R. FORD as our next Vice President of the United States. As a dedicated citizen, Mr. FORD will continue to serve his country well.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. HANRAHAN).

Mr. HANRAHAN. Mr. Chairman, I would like to add my support to that of my colleagues, concerning the installation of the Honorable GERALD FORD into the office of Vice President of the United States.

I have served only 1 year in the House of Representatives; during that year, however, I have looked to Mr. FORD many times for counsel and assistance—and he has never let me down. His many years

service to the public as well as to the Republican Party speak for themselves.

The office of Vice President is an ill-defined and difficult office to describe. The man chosen to fill the position must assist and support the President, yet maintain his individuality. He must defer to the President on matters involving our Nation, yet be ready—at a moment's notice—to take over our affairs. It takes a strong, dedicated man to fill that post.

The years have proven Mr. FORD an honest, hard-working, and very capable man—the kind of man we need for Vice President of the United States. I look forward to serving under Vice President GERALD FORD.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. THOMSON).

Mr. THOMSON of Wisconsin. Mr. Chairman, in 13 years in the House I have been a constant admirer of JERRY FORD for his fairness and firm grasp of the political and legislative processes. He will be an outstanding Vice President.

Thirteen months ago, an overwhelming majority of the American electorate endorsed the Republican platform in a hard-hitting issues-oriented campaign. JERRY FORD is firmly committed to implementing that Republican program. The Nation deserves a Vice President committed to the Republican approach to national problems. In JERRY FORD they are getting such a leader.

The Watergate scandal has cast a cloud of suspicion over the administration. JERRY FORD is a fresh, clean figure who can help restore public confidence in the Government, a desire shared by even the most partisan of the President's detractors. JERRY has been thoroughly investigated by the Congress and found to be what we all believed him to be in the first place: a decent, honest, and dedicated public servant.

JERRY FORD is a proven leader. His experience as Republican leader in the House of Representatives, including his frequent high-level security briefings at the White House, has prepared him in many ways to assume an important position within the administration.

Members of the Congress who know and respect JERRY can see in his elevation to the Vice-Presidency an opportunity to again establish a strong working relationship with the White House. During the past several months that relationship has been strengthened as both the administration and the Congress has recognized the critical necessity of cooperation to solve some of our pressing problems. A good example of the improved relationship has been the prompt congressional action on key portions of the President's energy programs.

With JERRY FORD as Vice President, I am hopeful that the Congress will also be persuaded to tackle the pressing issues of tax reform, campaign finance reform, welfare reform and health care reform to name a few. Too much time has been lost in the distractions that have occupied most of this year.

JERRY FORD is a man for the times. He represents the way the majority of our people want to approach our policy problems. And he is a man who will grow in his new position to become one of the truly great Vice Presidents in our history. Those of us who have worked closely with him in the House know that while his many talents are relatively unknown they are well developed.

We wish him all success in his new position.

Mr. HUTCHINSON. I yield such time as he may consume to the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Chairman, I rise to support the confirmation of our colleague, GERALD R. FORD as Vice President of the United States.

Although I was among those who urged the nomination of JERRY FORD, and although I have had every confidence in his integrity and his ability to lead, I want to say that the House Judiciary Committee and the Senate Committee which considered the nomination deserve the respect and gratitude of the Nation for conducting a serious and thorough investigation and inquiry into JERRY's background and his capability to serve in this high office. This is, as will be said over and over again on this floor today, an historic moment in American history. Never before have we had a man serving in the Vice-Presidency who did not achieve that office by the usual route of election by the people as a whole. Since the circumstances necessitated use of the 25th amendment procedure for filling a Vice-Presidential vacancy, it was absolutely essential that the Congress take with deep seriousness its responsibility to pass judgment on the President's nominee for this post.

The fact that JERRY FORD has successfully navigated what is probably the most thorough congressional investigation ever mounted to approve a Presidential nominee is in every respect a tribute to him, and to his record of a quarter century of service to the people of America.

I have had the privilege of knowing and working with JERRY FORD for all of my 11 years in the Congress. He brings to the Vice-Presidency those qualities which are both the most admired and the most sought after in the history of American politics. Among all Members of the House, JERRY stands out in his sheer dedication to duty, his long hours of hard work, his ability to maintain close friendships and a high level of respect among those of every political and philosophical stripe, his mastery of the art of legislative compromise, and his total honesty and integrity. All of these comprise an ideal blending of the finest ingredients for public leadership and public service.

While he represents a single Michigan district in the House, JERRY FORD has traveled throughout these United States perhaps more widely than any other Member. As minority leader, he has generously made himself available to accept invitations to speak in literally hundreds of communities throughout the country. Over the period of years that he has led the Republican side of the House, he has developed a truly national perspective on the mood and priorities of our people on the serious domestic and foreign issues which confront our National Government.

This year, as ranking minority member of the Committee on Government Operations, I have seen a different side of JERRY FORD. In leadership sessions, I have witnessed time and time again the success of his painstaking and patient approach to leadership. Never too hurried to listen to a point of view, never closing his mind to a better alternative, JERRY epitomizes the kind of political leadership ability which makes democratic government function effectively. In his decisions on issues, he has blended personal principle with the execution of his duty as leader of the minority Members of the House and as primary spokesman in the House for the administration. While this is a far more difficult task than any of us face as individual Members, JERRY has shown over the years, his mastery of fair and principled decisionmaking on the issues which affect the future of America.

Mr. Chairman, I will proudly cast my vote for confirming JERRY FORD. I think the American people can expect that he will add both credit and dimension to the Office of Vice President.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana (Mr. TREEN).

Mr. TREEN. Mr. Chairman, this afternoon I will cast my vote with the greatest of pleasure and enthusiasm to confirm the nomination of GERALD R. FORD as Vice President of the United States of America.

I doubt that any vote that I have cast or will cast as a Member of this House will be as satisfying to me personally.

I had the honor and privilege of being present at the White House on the night of October 12, 1973, when the President announced his nomination of Congressman FORD. Present at the White House was a large number of Congressmen of both political parties. Before the President revealed the name of his nominee, he said that the person he would nominate had served with great distinction in the House of Representatives for 25 years. With that, the President's audience reacted with a spontaneous outburst of prolonged and enthusiastic applause. The atmosphere was electric, for everyone there knew that the President was referring to Congressman GERALD FORD.

There are numerous adjectives that one might use to describe the exemplary character of Congressman FORD. The whole being of GERALD FORD speaks more eloquently in his favor than any words. But, some are suggested by the letters of his name: GERALD R. FORD is Generous, Energetic, Responsible, Able, Loyal, Decent, Reliable, Fair, Optimistic, Respected, and Dedicated. GERALD R. FORD is all of these things and much more.

Today, December 6, 1973, is a memorable and historic day. It is a day on which we should all thank God for giving us such a good and noble man.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. FOUNTAIN).

Mr. FOUNTAIN. Mr. Chairman, I rise

in support of the confirmation of the nomination of GERALD R. FORD, of the State of Michigan to be Vice President of the United States.

The House of Representatives has a very important responsibility and duty to perform on this historic occasion, and I think it might be well to emphasize the nature of our responsibility. First, it is neither the duty nor the right of the House to select the Vice President. Under the 25th amendment to the Constitution of the United States, when a vacancy in the office of Vice President occurs, the President nominates an individual to fill the vacancy; the Congress must then either accept or reject the President's nomination.

Obviously, no mortal can predict with certainty how any individual will perform when faced with the challenge and responsibility of the second highest office in the country, and more important, the potential challenge of the highest office in our land, the Presidency of the United States.

What we can and must do, however, is to examine—thoroughly, conscientiously, and prayerfully—the qualities and qualifications of the nominee and accept or reject the nomination on the basis of that examination.

I have known GERALD FORD and served with him here in the Congress for nearly 21 years. Just on the basis of this association and my observation of him as a Member of the Congress, as a member of the Republican Party, and in his position of leadership in the House of Representatives, it is my considered judgment that an objective evaluation of GERALD FORD's personal characteristics and qualifications and public service provide no basis whatsoever for rejecting his nomination. On the contrary, my observations of him satisfy me that such an examination clearly justifies the overwhelming approval I am sure his nomination will receive here today.

This feeling on my part is confirmed very strongly by the report of the House Judiciary Committee, headed by its distinguished chairman, Mr. RODINO. I have examined that report and I find that the investigation which the House Judiciary Committee made of GERALD FORD has probably been the most exhaustive investigation which has ever been made of any person being considered for any public office.

An examination of that report discloses that the entire record of GERALD FORD's life, both private and public, was covered, including his tax returns, his campaign finances, his medical records, his political philosophy, voting record as a Member of Congress, his contacts with governmental agencies, constituents, and others during his congressional career, his bar association records, his law practice, his dealings with private citizens, including members of his own family, his service on the Warren Commission, and apparently whatever may have been written or said or found about him during the course of his life.

This report of the Judiciary Committee investigation, after such a thorough investigation of Mr. FORD's entire life experience concludes that GERALD FORD is eminently qualified to become Vice President of the United States, and that if fate should so determine, he has the qualifications to be President of the United States.

Speaking personally again, during my association with GERALD FORD here in the House, his position and my position on matters of political philosophy and of a legislative nature have often been different. Nonetheless, the fact of these differences of opinion, which is democracy in action, has in no way affected my judgment of his ability and his splendid personal qualities.

In view of the problems of our times between the White House and the Congress in some of the communication problems which have existed, I think it should be said that GERALD FORD is one of the most communicative public officials in government.

He has always been willing to listen to and respect the opinions of others regardless of their political views and philosophy. He has always been accessible to his colleagues, and my guess is that he is also accessible to his constituents, or he would not have been in the Congress for all of these years.

GERALD FORD has a well-deserved reputation for personal integrity among Members of the Congress in both political parties. In the very best sense of the term, GERALD FORD's word is his bond.

In my opinion, GERALD FORD, during the years I have observed him, has reflected credit, not only upon himself, his family, his constituents and his political party, but he has reflected credit upon this Nation.

He has been partisan, yes, but he has been a responsible partisan, and that, too, from all sides, has kept democracy alive.

Of course, it would be foolhardly for anyone to even attempt to question GERALD FORD's qualifications for the Office of Vice President, He will preside over the U.S. Senate with dignity and honesty and fairness. But when we elect GERALD FORD as the next Vice President, we will nominate a person who could well become the next President of the United States. That is one of the reasons we have Vice Presidents.

And, as I have already said, should the opportunity present itself for him to fill a vacancy in the office of President, he is qualified to do so.

In these troubled times when so much is at stake, when so many questions remain unanswered, when in fact the very survival of our Nation as we have so long known it, hangs in the balance. GERALD FORD may well be the right man at the right time. If he should ever be called upon to serve as President, his unchallenged integrity and openness, his ability and willingness to communicate, especially with the Congress, and to work with others will stand him and the Nation in good stead. In fact, his 25 years of service in this body and his 9 years as leader of his party here, give GERALD FORD a background of training and experience unequaled by others in public life and probably by few who have ever served in the office of Vice President or President.

Mr. Chairman, I am, therefore, pleased to support the confirmation of the nomination of GERALD FORD to be the next Vice President of the United States. May God be with him and with us.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. BRASCO).

Mr. BRASCO. Mr. Chairman, I have studied carefully all aspects of the confirmation of GERRY FORD for Vice President, and it is no exaggeration to say I have many philosophical differences with some of the positions he has taken. Furthermore, I have no doubt that these philosophical and political differences will continue rather than diminish. However, honest men may differ.

On the other hand, I have known and served with GERRY FORD for 7 years. He is a thoroughly honest and decent man. I also believe him to be a compassionate man possessed of good instincts. It is my belief that these instincts will come to the fore in any crisis he may confront.

Therefore, on balance, it is my intention to vote in favor of GERRY FORD's confirmation.

Right now, this country is desperately in need of a Vice President to stand behind the President in case for any reason he does not finish his term of office. We cannot ignore the realities and exigencies of our present situation. Therefore, in humble hope and reasonable expectation, I announce this stand. I fervently hope that like other men placed in such a situation, GERRY will rise to the occasion and the challenge on behalf of a cautiously optimistic Republic. Toward this effort, I wish him well.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. OBEY).

Mr. OBEY. Mr. Chairman, when the House votes later today on the confirmation of the gentleman from Michigan (Mr. FORD) as the 40th Vice President of the United States, I intend to vote for him. But, I would like for the record, to state my reasons.

I probably disagree with GERRY FORD on the vast majority of major issues, both foreign and domestic facing this country. There are many others, both Republican and Democrat, for whom I would prefer to cast a vote today. Nonetheless, as I said, I will support him.

First, it is my belief that the legislative history of the 25th amendment makes it plain that the intent of that amendment is that the man nominated to fill a Vice-Presidential vacancy should be of the same political philosophy as the President. Indeed, the author of that amendment has publicly stated that that was his intent when he first introduced it.

When I review legislative rollcalls I can find only a handful of men who have voted more closely with the President than the gentleman from Michigan, and

I can find no one in Congress who has been a stronger political ally of the President. So, in that narrow sense, he meets one of the qualifications to be the Vice President.

Second, I hold GERRY FORD's integrity in high respect. I sincerely believe him to be an honest man, and I think we all believe that above everything else right now the country needs in the Vice-Presidency an individual whose honesty and integrity is not questioned.

Third, with many questions surrounding Watergate still unanswered, and the possibility growing that the President may resign or be impeached, I think it is necessary that we confirm a Republican Vice President at the earliest possible date. Whatever your individual view of impeachment is, the fact remains that a great many people throughout this country are less than anxious to go forward with the impeachment process until a Republican is safely lodged in the Vice-Presidency because of their justified unwillingness to see the Democratic Party win by constitutional accident what it lost last November; namely, the Presidential election.

But Mr. Chairman, let me sound a cautionary note. I will be voting for GERRY FORD with the knowledge that there is a great possibility that he may succeeded to the Presidency before the end of his term as Vice President.

I am more than a little uncomfortable with the prospect that the 25th amendment would then result in the Presidency and the Vice-Presidency both being occupied by men who have no direct mandate from the people.

I would suggest, therefore, that our constitutional business will not be finished with the confirmation of GERRY FORD. I really believe that to prevent future possibilities of both a President and a Vice President being selected, rather than elected, to the highest office this country can give, we seriously examine the possibility of amending the Constitution to provide for a special election as an alternative to impeachment in cases where the President is adjudged by a two-thirds vote of Congress to have systematically and willfully failed to execute the laws passed by Congress, systematically exceeded the constitutional power of his office, or allowed the constitutional rights of U.S. citizens to be systematically trespassed upon.

There are a number of such constitutional amendments which have been introduced in this House in recent months by Mrs. GREEN, Mr. BINGHAM, myself and others. I would urge all Members of the House to review those suggestions.

I do not like to mar GERRY FORD's day by discussing this at this time. A high honor is being bestowed upon him today, and he has a right to enjoy it. But the most important thing, after all, is the future of this country and we cannot, despite our fondness for the minority leader, ignore our responsibilities to look beyond this event.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Chairman, I rise in support of House Resolution 735 to confirm the nomination of GERALD R. FORD as Vice President of the United States.

During the 19 years I have served in the House of Representatives, I have come to know and highly respect JERRY FORD and his ability. He has been an excellent minority leader, and has had the total support of his party.

JERRY FORD has been the subject of one of the most intensive investigations ever experienced by any political nominee. This thorough examination of his public and personal life has only affirmed that his honesty and integrity are above reproach.

While I am of a different political persuasion and JERRY FORD and I may disagree strongly on the approach to the solution of national problems, I believe that JERRY FORD deserves the opportunity and the honor of being Vice President.

He is an outstanding American who has served his country admirably. Both his knowledge and expertise in legislative affairs and his high personal standards prove JERRY FORD worthy and capable of the Vice-Presidency.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from West Virginia (Mr. SLACK).

Mr. SLACK. Mr. Chairman, I rise in support of the confirmation of GERALD R. FORD as Vice President of the United States. In my judgment he is fit and qualified to hold the high office for which he has been nominated pursuant to the 26th amendment.

For some 15 years I have observed his sense of fair play and his qualities of sincerity and decency in the midst of challenging debate meanwhile developing respect for his command of the legislative process and leadership abilities.

There is a need to restore confidence in our Government both at home and abroad and I know his record is such that confidence will indeed be restored. He will have my support and my readiness to lend cooperation toward the solution of the many problems which face our country today.

Mr. RODINO. Mr. Chairman, I now yield 10 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, the gentleman from California (Mr. WIGGINS) who is on the Committee on the Judiciary, has raised one of the most important ancillary points that I think is also under consideration today in these hearings. I argue that a Member of Congress should vote against, not only this nominee, but any nominee if in his judgment that nominee holds views or has a philosophy which, when brought to that high office would in the judgment of the Congressman be unsatisfactory or harmful to the Nation as a whole.

I think that we ought to begin to determine what standards are acceptable in considering confirmation and what are not. The gentleman from California says he rejects mine as well as those two other suggested standards because he says it would in some way repudiate the mandate of the people. I ask the gentleman, how in the world would the mandate of the people be repudiated in repudiating a nomination for Vice President of a person who was not even considered when the people voted 1 year ago?

Mr. WIGGINS. Mr. Chairman, will the gentleman yield?

Mr. CONYERS. I yield to the gentleman for the purpose of a response.

Mr. WIGGINS. Surely, I will make just a brief response.

My answer would be that the gentleman's position gives no proper consideration of the fact that an administration with a certain philosophical bent was elected by the people. Your standard would permit a repudiation of a popular mandate.

Mr. CONYERS. Not so. There is nothing in this standard that suggests that the President would have to nominate someone not of his own party or of his own views, and I would ask the gentleman respectfully to reexamine this: That a Member of Congress, I submit, would vote against a nominee if the nominee brought to the high office to which he was nominated a philosophy which, in the judgment of the Member who is voting, would be harmful to the Nation.

This does not exclude Republicans. That does not exclude necessarily GERALD FORD if, in the judgment of the gentleman who is voting for him, he finds nothing harmful, and I presume he does not find anything harmful in the views or in the philosophy of the nominee.

As a matter fact, I would submit that he has applied this standard without acknowledging it. He finds, as a matter of fact, that the views of the nominee, if brought to the high office, would be operative in the best interests of the Nation as a whole.

But I submit to the gentleman, respectfully, that if a Member of Congress cannot reach that same judgment, he has an equal obligation to vote against the nominee, solely on those grounds, not because the nominee is like the President or because he is a Republican, but because it has to be based on this most elemental standard, and no Member of Congress should be able to disagree with.

Mr. WIGGINS. Mr. Chairman, I hope that the gentleman will yield to me.

Mr. CONYERS. I yield to the gentleman from California.

Mr. WIGGINS. Mr. Chairman, most respectfully, I appreciate and understand the gentleman's point of view. It is my point of view, however, that individual Members of Congress must rise against their personal notions of philosophy in order to maintain a continuity in the administration.

Mr. CONYERS. But, I am trying to make the point that it is not a matter of a person bringing the philosophy that the individual Member wants brought to the high office; it is whether the philosophy that the nominee brings to the high office is, in itself, objectionable or not.

Now, I would like to demonstrate, in a more concrete way, how the President could satisfy this criteria without forcing Democrats to vote against the nominee because they object to his philosophy.

This can be done by his merely nominating any number of eligible and qualified members of the President's party who, in fact, have philosophies that will not in the judgment of a Member of Congress be harmful to the Nation as a whole.

I think it would be most unrealistic for the Democrats in the Congress to even suggest that any Republican nominated per se would be disqualified by virtue of his philosophy being antithetical to our philosophy. We are not talking about partisanship and we are not talking about party points of view. By the same judgment, it would be absurd for anyone to suggest that the voting record of a nominee should not be taken into consideration in determining what his philosophy is. In most cases it would be clear that we will not have a voting record and the kinds of specific positions pinpointed in this nominee. If any Member of Congress applied this standard, then, he would not be applying it on a partisan basis; to the contrary, he would be drawing from his judgment that the philosophy of the nominee would be harmful to the Nation, based on the most specific, concrete evidence that could possibly be produced in argument against the nomination.

So it would seem to me that to merely pass off this test as being one of partisanship is to miss one of the most important responsibilities under the 25th amendment that this House has to perform. Because if a Member cannot, in his judgment, find that the nominee will conduct himself in the best interests of the country, he has a right to vote against that nomination, regardless of party, regardless of friendship, regardless of the fact that he has been a colleague and has served admirably in the House, and regardless of how honest or how ethical he may be.

This is because the basis of a Member's vote must ultimately go to the fundamental reason that brings us here as Representatives in the Congress, and that is to vote in the national interest. Each Member of Congress, although he represents his district and works with that view in mind, still must realize that every vote he casts in his career in the Congress is not based on the opinions of his constituents alone but, indeed, must be based on the national interest to which he is committed as national legislator.

So, I urge my colleagues carefully to consider this standard in determining how you will vote on this very important question.

I now yield to my good friend, the gentleman from Maryland.

Mr. MITCHELL of Maryland. I thank the gentleman for yielding.

I will take some time on my own, thanks to the kindness of the Chairman, but I felt it important at this juncture to indicate to you how strongly many of us feel about the cogency of your argument. This is one of the reasons why members of the Congressional Black Caucus shall vote against the confirmation of the nominee; apparently no serious consideration was given to the kind of cogent argument that you have presented on the floor.

I will speak to this later on on my own time, but I wanted to interrupt at this juncture to bring this point out.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Chairman, I rise in support of the nomination of GERALD R. FORD of Michigan to be Vice President of the United States.

This is a historic occasion for this Chamber. Today, for the first time, the House of Representatives will vote pursuant to our responsibilities under the 25th amendment to the Constitution. From the time that the office of the Vice-Presidency became vacant it has been my firm belief that filling that vacancy ought to be our first priority. For that is the very purpose and intent of the 25th amendment—to insure that the Nation will nearly always have a Vice President.

As a Member of the House Committee on the Judiciary, it was my privilege to participate in the hearings regarding the nomination of Congressman FORD. Much praise is due our chairman and ranking member for their conduct of our hearings and our deliberations.

I doubt in congressional history that a man's public and private life have ever been so carefully scrutinized. He was a witness himself for a total of 20 hours. The Federal Bureau of Investigation interviewed over 1,000 persons in compiling the 1,700 page report on the nominee. But, subject to this unprecedented searching and inquiry, nothing came forth that would disqualify this man from holding the high Office of Vice President.

During these hearings, JERRY FORD conducted himself with such frankness and willingness to cooperate that even outspoken critics were moved to praise. He displayed personal integrity, an open and forthcoming attitude and a real appreciation of congressional and public anxieties about the misuse of Presidential power. The political process, I believe, was furthered and enhanced by the qualities of decency and candor which came across in our hearings.

Mr. Chairman, I am proud that we have before us a distinguished Member of this Chamber, who has been the leader of the Republican Party in the House since 1965. His style of leadership in the House has always been open and consultive—a quality welcome both in the Congress and throughout the Nation. I know JERRY FORD and I respect him as a man of ability and integrity. He is deserving of our trust and the trust of a troubled Nation.

Contrary to what we have heard from sources in this debate, the letter and spirit of the 25th amendment require that we act with dispatch. In fact many Judiciary Committee members, poles apart politically from Mr. FORD, saw themselves as surrogates for their constituents. While they disagreed with many of the nominee's positions, their districts had voted for a Republican President in 1972 and in supporting Mr. FORD they were continuing the mandate and responsibility of the Republican Party to lead our Nation.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. REGULA).

Mr. REGULA. Mr. Chairman, I rise to enthusiastically support the confirmation of GERALD R. FORD as Vice President of the United States. In the reams of news copy that have been printed about the nomination of Congressman GERALD R. FORD to the Vice Presidency, all emphasize that he is a dedicated servant to his country. In his own words:

> I haven't had a real vacation since I was elected. But I don't mind. It's a great experience and a high honor to be a United States Congressman.

In his 25 year tenure he has maintained an attendance record of over 90 percent—an enviable record.

This able, conscientious and trustworthy man was first elected to the 81st Congress and each succeeding Congress with never less than 60 percent of the vote; yet he has always had time to assist his colleagues in their campaigns. He is always free with his time to lend a helping hand for fellow Republicans; yet he has never gone into a congressional district and uttered a derogatory word about a Democrat, because he deeply believes in the two party system.

An effective minority leader since the opening of the 89th Congress, JERRY has proved that he can influence votes without pressure. One of his greatest resources is his totally sincere manner toward his fellow Congressmen and his constituency. Proficient in parliamentary procedure, tolerant yet persuasive; JERRY FORD accomplishes his goals without antagonizing the opposition. He is truly a "Congressman's Congressman", a "giant of achievement".

Lastly but most importantly JERRY FORD has the ability, the integrity, the experience and the vision to be a great leader as President of the United States if this be God's will.

Little more need I add, Mr. Chairman, to what countless others have said. However, the people of the 16th District of Ohio and I personally want him to know of our deep affection and respect for him. His departure from this House is a tribute to his dedicated tenure, which portends much good for the Nation, as well as being a proper recognition that one man's integrity can indeed be a mark of this country's greatness.

As he moves on to his new role as Vice President of the United States, we wish him Godspeed.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. MILLER).

Mr. MILLER. Mr. Chairman, this is truly a historic day in the Nation's history. The House of Representatives is privileged to give final confirmation to one of its own as the 40th Vice President of the United States. As one who was at the White House when President Nixon made his historic announcement designating JERRY FORD as the Vice-Presidential nominee, I was elated with his selection.

GERALD R. FORD is a remarkable man. He will bring to the national leadership a solid record of legislative achievement

and the strength of character that can inspire wide public confidence.

No public official or private citizen for that matter has undergone the exhausting public scrutiny that JERRY FORD has over the past several weeks. He had his entire life paraded before him in full public view. As all who have been associated with him knew well in advance, JERRY came through with flying colors. The way in which he handled himself throughout this ordeal demonstrates to the people I think quite dramatically the inner strength, character, and impeccable integrity of GERALD FORD.

He has been universally referred to as a good, honest, and decent man and a man of "civility." More than these qualities, JERRY FORD has been a friend and leader to his colleagues in the Congress for the past 25 years. His knowledge and appreciation of the legislative branch will enhance the degree of cooperation between the Hill and the White House necessary to see the Nation through these trying times.

Personally, even in the disagreements I have had with the minority leader, he has been always fair and understanding. My service in the House has been enriched by knowing and working with GERALD FORD.

Today, we as a Nation again demonstrate to ourselves and the whole world that even under stress and adversity this great democracy of ours not only survives but prevails. While the governmental fabric may stretch it cannot be broken.

In this transition of national leadership, we celebrate the workings of an ingenious system of government that is the world citadel of freedom and peace.

I am proud to vote for a man who I am supremely confident will serve his countrymen with honor and distinction. JERRY, while we will miss your great talents in this body, especially on this side of the aisle, we stand with you as you assume your new duties and welcome the great opportunity of working with you to move America forward.

Mr. HUTCHINSON. Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey (Mr. SANDMAN).

Mr. SANDMAN. Mr. Chairman, I am not here today to extol the virtues of JERRY FORD to become the Vice President of the United States. I am not here to start with his background from his date of birth on up. I am sure that not only do all of us know all about GERALD FORD, but so does the America public. I am trying to be as brief as possible, and I urge my colleagues to do likewise.

I think what we are doing here is looking into the background of one of our colleagues to find whether or not this individual should assume the second highest office in the land. I think we should address ourselves to just that and nothing else.

This individual has come under the closest scrutiny of any man in the history of this country. The chairman of the Committee on the Judiciary has already said that from the time the President submitted his name on October 12 of this year an extensive investigation has been carried on by every Federal agency and by every organization in and out of the U.S. Government. He has been questioned at length by both Houses.

As a result of that questioning, the thing I want to call to the attention of the House at this moment is that the objections you have heard here today are the same objections that were expressed at great length in the other body and which were also expressed at great length before the House Committee on the Judiciary of which I am a member.

As a result of that prolonged investigation the Senate did vote by 92 to 3 to confirm GERALD FORD to bcome the Vice President of the United States. The House Committee on thc Judiciary likewise voted 28 to 8, with one abstention, to do the same.

The FBI report which was so extensive, some 1,700 pages or more, almost all of which was complimentary to Mr. FORD, was expored at length by both Houses.

I want to compliment the chairman of the committee for the fairness that he exercised in the hearings before the Committee on the Judiciary. I am absolutely pleased with what the majority did in this intensive investigation. I am not so pleased with my colleague, the gentleman from New Jersey's vote on the nomination. I think it is completely out of keeping with what the gentleman said up to the present time. But he has his right to do so if he feels it is justified.

Some people have suggested in their separate remarks that perhaps this vacancy should be filled by another method, and not by the 25th amendment. There are people here who believe that perhaps the President may be impeached, or he may resign, and this being the case we may have two offices to fill, and they feel that should be done by special elections. They said so in their separate remarks.

But the law of the land does not say we do it that way. The law of the land says the 25th amendment applies. And if we are to follow the letter of the law then those objections against using the 25th amendment as the method to fill the vacancy are completely groundless.

Before the committee, one of the most impressive arguments that I heard was raised by a ranking member of the majority party, the gentleman from Texas (Mr. BROOKS). And I think that this is worthwhile to repeat. He said:

I am not at all pleased at many of Mr. FORD's answers because, if you put them all together you establish only one thing, and that is that he is not a member of my Party; he is a member of the other party.

But—

He said—

it is not going to be a member of my party that is going to be nominated under the 25th amendment. And this is no reason why I should oppose Mr. FORD to be the Vice President.

I think that is sound judgment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUTCHINSON. Mr. Chairman, I yield 3 additional minutes to the gentleman from New Jersey (Mr. SANDMAN).

Mr. SANDMAN. Mr. Chairman, I thank the gentleman for the additional time.

Mr. Chairman, I have watched so many elections, and so have the other Members, when an individual's voting record is being tested that he is unjustly accused of being against this, or that, and anything else.

We may not share the same views, and this is our right. You cannot say that a man is against civil rights just because he does not vote the way you do. I think the real test, is why you are opposed to him, what is the motive for the vote?

Is there a Member of this House who believes that GERALD FORD, has cast a vote on a civil rights bill because he did not like minority groups? I do not believe anyone can say that.

Is there anyone who can say that he is not sensitive to the urban problems just because he votes against some great big amendment that may be attached to the HEW bill? I do not think you can say that. He has the right to have his opinion on these views, and he has expressed that right.

I think what we are here to determine is whether or not he is qualified to be the Vice President.

That means does he have the ability to do a job? I think he has.

Second, integrity. Does he have the integrity that is going to restore the public confidence in the Government of the Nation? Is he an honest man? Beyond question he is. These are the things that are important, in my judgment, and with all of this let us end this argument about philosophy and ask ourselves only one question: Will he be fair in dealing with the problems of the people? This is as far as we have to go.

In my judgment, it is a proud day in my life that I will have today to vote for one of my colleagues, one of the people I admire so much, GERALD R. FORD, to be the next Vice President of the United States.

Mr. DONOHUE. Mr. Chairman, I yield 5 minutes to the gentleman from Alabama (Mr. FLOWERS).

Mr. FLOWERS. Mr. Chairman, I thank my colleague for yielding.

GERALD R. FORD is uniquely qualified to serve at the highest levels of government and of all of the options available to him, the President has made perhaps his wisest decision in nominating him.

Because of the requirements of the 25th amendment, the Congress has conducted a most thorough and searching investigation of his background, his finances, and his philosophy—perhaps the most searching investigation of any nominee ever. He has been subjected to the closest possible scrutiny of his public and private life, and he has come through it all standing straight and tall and clean.

It seems to me that the primary question for Members of this House to determine, and Members of the Senate previously, is the question of the capability of this man to lead our country. Does he in his past record, does he in his personal life, does he in the way he conducts himself and has conducted himself inspire confidence of his colleagues and of the people?

In his statement to our committee he

mentioned several points of personal philosophy that were important to him, and they seemed important to me. This might be called GERALD FORD's creed. His humility and forthrightness were indeed a breath of fresh air to me, and I think worth remembering by all of us. I am quoting the nominee at this point. He said:

First, I have made some mistakes and will probably make some more. I don't know anybody who hasn't. I hope my past mistakes have been honest ones and that my future mistakes will be few. I hope I never get to the point where I can't admit I'm wrong.

Second, I believe in looking forward rather than backward. Of course we learn from the past, but we live for the present and the future. I don't believe in replaying last Saturday's game but in training hard for next Saturday's. I tend to forget the bad plays and remember the scoring ones—but the upcoming game is always the best of all.

Third, I think people ought to tell the truth. Especially politicians. In the quarter century I have served in the Congress the best politicians I have known have been those who never misled me or anybody else. They have been the most successful, because people trusted them, and kept on re-electing them. And in spite of all the cynicism you hear and read about our profession of politics, I believe there are as many honest men and women in it as in most occupations, and probably more.

Finally, I believe in friendly compromise. I said over in the Senate hearings that truth is the glue that holds government together. Compromise is the oil that makes government go.

And then he winds up with this statement:

If I am confirmed as Vice President . . . my intention will be to use whatever reputation for truth and fairness I have acquired in the House, and whatever capacity for friendship and reasonable compromise I have achieved in the House, to make this government work better for the good of all Americans.

I cannot think of anything better than to elevate a man with that philosophy to the office of Vice-Presidency and possibly the office of Presidency of the United States.

Realizing full well, Mr. Chairman, my responsibilities in this matter, both to my constituents and to my country, I wholeheartedly support the nomination of GERALD R. FORD. I am confident that he can handle ably the responsibilities of Vice President as well as the Presidency itself, should he be called upon to do so.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. FLOWERS. I yield to the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman for yielding.

Did the gentleman bring to bear any test or standard in reaching his conclusion?

Mr. FLOWERS. Mr. Chairman, I listened very intently to what my friend, the gentleman from Michigan, said when he was in the well and I think perhaps without realizing it I applied the standard which the gentleman used in his remarks, or very close to that anyway.

Mr. EDWARDS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. FLOWERS. I yield to the gentleman from Alabama (Mr. EDWARDS).

Mr. EDWARDS of Alabama. Mr. Chairman, I rise in favor of the confirmation of GERALD FORD as Vice President of the United States. JERRY FORD will be our 40th Vice President, but this event today is historic since he is the first Vice President to be selected under the 25th amendment. No Vice-Presidential candidate in history has had his qualifications and credentials so thoroughly scrutinized. And the verdict of that investigation has been a resounding confirmation of GERALD FORD's ability to discharge the duties of the Vice-Presidency.

Many adjectives have been used in recent weeks to describe his 25 years of service to the Nation in the House of Representatives. Words like solid, candid, hard-working, sensible, steady, decent, and believable. They all fit, and they have come from all corners of this body and from every section of the country.

Since his election as House minority leader, JERRY has displayed a unique, welcome brand of leadership. His persuasion has been strong but never overbearing. He has been tolerant of opposing points of view and has been too large a leader to carry disagreements on one issue over into another. He listens well. He is openminded and fair. He believes in people and in himself. He applies the healing salve of compromise while still adhering to basic principles. He has guided complex legislation through the Congress under difficult circumstances time and again.

But perhaps the best testimonial to JERRY FORD's leadership and service comes from the people he has represented for 25 years. In 13 elections, the people of Michigan's Fifth District have never given him less than 60 percent of the vote.

I believe it will be very helpful to both the Congress and the administration to have GERALD FORD in the Vice Presidency. He has proven that he works well with Members of both parties, and he should be an effective, sturdy bridge between the two branches of Government.

Mr. Chairman, when everything else is said and done, our confirmation deliberations boil down to the consideration of GERALD FORD as a potential President. Mindful of the fact that the awesome responsibilities of the Presidency have fallen on eight Vice Presidents in our history, we must have a man who is of Presidential caliber, a man who can shoulder the load effectively should the need arise.

It is a privilege to call JERRY FORD a good friend, and it is even more satisfactory today to be totally confident that he passes the "potential President" test with flying colors. With pride I pledge my unabridged support for GERALD RUDOLPH FORD's confirmation as Vice President of the United States.

Mr. HUTCHINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. DENNIS).

Mr. DENNIS. Mr. Chairman, I have known the Honorable GERALD R. FORD for 5 years. Some Members here have known him for 25 years. I need not tell these Members what I am about to say, but I have known him here and have worked with him and under his leadership on this floor for that 5 years, and I have attended these very extensive hearings of our committee, and I have been privileged to read the very voluminous investigative file, and I am here to say now, based upon knowledge and experience, that I am proud and happy to support Mr. FORD for the high office of Vice President of the United States.

Those few colleagues of mine who say they are against his nomination all concede that Mr. FORD is an honest and honorable man, but, they say, "honesty is not enough." Well, honesty is a pretty good start, but when we add to it conceded industry and proven ability and experience, what more do we want?

There is a last-minute constitutional question raised here, in my judgment not seriously so, because the law is fairly clear that the Vice-Presidency is not a civil office within the meaning of article I, section 6, of the Constitution.

The real opposition here, such as exists, and it shows all through the minority views which have been filed, is only one thing: The minority do not agree with the nominee's political philosophy. There is nothing wrong with disagreeing with the nominee's political philosophy, but that is the basis of their opposition. That is certainly the case with the chairman of the Judiciary Committee, who voted for the committee report, who praised the nominee to the skies as an individual, and who now says he will vote "no" for reasons which amount purely to a difference of political philosophy and point of view.

I raise the question: Is the criterion in this country for eligibility for a high office to be that a man must be a so-called liberal who can gain the certification and imprimatur of the American Civil Liberties Union? Is that to be the criterion by which a man must be judged in determining whether he is fit and qualified for high office?

I think not. It is certainly not the verdict of the American people and was not the last time that they went to the polls.

Let us assume, God save the mark, that at that last election Senator MCGOVERN had unfortunately been elected by the people of the United States of America, and suppose that one of my distinguished colleagues who signed some of these minority reports, but who were otherwise estimable qualified people, should in a similar situation have been chosen by Senator MCGOVERN as his choice for Vice President; should I vote against one of them here because I disagree with their political point of view or their philosophy—which I do? I think not.

The purpose of the 25th amendment, in this connection, was to assure a continuance of a political philosophy in office in the event of a vacancy in the Vice-Presidency.

Based on that analysis of the situation and based on my knowledge of the man. I am here to say to my colleagues today that I am happy to claim GERALD FORD as a friend. I am proud as a citizen and as a Member of this body, to support

his nomination and election. I am completely confident that he will discharge the high duties of the office to which we are about to elect him to the complete satisfaction of the American people.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. DENNIS. I yield to the gentleman from Michigan.

Mr. CONYERS. I notice that the chairman of the Committee on the Judiciary is not on the floor. I am not speaking in his behalf, but I am sure that he made it clear to us that he moved and supported the report from the committee for the purpose of bringing this to the floor of the House for the deliberation of the entire Congress and that he was not being insistent and there were not any unconcealed reasons for him announcing that determination.

Mr. DENNIS. I said the gentleman's opposition was based on political differences. I stand by that statement.

Mr. DONOHUE. Mr. Chairman, I now yield 10 minutes to the gentleman from New York (Mr. RANGEL).

Mr. MEEDS. Mr. Chairman, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from Washington.

Mr. MEEDS. Mr. Chairman, I rise in support of the nominee.

Mr. Chairman, I shall vote for the confirmation of GERALD FORD for Vice President and I would like to share my reasons with my colleagues as well as the results of my districtwide survey on the nomination of the gentleman from Michigan (Mr. FORD) as the next Vice President.

Under the 25th amendment, the only votes cast on the nominee in the event of a Vice-Presidential vacancy are cast by Members of the House and Senate. To a certain extent we are electors here to represent our constituencies. But unlike normal national election procedures, members of the public have had no opportunity to vote.

So as to hear my constituents' voices in this nomination, I sent out 180,000 ballots to residents of Washington's Second District. It asked simply whether I should vote to confirm GERALD FORD as the next Vice President.

I received 21,000 responses, about 2 to 1 in favor of confirming the nomination. Most of those opposed came from constituents unhappy about the Watergate scandals or Congressman FORD's political outlook. A large number of those who replied also mentioned impeachment, but I believe that should not affect our deliberations here today.

The results of the survey, the deliberations of the Judiciary Committee in considering GERALD FORD for our second highest office and my own experiences have led me to favor this nomination. I have worked with the gentleman since I came to Congress, although we serve on different sides of the aisle. I have found him to be capable, fair, and honorable.

It should be pointed out that although I do not share many of his political views, I believe the House should act without partisanship on his nomination. The Republican Party, after all, won the 1972 national election. Under the 25th amendment the President is empowered to nominate the successor of his choice to any vacancy in the Vice-Presidency.

I have known GERALD FORD as a worthy protagonist for his point of view and a reasonable man in reaching the kind of honorable compromise we must achieve for any representative Government. He has shown sensitivity and sincerity in considering legislation of mutual interest on the arts and humanities and legal services. He has been willing to listen—and I submit an ability to listen to Congress is certainly needed in the executive branch at this time.

Above all—and this is the real question—I believe GERALD FORD is capable of serving as President of the United States if the situation should arise. Whether or not he serves his Nation in the White House, he will be in a valuable position to make known in the highest circles the concerns of the people and the Congress. As Vice President, he can articulate congressional concerns and restore a more open relationship between our branches of Government.

Mr. RANGEL. Mr. Chairman and my colleagues, it is interesting to see the restrictions that are placed on majority Members in deciding what criteria or standards we should be using to select the next Vice President of the United States. We have been restricted from using subjective standards. Some Members believe that it is unfair to use legislative standards. I would suspect if Adam Clayton Powell were here today, he would congratulate us for changing the rules of the House regarding how Members determine the qualifications for a Member of Congress, as some Members have found it so easy to define the qualifications for a Vice President of their particular party.

I do not know how I can be subjective when so many people have said that GERALD FORD is qualified to be Vice President because he stands tall in the saddle, has no criminal record and is an honest man.

Since I have no criminal record, I assume that these same subjective standards apply to me and are acceptable.

Many of my colleagues have come to me and said, "My God, you ought to give the man a chance. After all, he is a Member of Congress."

Of course, other Members of his party have said, "Rest assured, he will grow into the job."

Well, I think it is indeed unfortunate that we have to be given the responsibility to define these standards. The Committee on the Judiciary and the House did not give us any standards to work with. I objected to the Committee on the Judiciary in this House having to consider the question of the confirmation of the Vice President, because it was my understanding that this House had two constitutional mandates. One was to deal with whether or not the President of the United States was impeachable and the other was to fulfill our constitutional commitment to fill the vacancy that was created by the resignation of our former Vice President, a convicted felon. It appeared to me that the American people, and I had hoped Mr. FORD, would have wanted to make certain that the man we confirmed would not be chosen to be the President, but would be the Vice President. I had hoped that the cloud presently hanging over Mr. Nixon, the cloud of crimes, the cloud of wrongdoing would be once and for all removed, and then GERALD FORD would not have the burdensome responsibility which he said he did not want. He would not become the President of the United States.

It seems to me that the American people would have been satisfied, the House would have been satisfied and GERALD FORD would be relieved of the concern that he was being chosen as the next President.

Since I have not known GERALD FORD for 25 years and the rule of the House have taken away from me the opportunity to talk about his legislative record, it appears that I am restricted to stating what a nice and decent fellow he has been during the 3 years I have served in Congress with him.

What I really had to find out when I got to Congress and what I have had to explain to some of the people back home is who GERALD FORD really is, because in reviewing his quarter of a century in the House, the only time I recall hearing anything about GERALD FORD is when he did not like the conduct of one of the Justices of the United States Supreme Court.

It was indeed unfortunate how little evidence Mr. FORD needed to come to the well of the House, but that was a matter of his subjective opinion, and if he thought he had a case, I am glad that the House did not agree with him.

But, let us see what else may have happened during this past quarter of a century with a man who we are not allowed to review objectively by examining his legislative record. I recall, without knowing who GERALD FORD was, that on January 10, 1967, GERALD FORD led the fight in the House of Representatives to see that Adam Clayton Powell stepped aside. GERALD FORD explained that he was concerned about the allegations, the innuendoes and the remarks being made about Congressman Powell, and he thought that a special committee should be set up to study whether these facts were true or untrue. But in the meanwhile Mr. Powell should step aside; regardless of the fact that half a million people in a community of which I am and was a member, the 18th Congressional District, would be deprived of their elected representation in the House of Representatives and held hostage to Mr. FORD's desire to punish Adam Clayton Powell.

I recall Mr. FORD saying that Congressman Powell, although no formal charges had been raised against him in the House or by any committee, should step aside and that the people of Harlem should not have a vote in the House of Representatives until the House decided that Mr. Powell could return; that Mr. Powell not be paid while he stepped aside; and that there be no payment by the U.S. Government to the congressional office which Mr. Powell had been sworn to protect and uphold.

Now, it bothers me that although Mr.

FORD's record is highlighted by his concern about the conduct of public officeholders, in the notable cases of a Justice of the Supreme Court and a colleague of his in the House for over 24 years, we do not find Mr. FORD being as concerned about another public officeholder, namely the President of the United States. If the criteria is going to be the same—that is, that the newspapers, the radio, the television cameras are grinding out innuendoes and allegations, then I ask, where is Mr. FORD when we find the other public officer, the President of the United States, in the same position as Mr. Powell was?

I think that is really no misstatement, for we certainly know that the President, with his political family resigning under fire and some having been indicted, with others awaiting trial, with allegations of illegal campaign violations, income tax violations, violation of court orders, with improvement of personal property at the taxpayers' expense, with illegal use and possible destruction of tapes; with all of these things, which to me are allegations, and some of them pretty wild, it seems to me that if Mr. FORD could ask a Congressman to step aside, if he could ask that one of the Supreme Court Justices be impeached, that he could at least come forward—not to impeach the President, not even to ask that the President step aside, but merely to ask the President of the United States to come forward and explain some of these allegations to the American people or to the Members of this House.

Mr. Chairman, I submit that this may have been done today. Maybe GERALD FORD did bring us together, because as I vote against him and stay to see him sworn in at this joint session after the majority of this Body exercises its will, I understand that the President of the United States will be with us.

Mr. Chairman, this swearing-in party has been announced, it has already been reported to the press that Mr. FORD is confirmed and that he will be the next Vice President by nightfall. I feel somewhat superfluous in my role as a Member of the House debating and voting on this confirmation. It appears as if we do not hurry the ceremony will begin before we have a chance to vote.

If the rules and regulations governing this special joint session that is without historical precedent are not clear or nonexistent, perhaps this might offer us the opportunity to ask the President of the United States as Members of Congress some very searching questions so that we may be assured that when we send GERALD FORD to the White House, we will not be sending the next President of the United States.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. RANGEL. I yield to my distinguished colleague, the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I would like to associate myself with the remarks of the distinguished Member of the Committee on the Judiciary.

I hope that his words do not get down to the White House, because the President has not been here in the Chamber for quite a while, and if he imagines that he might be subjected to interrogation, it might interrupt whatever proceedings are underway.

I would remind the gentleman that even the nominee agreed that the confirmation and the inquiry into impeachment were proceedings that in all fairness ought to move simultaneously. He did agree, did he not?

Mr. RANGEL. Mr. Chairman, there is no question about it. I thought we had a dual constitutional priority.

Mr. CLANCY. Mr. Chairman, will the gentleman yield?

Mr. RANGEL. I yield to the gentleman from Ohio.

Mr. CLANCY. Mr. Chairman, is my memory correct that the gentleman ran against Mr. Powell in the primary?

Mr. RANGEL. I ran against a vacant seat. At the time I ran the U.S. Congress had removed the chairmanship of the Committee on Education and Labor from Adam Powell, the Congress had stripped him of his seniority, censured him, and effectively destroyed him in Washington. Mr. Powell then went into exile.

It was at that time that we in the community, the district which had sent him to the House as an elected Member, felt that it was unlikely that he would be reelected and the vacancy had to be filled for the conduct of business in Congress. That was on January 10, 1967, at which time I was privileged to serve as a Member of the New York State Assembly.

Mr. CLANCY. Was there a candidate in that election by the name of Adam Clayton Powell?

Mr. RANGEL. In the last election?

Mr. CLANCY. In the election that was won by the gentleman in the well.

Mr. RANGEL. There is no question about it.

Mr. CLANCY. He was on the ballot?

Mr. RANGEL. My understanding of the Constitution is that the people within a congressional district decide who the Member of Congress representing that district should be, and not the Members of Congress assembled after the election as they so desire.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee (Mr. BAKER).

Mr. BAKER. Mr. Chairman, this is not the first time I have praised our colleague, GERALD FORD, and it will not be the last. It is important on this particular day, however, that I add my voice to those, on both sides of the aisle, proclaiming his elevation to the Vice-Presidency as a matter of simple justice.

When we discuss this turn of events which places our distinguished minority leader in the second highest position in the land, we often revert to the time? worn cliché, "It couldn't have happened to a nicer guy."

We can be forgiven our reliance on this trite phrase to express our agreement with the selection, because JERRY FORD is truly a nice guy. You need only to meet JERRY for the first time to be impressed with the genuine warmth and decency of this man. I recall my first introduction to him right after I was elected in 1970. I immediately knew I had a friend in the House to whom I could come in the months ahead as I sought to get my feet on the ground as a new Member in the 92d Congress.

I have taken advantage of his willingness to listen, understand, and counsel many times since. Those "nice guy" qualities have always been evident, because JERRY FORD is the type of person who wants to be helpful. As our minority leader, he has knowledge of the broad range of problems which surface in the many different constituencies represented in this Chamber. In his years of service he has encountered most of these problems. He knows how to deal with them and how to help you to deal with them.

All of the fine qualities which JERRY FORD possesses have been spread upon the record. These qualities and his years of experience as an effective, respected Representative from Michigan, qualify him beyond a doubt for the new responsibilities he is about to assume. JERRY FORD is the best possible choice to be Vice President.

There is an old expression in the world of sports which warns that "nice guys finish last." With enough background in sports to qualify as a member of that fraternity, JERRY FORD is ready to prove you do not have to change your stripes to come out at the head of the pack. He is a nice guy who is going to finish at or near the top.

I wish him Godspeed. Our country will be better when the gentleman from Michigan becomes Vice President today.

Mr. HUTCHINSON. I yield such time as he may consume to the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Mr. Chairman, I have an enormous urge to be as competitive and as forceful in my praise of JERRY FORD today as his opponents seem to be on the floor, but I shall refrain from that.

Mr. Chairman, I rise in support of the nomination of GERALD FORD to be Vice President of the United States.

It does not take long to recognize the outstanding leadership abilities of our distinguished minority leader. Although I am only a freshman, I have had the pleasure and privilege to work closely with JERRY on a number of occasions, and I could not have a greater admiration and respect for any man.

Mr. Chairman, JERRY FORD possesses the qualities inherent in great men. His honesty and integrity are above reproach, and he commands the highest respect from his colleagues on both sides of the aisle.

Mr. Chairman, it gives me a great deal of personal pleasure to support JERRY FORD, and it is our Nation, and the great multitude of Americans, who will benefit from his confirmation and inauguration.

America needs JERRY FORD, Mr. Chairman, and it is incumbent on all of us to support America by supporting GERALD R. FORD for Vice President of the United States.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. CLANCY).

Mr. CLANCY. Mr. Chairman, it is with long-awaited pleasure that I view today the installation of GERALD R. FORD as Vice President of the United States of America.

Americans are extremely fortunate in these quixotic and changeable times that our colleague has moved to this high position. We all know, admire, and respect GERALD FORD. The hallmark of his character is steadiness and dependability and these traits will benefit him and the Nation in his new leadership role.

GERALD FORD is highly qualified for his new job because of his dedication, his patriotism, his vast knowledge of government functions, and his many years of experience in public office. These qualities are basic and essential to a Vice President who will work at his job as hard as we all know GERRY FORD will work. It is predictable that Congress will have a good and an understanding relationship with the Vice President's office.

The positions which GERALD FORD has consistently taken, from the time he was a member of the Committee on Appropriations, on foreign policy, fiscal responsibility, and a strong national defense demonstrate loudly and clearly his responsible dedication to our national good. He will be an excellent Vice President and a credit to the position, the country, and the Congress.

He is a man whom we all, regardless of political persuasion, can follow with a deliberate and reasoned certainty of the direction we are going and that the goals, which can be attained, are for the good of all our citizens. Because we know him to be this type of leader, because we know he arrives at conclusions we can accept, we can have confidence in GERALD FORD.

We can be united in purpose because of the wisdom and dependability of our good friend, Vice President GERALD R. FORD. We extend our sincere congratulations to him. It is a great day for our country.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. HARVEY).

Mr. HARVEY. Mr. Chairman, this is truly a historic day. Shortly, we shall vote and confirm GERALD R. FORD as our Nation's 40th Vice President. It is not only a historic day for our U.S. House of Representatives, but for our entire Nation and—with great personal homestate pride—for our State of Michigan.

There is no question that JERRY FORD will receive an overwhelming vote in this House much like the 92 to 3 vote of approval that he received by the U.S. Senate. As we know, this is the 17th time that the Vice-President has become vacant through death, resignation, or succession to the Presidency. But, it is the first time the vacancy has been filled. The 25th amendment to the Constitution, ratified in 1967, permits us to take such action today.

When the President sought congressional counsel before nominating an individual for the Vice-Presidency, JERRY FORD was the most popular choice among those he knew best—his colleagues in Congress. He won the nomination then and his confirmation by both the Senate and the House, as the vast majority of us realized, was just a matter of time.

I do not intend to review JERRY FORD's brilliant and dedicated 25 years of service in the U.S. House of Representatives. His actions, his deeds, his accomplishments speak for themselves. Suffice to say that he has been an outstanding legislator.

In Michigan he is considered a legend—ranking as one of the foremost political leaders in our State's history.

When I first came to Congress some 13 years ago, I sought his counsel and advice. At that time, as one of the ranking minority members on the House Committee on Appropriations and a recognized national expert on the military, JERRY FORD had already been accorded a leadership role in Congress.

But even as one of the busiest Members of Congress, JERRY FORD had time for freshman Members. I wanted and sought counsel on committee assignments; knowledge on operations of a congressional office; help on publishing and distributing a Washington Newsletter. These were minor matters perhaps, but JERRY FORD gave of his time and lent a helping hand. This he had done before and this he continued to do every single time anyone turned to him for help.

I was pleased to have a role in JERRY's selection as our minority leader in January 1965. Though I held and still do the highest respect and admiration for the man JERRY succeeded, the Honorable Charles Halleck, it simply was time for a change and JERRY FORD was the man. He has not disappointed his colleagues on either side of the aisle since that election. He has grown in stature as one of the most respected leaders in Congress.

In recent days, I returned to Michigan's Eighth District for speaking engagements. In reviewing current conditions confronting our Nation and our Federal Government, I commented:

But just as there is cause for sadness, so we should also take heart at the fine representation that we in Michigan have had through all of this—at the highest levels. I refer, of course, to Bill Milliken, our Governor; to Senator Griffin and to Senator Hart, our United States Senators; and last, but not least, to Jerry Ford, soon to be our next Vice President. I don't know when I have been prouder of a colleague than when I watched him on television testifying at his confirmation hearings in the Senate.

My only thought was that America must be truly blessed—to go through what we have during this past year, but then to have a back-up Vice President, with the years of experience in government and with the excellent qualifications of this man.

Yes, this country is truly blessed to have JERRY FORD. My wife, June, and I wish JERRY and his wife, Betty, and their family the very, very best in the years ahead.

I would close by saying thank you, JERRY, for your help, for your leadership in Congress, and your decision to leave this Chamber that you have loved and toiled so well for our Nation to take up an even greater challenge and calling in behalf of your country. We are most grateful to have your services, Mr. Vice President.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. MIZELL).

Mr. MIZELL. Mr. Chairman, when I first came to Washington 5 years ago while speaking at the welcome home luncheon for the Washington Senators—I set three goals that I hoped to see reached during my tenure here:

I hope to see the Washington Senators win an American League pennant; I hope to see the Washington Redskins win the National Football League championship; and I hoped to see GERRY FORD elected Speaker of the House.

Never did I dream that I would today be voting for the distinguished minority leader for the office of Vice President of the United States and President of the Senate, but it will shortly be my honor to do so.

It has been my privilege and my pleasure to serve with GERALD FORD in this House for the last 5 years. During that time, I have come to know him as a man of the highest integrity, as a legislative leader of great skill and dedication, as a vigorous partisan, as a dependable and good friend, as a patriot who loves his country deeply and who proclaims that love unashamedly.

Today, GERALD FORD will assume the Vice-Presidency in a manner unique in America's history. He is the first Vice President to be confirmed under the process prescribed in the 25th amendment to the Constitution.

And just as his ascension to that office is unique, the challenges that await him there are unique also. But he brings to the office of Vice President some unique gifts of training and temperament that I believe will serve him, and serve the country, well during his tenure in that high office.

He has won the respect and the admiration of his colleagues on both sides of the aisle in this Hosue, and he has shown most effectively his outstanding personal and professional qualities to our colleagues in the Senate as well in the course of his confirmation hearings. He will assume the Vice-Presidency with the overwhelming support and endorsement of the Congress, and I am sure he will soon win the confidence and the administration of all the American people as well.

This is a day for both reflection and renewal—reflection on the many personal memories that all of us here will treasure from our daily contact with GERRY FORD, and renewal of the Nation's abiding strength and solidarity, which the Vice-President-designate symbolizes so well.

As he leaves us for a higher calling, I know my colleagues join me in wishing GERALD FORD every success in his difficult but important new assignment, and every good wish for happiness and achievement in the future.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. BUTLER).

Mr. BUTLER. Mr. Chairman, as a member of the Judiciary Committee, I was privileged to participate in the hearings on this confirmation. I listened closely and was not often absent from its deliberations.

No substantial objection reflecting upon GERALD FORD'S integrity or ability was called to the attention of our committee. Indeed, there is not a person on the committee who does not now have greater respect and higher regard for GERALD FORD than he had before. The country can be proud and grateful that the President has nominated for this office a person who had led such an exemplary life. The fact GERALD FORD'S personal reputation has been enhanced after such careful scrutiny should do much to restore the confidence of the American people in those who have been elected to public office, and regain the prestige of the office he is about to assume.

I am not impressed by the suggestion that we are but surrogates of our constituents. We were elected to bring our best judgment to bear on the questions that come before us. In my judgment, GERALD FORD is worthy of confirmation. I have no reservations in urging my colleagues to confirm his nomination.

Mr. HUTCHINSON. I yield such time as he may consume to the gentleman from Pennsylvania (Mr. WILLIAMS).

Mr. WILLIAMS. Mr. Chairman, I first met GERALD R. FORD in the early 1960's when he came into my district to speak. At that time I was greatly impressed by his knowledge of Federal issues, his outstanding method of speaking and his obvious strength of character.

After the 1966 primaries, I again had the opportunty to meet JERRY FORD in his office right here in the Capitol. I was impressed by the fact that he took the time to answer my questions, give me advice, and was most helpful with me in every way. This considerate treatment cannot be found in many people who carry the responsibilities and have the great demands on their time as does JERRY FORD.

Since I was sworn in to Congress in January 1967, I have always been impressed with the manner in which JERRY FORD has handled himself. On innumerable occasions as the hour was growing late and the House was engaged in heated debate, I have seen JERRY FORD walk over and confer with the leaders on the other side of the aisle in an effort to work out a compromise suitable to both sides of the aisle.

I have never heard JERRY make a derogatory remark concerning his colleagues on either side of the aisle.

On one occasion when a Federal Government figure informed me at the last minute that he could not speak at my son's college commencement exercises, JERRY FORD made the trip to make the speech for me, even though his wife had just been released from the hospital. By doing this, JERRY FORD helped me out of a most difficult situation, as I had arranged for the original speaker, and you can imagine my embarrassment if there had been no commencement speaker at my son's college graduation. Very few people would have made the sacrifice of flying to the Philadelphia area on such short notice and under such conditions. Yet, JERRY FORD did it and he made a speech that was considered to be excellent by approximately 20,000 people who were present at the commencement exercises.

In all, JERRY FORD has all the qualifications necessary to make a great Vice President. His allegiance to all of his colleagues in this U.S. House of Representatives has been shown by the fact that JERRY FORD has insisted that his swearing in ceremony take place in this very Chamber, while others wanted the ceremony held somewhere else.

All of you have had contact with JERRY FORD, and knew him in varying degrees, and I am certain that in the contacts that you have had with JERRY, he has always been a perfect gentleman.

For all of the reasons I have already stated, I urge every one of my colleagues to vote for the confirmation of GERALD R. FORD as Vice President of the United States of America.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona (Mr. RHODES).

Mr. RHODES. Mr. Chairman, I totally favor the confirmation of GERALD FORD as Vice President of the United States.

Mr. Chairman, the confirmation hearings of GERALD FORD represent the most intense and detailed scrutiny ever afforded a public official. That GERRY survived this ordeal is testimony to his personal stamina. That he emerged a man of unquestionable personal integrity should serve to calm some of the fears of those who feel compelled to question the motives of public men and women.

The Nation has a Vice President who is as able as he is honest; a man who will be responsive to the voice of the American people; and a man who possesses a working knowledge and appreciation of the delicate but important balance between the branches of Government.

In a word, I am happy for the Nation that we have a man of GERRY'S high caliber in the second highest office. I know that he will distinguish himself in this capacity, just as he has distinguished himself during 25 years in the U.S. Congress.

Mr. HUTCHINSON. I yield such time as he may consume to the gentleman from Wisconsin (Mr. DAVIS).

Mr. DAVIS of Wisconsin. Mr. Chairman, I enthusiastically support the confirmation of JERRY FORD.

Mr. Chairman, I enthusiastically support the confirmation of GERALD R. FORD, JR. as Vice President of the United States.

Based upon 25 years of close association, I can vouch for the many fine qualities of GERRY FORD.

From reading the hearings of the Judiciary Committee, from reading the committee report, and from hearing some of the comments made on the floor here today, it has become apparent that those members of the committee who have expressed opposition to the confirmation of GERRY FORD went into the hearings with a preconceived negative viewpoint and did not permit that viewpoint to change in spite of the dignity, capacity, sincerity, candor, and even temper which GERRY displayed throughout the committee hearings.

There appeared to be some efforts made to attack President Nixon through GERRY FORD. In my opinion, this was unfair, and at the same time it revealed the lack of understanding of the role of minority leader. Most of these critical interrogators, if not all, are members of the Democrat study group. They have been among the noisy critics whenever the floor leaders of their own party have failed to follow their point of view. Yet, they appear to have expected the Republican floor leader to frequently criticize the Republican administration, and to oppose the administration's legislative recommendations on the House floor. As minority leader, GERRY frequently had an opportunity for input into the administration's legislative recommendations. I am sure he did not always enthusiastically support every administration legislative proposal, but GERRY is a good soldier. He understood the role of floor leader. I can recall one instance when he disagreed with a major administration proposal and flatly so stated on the floor. At the same time, he was careful to point out that he spoke as the Representative of the people of the Fifth District of Michigan, and not as the Republican floor leader.

In spite of every effort or opportunity to do so, no respectable or credible person has cast a shadow of doubt on the integrity and the character of GERRY FORD. Let no one doubt his intellectual capacity either. We have all known intellectual snobs who reveal the superficiality of their own intellect by praising the "smartness" of those who agree with them, and condemning the "dumbness" of those who disagree.

Indeed, this honorable, decent, sincere man of high intellect is worthy to be Vice President of the United States, and if fate should so decree, he is worthy of any office of our Government.

Mr. HUTCHINSON. I yield such time as he may consume to the gentleman from Minnesota (Mr. NELSEN).

Mr. NELSEN. Mr. Chairman, shortly before our distinguished friend and colleague was nominated to become the Nation's 40th Vice President, I was asked by a reporter to state my own personal choices.

The resulting article, which appeared in the Mankato Free Press in my district, was headlined "FORD Is Top NELSEN Veep Choice." That tells the story for me, and I am pleased to insert the article in its entirety at this point in my remarks in further respect for a colleague that I regard as one of the most wholesome men

in America, and who I know will serve this country well:

FORD IS TOP NELSEN VEEP CHOICE

(By Dave Phelps)

House Minority Leader Gerald Ford, domestic adviser Melvin Laird and U.S. Sen. Barry Goldwater are 2nd District Rep. Ancher Nelsen's three choices, in that order, to replace resigned Vice President Spiro Agnew.

The Minnesota Republican said he puposely shied away from the three most mentioned contenders—former Secretary of the Treasury John Connally, California Gov. Ronald Reagan and New York Gov. Nelson Rockefeller—basically because of their political overtones.

"I'm looking at a move that would be devoid of the tremendous partisanship that could develop" with the nomination of one of the latter three, Nelsen said in a telephone interview this morning.

"I want somebody that can step right in (the vice presidency) without any fuss or any fight."

Nelsen said he is finding "unbelievable numbers" in the House thinking along the same lines.

A nomination battle, he said, would have a negative effect on the country. "We need some calm."

Nelsen established a four-point guideline for his selection process.

He said the next vice president must be a person confirmable by Congress, possessing legislative skills, acceptable to the general public and in support of President Nixon's foreign policy.

Ford, Nelsen said, "measures up" in those cases.

Laird, former defense secretary, and Goldwater, Arizona senator and 1964 GOP presidential candidate, also would be good compromise selections, said Nelsen.

Because of Ford's House experience, Nelsen said, the Michigan Republican would serve as a bridge between the legislative and executive branches of government.

"The image has grown that there is too much separation of power," Nelsen said, and Ford would help dispell that image.

Nelsen said Ford fits the category of public acceptance because "whoever gets the spot will have the eyes of the nation upon him."

"Ford is not the loud political type. He's the all-American guy. Everybody has a tremendous regard for him. Even Democrats are saying he would be a good selection."

Nelsen figures Nixon has already considered Connally as a vice presidential nominee, but the House veteran does not think the former Texas governor will get the presidential nod because he would be unacceptable to Congress.

"Connally is being opposed by Democrats because he turned away from his own party and on the Republican side some feel the same about his switching parties. I don't hold that against him.

"I'm looking at the situation realistically. Gerry (Ford) is a Mr. Clean and that is what the country needs right now."

Nelsen said he also does not think a Rockefeller nomination would go through Congress, although he did not say why. He did not comment on the Reagan possibility.

The only reservation Nelsen has about a Ford vice presidency is the congressional loss. "I hate to pick a fellow out of our ranks."

About the Agnew departure—Agnew resigned after pleading no contest to a tax evasion charge—Nelsen said he was "shocked."

He said the resignation was totally unexpected, spreading through the House chamber Wednesday afternoon by word of mouth and leaving people "aghast."

Nelsen is disappointed in the former vice president, although still giving Agnew the benefit of the doubt.

"The first reaction I have is here is a vice president who consistently said he was innocent and it necessarily disappoints me to learn of his not contesting the action, which is an admission of being guilty.

In the next few days, however, Nelsen said he is being told, Agnew will make an extensive statement. Nelsen said sources are telling him Agnew still confides to close associates that he has been harassed to the extent if was necessary to resign.

"If all the facts are as they appear," Nelsen said, "it's a tragedy to the United States of America and the whole system."

Before making a definitive statement, though, Nelsen said he will let Agnew "present his case to the people."

Mr. HUTCHINSON. I yield such time as he may consume to the gentleman from North Carolina (Mr. RUTH).

Mr. RUTH. Mr. Chairman, years ago I had the pleasure of serving in the Navy during World War II with GERALD FORD, and I recognized at that time the great ability he has.

It is with pleasure today that I would vote to give him the opportunity to be Vice President of the United States.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin (Mr. STEIGER).

Mr. STEIGER of Wisconsin. Mr. Chairman, it is an enormous personal pleasure to support the confirmation of GERALD R. FORD as Vice President of the United States.

As far back as the 1960 Republican National Convention in Chicago—where a small band of college students carried banners urging the selection of JERRY FORD for Vice President—I have felt the people of the United States would be well served by the promotion of this distinguished public servant from Michigan. Little did I know in 1960 that I would enjoy the privilege of working under the leadership of JERRY FORD in his last 7 years in the House of Representatives.

Like nearly everyone else in this Chamber, I will miss him terribly. Knowing him as well as we do, it is difficult to describe his endless good qualities without making him appear a bit larger than life. Suffice it to say—as our colleague RICHARD BOLLING told the New Yorker magazine a few weeks ago, "FORD is a hell of a good public servant." Indeed he is. It's a great honor for me to vote for GERALD FORD for Vice President of the United States.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Chairman, my friendship with JERRY FORD dates back to the year our junior chamber of commerce in Peoria hosted the National Junior Chamber of Commerce 10 Outstanding Young Men Awards Dinner.

That was back in 1949. It happened to be the first year I came to Washington and I served as JERRY'S host during his visit to Peoria. He was named one of the 10 outstanding young men of the country that year for his being elected to Congress as a freshman. Incidentally, that was the same year Chuck Percy was also cited for his accomplishments in the field of business as president of Bell & Howell, and Bud Wilkinson of Oklahoma was named the outstanding coach of the year.

For those of us who have known JERRY intimately throughout these 25 years, and have watched him grow in stature we're proud to be here on this day to participate in a proceeding that should culminate in his being sworn in as our 40th Vice President. What a happy and joyous occasion it is.

There are so many, many nice things we could say about JERRY'S deportment throughout this most searching inquiry into his life and background. Those who have conducted the inquiry have spoken at length on all the aspects of it, and most anything we might say would be repetitious. But I would just like to make one observation to conclude these brief remarks. I cannot help but make mention of the pure, simple, clean, and wholesome image that was projected over the television screens during the course of JERRY'S appearance before both the Senate and House committees. The forthrightness with which he presented his case and the air of humbleness that came through particularly in these times was most commendable.

His willingness to admit to having made mistakes simply pointed up all the more the great character of the man. I simply want to join the vast majority of my colleagues who have spoken in the affirmative here this afternoon, and express the feelings of 99.44 percent of the people in my district that we are most proud to join in this tribute to JERRY and wish him all the best and Godspeed.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. DEVINE).

Mr. DEVINE. I thank the gentleman for yielding.

Mr. Chairman, I strongly recommend the confirmation of GERALD R. FORD.

Mr. Chairman, we are today making history in fulfilling our responsibilities under the recently enacted 25th amendment. Our revered and highly respected minority leader, JERRY FORD, will soon be elevated to the high position of Vice President of the United States.

There is no other Member of this House, or the Senate, or indeed in the country to my knowledge, that is as well prepared, suited, qualified and equipped to fill this vacancy at this time in history.

Notwithstanding the lamentations of a handful of our colleagues that attempt to set themselves apart from the mainstream of America, JERRY FORD has proven, time and again, that he is imminently fair in dealing with all people. He does not compartmentalize our people as Black Americans, or Mexican Americans, or Catholic or Protestant or Jewish Americans, et cetera. To JERRY FORD, our people are all Americans—just like he is to the people of Michigan, the University of Michigan Wolverines and to his colleagues here in the House.

During these turbulent times, it is comforting to have a good, sound, reasonable man put into top leadership in our executive branch of the Government. If I have any ability to read the pulse of the folks back home, they desperately crave an era of peace, tranquility, calm

and serenity. JERRY FORD is just the man to lead us in that direction.

Mr. Chairman, I heartily endorse to elevation to the office of Vice President of the United States, our most capable minority leader, GERALD R. FORD of Michigan.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. MOORHEAD).

Mr. MOORHEAD of California. Mr. Chairman, I rise in support of the confirmation of GERALD FORD as Vice President of the United States.

During the 11 months that I have served in this body, I have come to respect GERALD FORD for his ability, his sense of fairness and his forthrightness in dealing with his colleagues. He has demonstrated a high degree of political integrity and a dedication to public service that will enable him to fulfill the duties of the Vice President of the United States.

As a member of the House Judiciary Committee, I sat in on the hearings on his nomination. I was tremendously impressed by the manner in which Mr. FORD conducted himself and answered the questions put before him with full candor and cooperation. I doubt if there has ever been another occasion when a nominee for high office has been so extremely and so closely examined and dissected in every way possible. It is unprecedented in the history of our country.

The FBI and the Secret Service have investigated him to a point where over 1,700 pages on his life have been accumulated. Literally thousands of witnesses have been interrogated that covered his life from the very beginning to the present day—and JERRY FORD has come out almost spotless.

To think that a man could serve for 25 years in Congress and rise to the position of being the top Republican in the House of Representatives and still have such a spotless record with this detailed examination attests to the quality of the man and his qualifications for the high office of Vice President of the United States.

In his letter to the chairman of the House Judiciary Committee, the Honorable Carl Vinson, of Georgia who served this body for so many years with such distinction wrote in support of confirmation: "It has been said 'There is no test of man's ability in any department of public life more severe than serving in the House of Representatives; there is no place where so little deference is paid to reputation previously acquired or to eminence won outside. What a man gains in the House he gains by sheer force of his own character. The real man is discovered, his worth is impartially weighed and his rank is irreversibly decreed.'"

I echo those sentiments today in behalf of GERALD FORD and urge that his nomination be overwhelmingly approved.

The hearings before the Judiciary Committee revealed nothing but the very finest in character, reputation and behavior to prove him eminently qualified in every sense of the word to be Vice President of the United States.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. MARTIN).

Mr. MARTIN of North Carolina. Mr. Chairman, I have come down here today to add my support for the confirmation of the Honorable GERALD R. FORD to become Vice President of the United States.

We cannot be unmindful today of the tragic circumstances which vacated the office of Vice President and caused the untested mechanism of the 25th amendment to be activated for the first time. Now after due process and the most exhaustive examination in history, which few of his peers would wish to endure, the distinguished Congressman from Michigan and leader of my party in the House of Representatives is now on the threshold of his confirmation. He should be confirmed and duly sworn to that high office.

There are among us a number who will oppose this selection—out of a mixture of reasoning. Some cannot vote across party lines. Others refuse to endorse a political philosophy that was overwhelmingly endorsed in the 1972 Presidential election. Some indeed would simply lodge a protest against an adversary of many years. All of these must be understood and accepted.

Often today there has been raised a specter of the possibility of a postulated impending succession to the Presidency. This hypothesis has led some to express reservations. For myself, let me say that even if that were indeed the course before us, my vote to confirm GERALD FORD would be all the more confident.

As a freshman Member of this body, with all of the uncertainties and novelties that go along with such juniority, I have come to admire the qualities of leadership displayed by the minority leader of the House.

His directness in all dealings, his openness to all of us, his willingness to listen, advise, and help in many ways, his steadfastness in those very issues of ideological significance, which some today reject, have earned my respect and admiration. His honesty and integrity and fairness are unexcelled. Few hounds' teeth could have come through the examination to which he has been subjected.

Upon these considerations I am pleased to declare that my vote will be to confirm.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. HUNT).

Mr. HUNT. Mr. Chairman, I rise in support of Mr. FORD's confirmation.

Mr. Chairman, I am most pleased today to join with my colleagues and endorse the nomination of GERALD R. FORD to be the 40th Vice President of the United States.

Having known JERRY FORD for the last 8 years I have come to admire and respect him for his profound integrity, his depth of knowledge and his willingness to lend a hand, and give his counsel, when asked for.

In the last few weeks the American people have come to know and admire JERRY FORD, to. This of course being during the lengthy and in-depth hearings which he was subjected to. And now that these hearings have ended the American people have praised him for the very same reasons we praise him. For his loyalty to his family, his country and his God. These are the qualities that have endured this country for 200 years, and they are the same ones that will endure it for 200 more, as long as there are JERRY FORD's available to serve.

I am proud to have served four terms with JERRY and I am prouder still that my friend, our friend, the soon-to-be former minority leader of the U.S. House of Representatives, is to become, in just a short time, the Vice President of the United States, JERRY.—Godspeed.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Iowa (Mr. GROSS).

Mr. GROSS. Mr. Chairman, I rise in support of the confirmation of the Honorable GERALD R. FORD as the next Vice President of the United States.

JERRY and I came to the House of Representatives in 1949 and have served together since. While we have differed on legislation and procedures, I know him to be an able, dedicated, hard-working Member of Congress, and I have every reason to believe he will well and faithfully serve the office of Vice President.

Few men have been elevated to high office in this country under such close personal and political scrutiny. He has stood these tests well.

I am certain the vote for confirmation will be in overwhelming approval, and I wish him well as he assumes his new duties.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Chairman, I rise in support of the confirmation of GERALD R. FORD for Vice President of the United States. I am more than satisfied that GERALD FORD has been subjected to the most thorough and tested system of review of any previous person for this particular office by both the Judiciary Committee and this House. In addition, GERALD FORD is a man of integrity and honesty; and, although on some issues at various points we have had differences, I am convinced he will bring to the Office of Vice President the commonsense and sound American philosophy that is very much needed.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas (Mr. SHRIVER).

Mr. SHRIVER. Mr. Chairman, the House soon will vote on the nomination of our distinguished colleague and minority leader, Congressman GERALD R. FORD to be Vice President of the United States. I will proudly vote in favor of his confirmation.

This is, of course, a historic occasion. For the first time a vote is to be taken in the House pursuant to the 25th amend-

ment to the Constitution. The purpose of the 25th amendment is to insure that the United States would never again be without a Vice President for any substantial length of time. The drafters of the amendment, which I supported, envisioned the prompt nomination and consideration of a Vice-Presidential nominee.

While there have been extensive hearings conducted both in the House and the other body which have prolonged somewhat today's final action, I am pleased that the House is fulfilling its constitutional responsibility under the 25th amendment.

A candidate for the country's second highest office must possess many outstanding qualifications for the job. However, most important, he must be qualified to assume the Nation's highest office at any moment. The Nation needs an individual for these positions of national and world leadership who possesses the qualities of integrity and competence.

JERRY FORD has demonstrated through his 25 years of outstanding service in the House that he has these qualities and more. As our effective minority leader he has proven he can work in a bipartisan manner on those issues which demand bipartisanship. He also has shown he can stand up strongly for Republican principles and alternatives on partisan issues.

But above all, he has clearly demonstrated his love for this country and his fellow men.

JERRY FORD has a remarkable capacity for leadership. His knowledge of the legislative process is unsurpassed. He has the valuable trait of being able to work with people and to draw people together in working for a common cause. These assets will serve our country well.

We will miss JERRY FORD in this House. I have always valued his friendship and his counsel, and I am happy that he has been called on for greater and higher service to our Nation. He has undergone one of the most exhaustive personal investigations ever conducted on a candidate for public office. He has clearly passed the test.

JERRY FORD will make an excellent Vice President and I am proud and pleased to support enthusiastically this nomination.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. WYLIE).

Mr. WYLIE. Mr. Chairman, I rise to offer my wholehearted and unconditional support of House Resolution 735 which will confirm the nomination of the distinguished minority leader, GERALD R. FORD of Michigan, as the 40th Vice President of the United States. This is indeed a day of great historic significance for our Republic. Representative FORD is only one rollcall away from becoming the first Vice President in our Nation's history to be approved by the people's elected representatives under the procedures of the 25th amendment of the U.S. Constitution and I am thrilled to be a part of this moment.

Our beloved Nation is going through a period of troubled political times. All of us who serve as elected officials are keenly aware of this fact. The House and Senate Judiciary Committees are to be highly commended for the special care and meticulous scrutiny of Congressman FORD's background and qualifications to serve as Vice President. This exhaustive effort has clearly confirmed for the public, what those of us who have served with JERRY FORD have known all along. It became evident during the hearings that he is an extremely capable legislator who has a thorough working knowledge of the American political system. He is closely attuned to constructive public opinion and honors the influence that it should rightly have in governmental policy decisions. He values intergovernmental cooperation while respecting the proper sphere of the executive, legislative and judicial branches of the Federal Government. By any objective standard, he is a man qualified for the post to which we will elevate him today. Above all, JERRY FORD is a man of high moral principles with the ability and dedication to be an effective Vice President of the United States.

I will cast my vote without equivocation for his confirmation as Vice President of the United States of America.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. BAFALIS).

Mr. BAFALIS. Mr. Chairman, on this historic day I would like to join with my colleagues in voicing my strong support of the confirmation of GERALD FORD as the next Vice President of the United States.

Since coming to Congress in January, I have been most impressed with Mr. FORD's willingness to take the time to help a new Congressman along the way.

Further, I have come to find that if GERALD FORD says he will do something, he will do it.

A fine measure of this humble man is his willingness to work quietly behind the scenes to achieve the skillful compromises which are the very backbone of this Government today, rather than take every opportunity to create sensational, but do-nothing headlines as seems to be the case with many of our powerful politicians.

GERALD FORD is a man who has and will continue to make every effort to serve his country wisely and well. His integrity and candor, combined with his proven ability as a mediator and his knowledge of national and international affairs, will, I am sure, stand FORD in good stead as Vice President.

More important, these same talents will stand our Nation in good stead.

Mr. HUTCHINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. MAYNE).

Mr. MAYNE. Mr. Chairman, I think it is important for us to remember that what we do here today is done under whatever authority is conferred upon us by the 25th amendment.

The language of this amendment is very brief. It merely states that, whenever there is a vacancy in the office of Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

It has, of course, been well-established practice in our Government in modern times, especially these last 40 years, that the Presidential candidate of a party shall have a great deal to say about the choice of his running mate. At least in modern political history, the national conventions of both parties have deferred to the Presidential candidate who has, for all practical purposes, selected the candidate for Vice President, with a more or less pro forma ratification of his choice by the convention.

Now, while the 25th amendment does not itself spell out the great weight to be given the Presidential candidate's choice, there was considerable legislative history made during the debate on the amendment which clearly establishes that it was the intent of Congress to confer great discretionary power upon the President in this regard.

For example, the chairman of the House Committee on the Judiciary at that time, Emanuel Celler, stated during the debate—and this is Mr. Celler speaking:

> The President selects his vice presidential running mate before the convention. He should have the right to do so after the convention and after the election. In the event there is no Vice President, he can fill that vacancy.

There is, of course, also very strong language in both the House and Senate committee reports which were printed at that time which are set out at page 13 of the report before you as follows:

> It is without contest that the procedure for the selection of a Vice President must contemplate the assurance of a person who is compatible with the President. The importance of this compatibility is recognized in the modern practice of both major political parties in according the Presidential candidate a major voice in choosing his running subject to convention approval. This proposal would permit the President to choose his Vice President subject to congressional approval. In this way the country would be assured of a Vice President of the same political party as the President, someone who would presumably work in harmony with the basic policies of the President.

As far as I have been able to determine, or so far as was developed during the committee hearings, this position was unchallenged during the debate on the 25th amendment, and it certainly was not weakened by any floor action at any time before adoption of the amendment.

Thus the guidelines for the necessary amendment are very clear, and acting under those guidelines, a very substantial majority of the Committee on the Judiciary has recommended that Mr. FORD's nomination be confirmed.

There were eight Members who voted against confirmation, but if you read their dissenting views carefully, you will find that the principal thrust of their views is that they want to substitute some other method of choice than that which is provided in the 25th amendment. The hangup is that they want to abandon the 25th amendment and substitute a new and different method of choosing a Vice President.

They apparently believe that no nominee should be confirmed by the Congress unless his political views coincide quite closely to their own. And they happen to be among the very most liberal Members of this body.

But even if they were taking the view that the nominee's views should coincide with those of a majority of the Members of this body they would be doing violence to the 25th amendment.

If they want to abandon or change the 25th amendment, there is a proper constitutional way for them to try to do so after this nomination has been acted upon.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HUTCHINSON. Mr. Chairman, I yield 1 additional minute to the gentleman from Iowa.

Mr. MAYNE. But it seems to me quite inappropriate and even unfair for them to try to accomplish this purpose by indirection while an actual nomination is pending; in other words, to try to change the rules in the middle of the game.

Mr. FORD is entitled to confirmation if the Congress faithfully carries out its responsibilities under the 25th amendment. He has conducted himself with great credit and dignity during what is probably the most intensive investigation and interrogation ever undergone by a person in American public life.

I say to my colleagues that every Member of this House has reason to be proud of how remarkably clean the record proves JERRY FORD to be after this searching inquiry, intensive investigation, and lengthy hearings.

GERALD RUDOLPH FORD was born in Omaha, Nebr., on July 14, 1913. He received his education in the public schools of Grand Rapids, Mich., and worked part time as a waiter in a Greek restaurant for pocket money. He then attended the University of Michigan. He worked his way through college, including a job as summer forest ranger. JERRY was the center and a star of the University of Michigan's undefeated, national championship football teams of 1932 and 1933. In 1934, he was voted the Michigan Wolverines' most valuable player. After receiving his B.A. degree from the University of Michigan in 1935, he turned down offers to play football professionally with the Detroit Lions and the Green Bay Packers, and instead, attended Yale University Law School. JERRY's part-time jobs as freshman boxing coach and assistant varsity football coach helped finance his law studies, and he received the LL.B. degree from Yale University in 1941.

After 47 months service with the Navy in World War II, JERRY resumed his practice of law in his hometown of Grand Rapids, Mich., and earned the respect of his colleagues and fellow-townsmen. He was selected by the U.S. Junior Chamber of Commerce as one of America's 10 outstanding young men in 1949. Elected by what is now the Fifth Congressional District of Michigan to the 81st Congress, he moved to Washington in January 1949, with his bride of 3 months, Elizabeth Bloomer. Their home district has overwhelmingly reelected this great team to each Congress since, with wide margins.

JERRY was named chairman of the House Republican Conference in 1963, and was chosen by his colleagues to be minority leader in 1965. He was permanent chairman of the 1968 and 1972 Republican National Conventions. In November 1963, he was named by President Johnson to the Warren Commission, charged with the grave responsibility of investigating the tragic assassination of President John F. Kennedy. In 1965, he coauthored with John R. Stiles the book, "Portrait of an Assassin," relating his findings while on the Commission.

His fine record in the Congress was acknowledged by his being given the American Political Science Association Congressional Service Award in 1961 and the American Good Government Society George Washington Award in 1966, as well as honorary doctorate degrees from Michigan State University and other respected institutions.

GERALD R. FORD has been constantly on the move on behalf of good government. He has given unstintingly of his time and efforts on behalf of his congressional colleagues and his party. He is a devoted family man who enjoys an occasional skiing trip with his lovely wife and their four children: Michael, 23, a seminary student; John, 21, at the University of Utah; and high-school students Steven, 17, and Susan, 16.

It has been my privilege to know the nominee since June of 1966. I have found him to be a man close to the Congress, close to the American people, and one who will remain so after he becomes Vice President.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. HUTCHINSON. Mr. Chairman, I yield 1 additional minute to the gentleman from Iowa.

Mr. MAYNE. GERALD FORD is a man who moves easily and understandingly among all classes of people, and who would prove to be a gracious and warmly appreciative guest in any American home. He has visited the Sixth Congressional District of Iowa twice since I have been in Congress, and it has been the Mayne family's great privilege to introduce him to our friends in our own home in Sioux City. In fact, my wife is now busily engaged in stitching a sampler to hang in our guest room bearing the legend, "JERRY FORD Slept Here."

I shall consider it an honor to vote today, as I did in the Committee on the Judiciary, for confirmation of the nomination of GERALD R. FORD.

Mr. BENNETT. Mr. Chairman, will the gentleman yield?

Mr. MAYNE. I am happy to yield to the gentleman from Florida (Mr. BENNETT).

Mr. Chairman, I compliment the gentleman on what he has said.

Mr. BENNETT. Mr. Chairman, I rise in support of the confirmation of Mr. FORD.

Mr. Chairman, I thank the gentleman for allowing me to comment. I think he is precisely right in his analysis of what the 25th amendment was intended to accomplish. I was one of the original cointroducers of that amendment and it was in fact intended that there be a continuity of general philosophy to the extent that the appointing President intended to accomplish that, subject only to confirmation by the House and Senate. This gives the people a continuation of the principles they voted for in the previous election to the extent that is practicable. That is just plain democracy in action.

Mr. Chairman, I am in strong support of the confirmation of the appointment of Congressman FORD to be Vice President. He is a man of excellent character, ability and effectiveness. In my opinion the President could not have made a better selection. I entered Congress in the same year that Congressman FORD did, in 1949; and have known him all these 25 years as a warm friend, which friendship parallels a friendship between our respective wives and children. He will make an excellent Vice President; and if fate should take him to the White House he will make an excellent President. I enthusiastically urge all Members to vote to confirm his appointment.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma (Mr. JARMAN).

Mr. JARMAN. Mr. Chairman, I wholeheartedly endorse GERALD FORD's nomination as our Vice President. For 23 years I have known Mr. FORD as a legislative leader in the Congress. He is an outstanding American who has served his country with great distinction. It is eminently fitting that he now serve our Nation in the second highest office in the land.

Mr. Chairman, I have also known JERRY FORD on the golf course. Every golfer will agree that the sport is a good test of disposition and character. JERRY passed that test with understanding and good humor.

Mr. Chairman, I am honored to cast my vote for the confirmation of JERRY FORD as our Vice President.

Mr. RODINO. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Colorado (Mrs. SCHROEDER).

Mrs. SCHROEDER. Mr. Chairman, as a Democrat and a freshman Member of this House, I have agonized over the decision whether to vote for, or against, the confirmation of Mr. FORD as Vice President.

As a Democrat, I am concerned that a vote against Mr. FORD will be viewed merely as a partisan rejection. On the other hand, as a Democrat I do not wish to vote for Mr. FORD merely as a strategic move—to indirectly influence the pressures that may bear on the White House.

As a freshman, I have not had the opportunity to know and work with Mr. FORD personally over the years, as have other of my colleagues.

Mr. FORD has undergone extensive examination and investigation by both the Judiciary Committee and the Senate Rules Committee. There seems to be little question that Mr. FORD possesses qualities which we need in the Office of

Vice President: basic integrity; a habit of listening to, and respecting, the opinions and views of others; years of experience in government.

It is also true, as a Republican—and a conservative one at that—that Mr. FORD and myself do not agree on many issues, and our views differ widely as to the role and responsibility of government.

But I cannot vote for him merely because he possesses the former qualities. Nor can I vote against him merely because we do not agree on policies and programs.

The confirmation of a Vice President under the 25th amendment is not an ordinary confirmation—where the House—as the Senate—should simply "advise and consent" on traditional grounds. Nor with the prospect that this Vice President may become President at sometime in the forseeable future, and in view of the circumstances of the past year, can we avoid the special responsibility which is ours.

All the arguments for and against confirmation are well known and have been carefully considered by each of us. Some are based on questions of principle, others on pragmatic grounds. But, because the ultimate decision and the vote of each one of us will, in the last analysis, depend on our individual consciences, some of us—myself included—must vote "no."

The legislative history of the 25th amendment makes it clear that Congress expected to go beyond ordinary questions of character and personal fitness associated with the confirmation of routine executive and judicial appointments. In the case of a Vice-Presidential confirmation, the Congress—and perhaps especially the House—is, and should be, acting as surrogate for the American people.

In voting on this most important nomination, we are not obliged to act as a rubberstamp for the President's choice—particularly this President. On the contrary, as surrogates for the people, we have the responsibility to weigh Mr. FORD's judgment, independence, and philosophical outlook, all in the context of whether he is a person we can conscientiously endorse as a potential President of the United States.

In speaking of the role of the Senate in passing on executive department nominations, President Theodore Roosevelt once said:

> I fully appreciate the right and duty of the Senate to reject or to confirm any appointment according to what its members conscientiously deem their duty; just as it is my business to make an appointment which I conscientiously think is a good one.

I cannot conscientiously support Mr. FORD's confirmation.

In good conscience, I cannot defend a "yes" vote in the chruches and stores of east Denver, in the shops and schools of the west side of Denver, to the black and Chicano and Indian communities of Denver—a vote for a man who has shown so little compassion for the rights of minorities, a man who has fought to undercut open-housing, voting rights, and other civil rights legislation.

In good conscience, I cannot explain a "yes" vote in the factories and union halls of central Denver, to the working people of north Denver—a vote for a man who has refused to support legislation of concern and benefit to all working Americans, such as an increase in the minimum wage.

In good conscience, I cannot justify a "yes" vote on the campuses, and in the homes of southeast and southwest Denver, to all those students, young people, and "middle" Americans, who have fought so hard for peace in Southeast Asia, and throughout the world—a vote for a man who went down the line for policies of war and destruction.

In good conscience, I cannot account for a "yes" vote before the Denver Chamber of Commerce, or the rotary club in downtown Denver, to the business and executive community which values and respects independence and determination, and innovative leadership—a vote for a man who has never deviated from the party line, and who followed every turn and shift of this administration.

In good conscience, I cannot, as a lawyer, support a "yes" vote before the Denver Bar Association, to my fellow colleagues in the Denver legal community—a vote for a man who has by his actions and statements shown so little regard for the separation of powers and the role of the judiciary and the Supreme Court in our constitutional system of government.

In good conscience, I cannot rationalize a "yes" vote to all the older citizens in Denver who must look to their government for help in so many areas—a vote for a man who opposed medicare in 1965, and who sought this year to gut the Older Americans Act.

In summary, then, my standard is my own conscience, and I do not in good conscience believe that the confirmation of GERALD FORD will best serve the people of Denver, or of the country. I believe I was sent here by the people of Denver not only to supply my energy but to exercise my judgment as well. I must vote against confirming Mr. FORD.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR of North Carolina. Mr. Chairman, I should like to commend the Committee on the Judiciary of the House for the manner in which it has carried out its responsibility under the 25th amendment.

Mr. Chairman, I rise in support of the confirmation of GERALD R. FORD. I desire to commend Chairman RODINO and the members of the House Judiciary Committee for the manner in which they carried out their responsibilities under the 25th amendment. I support the confirmation of GERALD FORD as Vice President. Mr. FORD has always been held in high esteem by his House colleagues but in addition, a thorough investigation by the FBI and the House Judiciary Committee has confirmed a record of personal and financial integrity. Under lengthy interrogation he has shown qualities of decency and sturdiness.

In an editorial in the Asheville Citizen, Asheville, N.C., title "GERALD FORD Good Choice for Vice President," it was stated—

> At this point in the nation's hopeful recovery from a traumatic series of executive indisposition he (GERALD FORD) looks like the ideal prescription.

GERALD FORD as Vice President should be in position to provide better understanding and cooperation between the executive branch and the Congress.

Considering the fact that we failed to get pertinent information early enough concerning both Agnew and Senator EAGLETON, I believe that a thorough investigation of Mr. FORD's background was in the public interest. Also the House would have been criticized for cronyism if it had approved one of its Members for this important position without a thorough investigation.

I have stated frequently that JERRY FORD should be approved, or the Vice-Presidential vacancy otherwise filled before any resolution calling for the impeachment of the President is considered. Otherwise, any congressional action on impeachment would be interpreted as political. I am pleased that this procedure is being followed.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas, the chairman of the Committee on Appropriations (Mr. MAHON).

Mr. MAHON. Mr. Chairman, as one who has worked throughout the years in various capacities with Mr. FORD, I rise in support of his nomination for Vice President of the United States.

It is most fortunate that the President has nominated a man who is so well known, and I should say, so favorably known to the Congress.

Having been elected to Congress in 1934, I had been here for some time before Mr. FORD arrived in 1949. He was placed on the Appropriations Committee in 1951, and it was at that time that our close relationship began. At the very beginning I was impressed with his calm judgment and steady hand.

After JERRY FORD became minority leader in 1965, we continued to work together on a broad spectrum of legislative matters but particularly in trying to pass appropriation bills that contained a reasonable level of spending.

His service on the Appropriations Committee and as the minority leader has given him an overall view of Government which he could hardly have secured otherwise as a legislator. If you know where the *money goes*, you know a great deal about the operation of Government.

JERRY FORD has always taken a national view rather than a parochial view. It is evident to me that regardless of the administration in power, he has been thoroughly dedicated to the national interest and to the overall welfare of the Nation. He is a man of good will. He does not take a narrow partisan view with regard to public matters. He does not assume a rigid posture on issues generally. He works toward the accomplishment of the attainable. He listens to the

other fellow's point of view and cooperates toward the achievement of worthwhile goals.

JERRY FORD's most obvious traits are his sincerity, his forthrightness, his respect for truth and decency under any and all circumstances. I know of nothing in his background that detracts from this reputation of uprightness as a government official.

Another characteristic that this man possesses with which I am quite familiar is that of diligence and hard work. He is one of those "hewers of wood and drawers of water" upon which our country depends.

I unhesitatingly place JERRY FORD high on the list of those Members of unassailable character and integrity with whom I have served in my years of congressional service. He reflects integrity and generates confidence among those with whom he associates. These are qualities devoutly to be sought in a public official.

Overall, I think it would have been difficult for the President to have chosen a Republican who was better suited to serve the Nation as Vice President at this time in our history.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. JOHNSON).

Mr. JOHNSON of California. Mr. Chairman, I rise today to join my colleagues in voicing strong support of the nomination of our good friend and colleague, the gentleman from Michigan, for Vice President. Having served with GERALD FORD in the House of Representatives for 15 years, I have come to know him and respect him as a man of integrity, loyalty, and a dedicated representative of the people.

We do, of course, come from different sides of the aisle and, therefore, on occasion have disagreed in philosophy and on issues. However, at no time during the past 15 years has GERALD FORD been anything but a gentleman, nor has there been any time that anyone that I know of has doubted his word. He has been a distinguished and respected opponent; and when we agreed on legislation, no one could ask for a better man in his corner.

The Nation today is faced with many problems, not the least of which is a general erosion in the confidence of our Government among the people. I know of no one in this House or this Congress or in the Nation who represents the type of stability, dedication, and honesty that is needed so greatly to restore confidence in our Government than GERRY FORD.

In the Second Congressional District, which I have represented for 15 years, I am not alone in having confidence in GERRY FORD. Many of my friends from both parties have expressed this to me personally, and two of the leading papers serving this area have editorialized in support of the confirmation of GERALD FORD.

Mr. Chairman, I ask at this point to have inserted in the RECORD the recent editorial published by the McClatchy press, serving Sacramento, Fresno, and Modesto, Calif.; and also the editorial published recently in the Chico Enterprise Record:

[From the Sacramento (Calif.) Bee, Oct. 13, 1973]

NIXON'S CHOICE OF FORD IS ACCEPTABLE, PRUDENT, MERITS APPROVAL BY CONGRESS

President Richard Nixon's nomination of House minority leader Gerald R. Ford of Michigan for vice president is an acceptable, politically prudent choice. Barring any presently unknown impediment in his background, Ford's confirmation by both houses of Congress appears certain.

This surely is in the nation's best interest. By picking the 60-year-old conservative legislative veteran, Nixon most likely has spared the country a divisive confirmation in the Congress. This would have been unbearable in the wake of the scandal attending former Vice President Spiro T. Agnew's abrupt departure from office as a result of his tax-evasion conviction.

Whether Ford possesses the potential presidential stature ideally desired in a vice president remains moot, as it does for any man until he actually occupies the highest office in the land. What is important is that he knows the machinery of government, has been one of his party's loyal and able legislative leaders and is a known quantity to both major parties.

The President quite naturally chose a man in accord with his own political philosophies and one who could help him reknit the fractures in his party, as well as bring cohesion to administration policies over the next three years.

Significantly, too, Ford should be able to advance the President's programs in Congress with greater finesse than was the case with his controversial predecessor.

It was perhaps predictable the President should nominate as his new vice president a dutiful, loyal caretaker of the office, a man without presidential ambitions which might threaten Nixon's already shaky control of his party.

Nixon faces a formidable task in restoring unity in the country, in forging what he called "a new beginning." This would have been enormously complicated if the man he picked to succeed Agnew nurtured presidential ambitions. It could have paralyzed an administration already in tatters as a result of Watergate and Agnew.

Congress would be wise to confirm Ford with dispatch, taking Nixon at his word for a promised "new beginning."

[From the Chico (Calif.) Enterprise-Record, Oct. 15, 1973]

FORD NOMINATION A WISE MOVE

Looking at the situation from here in Chico, a continent away from the national capital, it strikes us that the nomination of Rep. Gerald Ford of Michigan for vice president could well turn out to be one of the best political moves ever made by President Nixon, both for himself and for the nation.

Although the selection of the House minority leader came as a surprise to many, little examination of the circumstances is required to lead to the conclusion that the nomination has all the earmarks of a master stroke at a time when a wholesome and promising development on the national scene is very much needed.

From the standpoint of the future of both the nation and President Nixon, it might be said that three main factors weighed heavily in Nixon's decision:

1. He needed a man who could merit sure confirmation with a minimum of partisan conflict.

2. He needed a man who could repair the tattered White House relationship with Congress and possibly give the President's legislative program better hopes of adoption.

3. He needed a solid man who could command broad public respect and confidence throughout the nation and at the same time not outshine the President himself.

It takes no crystal ball to realize that the first consideration above would have been impossible of attainment if the President had selected a John Connally, Nelson Rockefeller, Ronald Reagan or similar figure. The confirmation battle would have raged on and on—even more violently than the battles over the Haynesworth and Carswell Supreme Court nominations—and the President might well have had to retreat and come up with a new name. In the process, the Washington warfare would have developed into a nationwide partisan conflict at a time when "cooling off" is a national need.

But even the most partisan of Democrats have indicated that Gerald Ford is acceptable to them. For example, Speaker Carl Albert, leader of the House Democrats, had actually recommended Ford's nomination in prior conference with Nixon. And Sen. Henry Jackson of Washington—who is working hard for the 1976 Democratic nomination—said within minutes of Ford's nomination that "he will be approved with flying colors" by both houses of Congress.

For all practical purposes, then, it appears that the President's nomination of Gerald Ford assured swift confirmation and avoided what could have been a lengthy and bloody conflict.

What about Point No. 2? Well, it would be difficult to think of any person in or out of government who could do more for the White House relations with Congress than Gerald Ford. During his 25 years of congressional service, Ford has built an outstanding record of achievement and—as was apparent in weekend reports—is genuinely liked and respected by leaders and members of both houses and both parties. He knows how Congress works (for example, Sen. Howard Baker, R-Tenn., credits Ford as a top man in "congressional savvy") and his integrity apparently is unquestioned (Democratic Rep. Wayne L. Hays of Ohio put it this way: "Jerry Ford's word is good," one of the highest compliments one congressman can pay to another in their world of combat and compromise).

Under such circumstances, there seems little doubt that Gerald Ford as vice president woud be able to do the best possible job of mending White House relationships and establishing momentum with Congress.

Regarding Point No. 3, Gerald Ford describes himself as a person who is more interested in working for the good of his country and his President than in occupying center stage or taking over the spotlight of publicity. It is significant, of course, that he does not entirely shut the door on a 1976 candidacy—but there is nothing in his record nor in any comments voiced by others in Washington since Friday to indicate that Ford will be any sort of "rival" of the President insofar as the spotlight goes. The same could not have been said, however, if the nominee had turned out to be a Connally, Rockefeller or Reagan—all of whom are already spotlight attractions in their own right and would probably have bloomed even brighter in the high post of vice president.

From all three standpoints, then, Rep. Gerald Ford meets the requirements that must have weighed heaviest during Nixon's long hours of pondering. He is fortunate to have had such a man at hand.

For that matter, the nation also is fortunate that there happened to be a Gerald Ford available at this time. On the basis of his background and experience, he clearly could handle the nation's top post if something should happen to President Nixon; he is better qualified on foreign affairs than some have admitted (as House minority leader he has attended all top briefings for

the past five years). Perhaps most significant of all, his built-in favorable relationship with Capitol Hill colleagues gives the people real promise of an end to the negative haggling that has stifled productivity; harmony between the White House and Congress could be a real blessing during the remaining three years of the Nixon administration.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. DELLUMS).

Mr. DELLUMS. Mr. Chairman, I rise in opposition to the confirmation.

Mr. Chairman, by his choice of Agnew, who was convicted of serious criminal activity, and forced to resign, Richard Nixon has forced us to rely on the 25th amendment to chose a new Vice President.

The procedure of congressional selection set up by the 25th amendment, does not allow the people a direct voice in the selection. Since this provision is at best a poor substitute for a direct vote on the Vice President, each Representative should seriously consider the needs and interests of his district and of the Nation in his or her vote. Unless we take these responsibilities seriously, the people will have no role at all in this election.

Therefore, I consider it a privilege to represent the millions of Americans who oppose the election of GERALD FORD, by casting my vote against his confirmation. These Americans are opposed to GERALD FORD because his entire record shows his hostility to their interests and their hopes for the Nation. They are disgusted by his small-minded attack on one of the greatest Supreme Court Justices in American history, William Douglas. They are frightened by his defense of Richard Nixon over Watergate and the secret bombing in Cambodia. They are baffled by his priorities which put defense of the swollen military budget ahead of improving the quality of life for the American people. They are discouraged by one of the most uninspired records on civil rights and civil liberties ever compiled by a Congressman. They do not want GERALD FORD to be President of the United States, which it is very likely he will become before too long.

Everyone knows that GERALD FORD could not possibly win an election to the office he was given today. Yet this popular will was not reflected in the House of Representatives' vote. The House was given a unique responsibility today, and completely failed.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. HALEY).

Mr. HALEY. Mr. Chairman, I rise in support of the nomination of GERALD FORD for the Vice-Presidency of the United States. I think that he is entitled to it.

After 25 years of fine, distinguished service here in this body, had there been anything wrong with him, I think his performance in the last 25 years would have brought it forth. I hope that he is supported overwhelmingly by the House.

Mr. Chairman, on this historic occasion at which this body is called upon to decide whether to approve the nomination of our distinguished colleague from Michigan, I would like to express from the other side of the aisle my support for the confirmation of Congressman GERALD R. FORD as the 40th Vice President of the United States.

Mr. FORD enjoys widespread respect from his colleagues of all political parties. As one of the few Members of Congress to have served in Congress for nearly a quarter of a century, Representative FORD could not have survived the continued scrutiny of the record he compiled unless he had been a man of integrity and character.

I hope that Congressman FORD will be confirmed promptly by an overwhelming vote as the next Vice President of the United States, in which office I am sure he will provide great service to the people of this Nation.

Mr. RODINO. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin (Mr. KASTENMEIER).

Mr. KASTENMEIER. Mr. Chairman, my own reservations about the President's nomination are contained in the House Judiciary Committee report in full. I will not here report them all. The hour is late, and shortly the nominee will be confirmed by the second leg of the congressional group and he will be, of course, installed, I understand, in this very Chamber.

Unanswered questions I think will remain, however, for the Congress, for perhaps the Committee on the Judiciary in consideration of what the 25th amendment meant in this case and how it was applied.

Whatever my colleagues have had to say heretofore on the floor on whichever position they have taken, nonetheless, there are unanswered questions about Presidential succession and the invocation of the 25th amendment. I trust that that aspect will not be a closed book for the Congress and the American people.

Mr. Chairman, it is with personal reluctance that I am constrained to oppose the confirmation of GERALD R. FORD as Vice President of the United States. As a member of the House Committee on the Judiciary which originally considered the nomination of Congressman FORD, there was no prior precedent under the 25th amendment to guide me in evaluating the standards by which this nominee should be judged. Under usual conditions, the narrowly construed requirements which merely satisfy the constitutional qualifications or fitness for the office of Vice President might suffice. I determined, however, that such criteria are insufficient, because of the extraordinary circumstances surrounding the present administration.

First and foremost, there is the question of propriety in dealing with this nomination at this time. We are being asked to confirm the nominee of a President who is not now enjoying the support of the people in the exercise of his office. The 25th amendment, jurisdictionally, deals with the replacement of a Vice President. But, it also deals with Presidential disability. In a real sense, the President has a form of disability insofar as he is clearly under a cloud, unprecedented in the history of the Republic, which is seriously undermining his ability to govern. Under such circumstances, one could argue that this nomination is a tainted appointment and that the cloud must first be removed through the completion of an inquiry into impeachment charges against the President. Either charges must be brought or the President exculpated. Then, and only then, can we proceed with treating this nomination as one which has been properly put forward. Accepting this position, we are, consequently, faced with an unprecedented dilemma.

Second, as I previously mentioned in my remarks, there is the question of what standards we must apply to the Ford nomination. Since the 25th amendment contains no criteria to be used by the Congress, the Congress, itself, must define such standards.

In another time, a more serene time, when the President has a Congress controlled by his own party, the President might have the right to expect to have his way in choosing a Vice President, and the selection of a party loyalist might be adequate. However, because of the extraordinary circumstances surrounding the present administration, I cannot be as sanguine as is the majority of my colleagues on the Judiciary Committee in believing that narrowly construed requirements which merely satisfy the constitutional qualifications and fitness for the office of the Vice-Presidency are sufficient criteria for judging this nominee. Nor do I believe that pro forma approval should be granted in this instance, as is the case with other officers nominated by the President.

As colleagues, we know GERALD FORD to be a man who possesses many characteristics that are highly regarded—party loyalty, consistency, and regularity. He is hard working and well liked, and was ranked high on the list of prospective Vice-Presidential nominees submitted by his Republican colleagues. Further, as one of several committee members who had access to the FBI investigative report on GERALD FORD, I believe him to be an honest man.

However, it is not enough to test only the character and general reputation of this man. Since the Vice President is one of the two national officers elected by the people, we, as elected representatives, must act as surrogates on behalf of the people in our consideration of this nomination, and we must impose a standard much more sweeping than the usual Presidential criteria applied for executive appointments.

In my view, it is appropriate to ask whether, under existing circumstances, Mr. FORD will be suitable to serve as President of the United States, selected not through the process of a popular election, but as a resut of an arbitrary Presidential appointment. We must remember that if we approve this nomination and, in the event of a vacancy, Mr. FORD succeeds to the Presidency, we will no longer have access to him. We cannot judge, after the fact, whether we want him to serve in that position. He will be cloaked in executive privilege, separa-

tion of powers, and the trappings of the Presidency which have caused us such grief in recent years.

Consequently, we must seriously examine this nominee in light of his competence to serve, if called upon, as President and, in this respect, I have judged this nomination to be a disturbing one.

Given this time in history, this month, this year, and drawing upon the expressions of the will of the American people, I do not believe they want an approximate replica of Richard Nixon whose questionable moral and ethical philosophy have brought us to the crisis we face today. In colloquy with members of the Judiciary Committee, Mr. FORD was given ample opportunity to distinguish himself from the views of the President, and he could not do so. On the contrary, he was rather emphatic in his support of the President. In fact, it is particularly disturbing that Mr. FORD seemingly could not understand why members of the committee would even seek a clear definition of his own personal philosophy, policies, and goals for governing this Nation. Rather, he continually adverted to his positions of support for the President. This was consistent with the exercise of his role as minority leader of the House—devout, faithful, and loyal adherence to the policies and philosophy of the President. Is this sort of leadership sufficient demonstration of an ability to lead and govern this country as its Chief Executive?

Much is said about the legislative history of the 25th amendment at this time. It is more important that his nominee harmonize more with the Congress and the public at large. This is a reasonable request to make of the President in his consideration of a nominee. Instead, the President chose to serve his own interests.

Mr. Chairman, I can accept a nominee who holds political views and a political philosophy which I do not share, and, further, I accept the proposition that the Republican Party, as a result of the 1972 Presidential election, should not lose its right to the White House. But, at a time when the President suffers a great crisis of confidence, I cannot accept the nomination of one who defines leadership as his ability to follow and remain supinely loyal to a President whose moral authority to govern has diminished to unacceptable levels. This nomination falls far short of what the American people are entitled to expect from their national leaders and I am, consequently, constrained to vote against confirming GERALD R. FORD as Vice President.

Mr. RODINO. Mr. Chairman, I yield 5 minutes to the gentlewoman from New York (Ms. HOLTZMAN).

Ms. HOLTZMAN. Mr. Chairman, I wish to thank the distinguished chairman of the Judiciary Committee (Mr. RODINO) for yielding to me.

Mr. Chairman, I have a number of reservations about the nomination of GERALD FORD and about our role in his confirmation. I raised previously the constitutional impediment of the emoluments clause which I feel should be disposed of before we approve Mr. FORD. I will get to that later. There are other matters which trouble me as well.

First, as I have listened to my colleagues, I gather from their remarks that Mr. FORD may soon succeed to the Presidency. I am troubled that, if that happens, it will have been the Congress of the United States rather than the people who have selected a President. This is a very substantial departure from our prior practice and from the notion, fundamental to our democratic system, that the top executive official of the Nation should win his office through election directly by the people.

In hindsight, the second section of the 25th amendment may have been a mistake. In the long run it would seem better to have the voters select a President and make their choice from at least two candidates who are tested in the crucible of the election process. No matter how carefully we in the Congress scrutinize a candidate, we can never avoid the charge that we are simply rubber-stamping one of our own club.

Nonetheless, Congress has chosen to move forward on the confirmation of GERALD FORD under the 25th amendment.

In setting forth standards of fitness under that amendment, we must remember that we are judging the nominee for possible Presidential office. It is on that basis that we must weigh Mr. FORD and his candidacy.

Personally, I was relieved to find after our exhaustive committee hearings that Mr. FORD was a man who keeps his personal financial records in a very regular fashion and who appears to be a man whose personal finances cannot be questioned. It is good that we can so assure the American people.

Mr. FORD also does not seem to be a vindictive man. That is a reassuring sign these days.

But I do find, as a result of the facts that came out during our hearings, several disturbing qualities in Mr. FORD's record, ironically, in the precise areas mentioned by those of my colleagues who have spoken in favor of the nominee.

The respected and distinguished gentleman from Alabama (Mr. FLOWERS) stated that the importance of truth is overriding. Yet, during our hearings Mr. FORD specifically defended the right of a President to lie. I find that disturbing.

I also find extremely disturbing the fact that Mr. FORD admitted to the Judiciary Committee that, during the debates in 1970 on war powers legislation, he had argued against that bill because, he said, no President that he had known personally, including President Nixon, had ever lied or deceived the American people or had ever given Congress the runaround. In fact, Mr. FORD admitted that at the time he made that statement he knew that President Nixon had in fact been less than truthful to the American people about the secret bombing of Cambodia. Mr. FORD's lack of candor with the Congress is troubling.

With respect to Presidential powers, I was disturbed by Mr. FORD's view that a President has the right to authorize illegal break-ins, although he did limit the use of that power to wartime. For, we were at war during the time of the illegal break-in at the office of Mr. Ellsberg's psychiatrist. Therefore, I gather, Mr. FORD would have justified the President's power to call for that break-in, on national security grounds. I think it is a very serious departure from our Constitution to permit the President to initiate illegal break-ins at any time.

I am also concerned when we come to the question of fairness and tolerance. Mr. FORD made a statement that the viewpoints of liberal Democrats are "dangerous to our way of life." I respect the views of my colleagues with whom I may disagree on an issue and I respect their right to hold their opinions. I hope they respect my right. That is the democratic way. I would not call conservatives "dangerous" and I would hope that conservatives would not call liberals "dangerous," but I believe someone who does call liberals "dangerous," as Mr. FORD did, shows a fundamental failure to respect a broad spectrum of American political opinion and a lack of receptivity to those points of view. I think a President has to unite this country and this is especially true at this time. I was, therefore, extremely disconcerted by that statement he made and defended during our hearings.

With respect to the matter of judgment, there were other disturbing factors that came up during our hearings. I was troubled to find that Mr. FORD, when he led the charge against Justice Douglas, used unsubstantiated material from the Department of Justice that later turned out to be false. I think we need in our Presidency somebody who checks the facts before "shooting from the hip."

The same kind of thing happened when Mr. FORD played a leading role in blocking the Banking and Currency Committee investigation of Watergate before the 1972 Presidential election. Despite the serious allegations of White House involvement and the use of illegal funds in the Watergate break-in, Mr. FORD helped stop the investigation without bothering to ascertain whether the allegations of that committee's staff were true—as many of the allegations later turned out to be.

Seeking the impeachment of Justice Douglas and fighting the House Watergate investigation also reflect on Mr. FORD's past as intense partisanship, an insensitivity to the administration of justice and a real lack of commitment to having the truth come out—especially when it is politically embarrassing.

Finally, the nominee's stand on public issues does not demonstrate an ability to grapple imaginatively with the complex issues facing us today. It is difficult to see that Mr. FORD even begins to understand the energy crisis when he continues to oppose subsidies to mass transit and argues for higher oil prices. In opposing increases in aid to education, model cities and rent subsidies, he displays a failure to comprehend the problems of an urbanized America. His attempts to weaken minimum wage legislation, his resistance to legislation aid-

ing Soviet Jews, his failure to support social security increases, and his attempts to cripple much of the landmark civil rights legislation of the last 15 years all demonstrate a lack of compassion for the human problems confronting our society.

Having opposed all efforts to limit or end our involvement in Indochina and having consistently opposed all attempts to cut intolerable waste from the defense budget, Mr. FORD is not likely to preside over the realistic reordering of priorities America needs to regain her confidence and spirit.

Representing an urban district, I cannot in good conscience support a man who advocates policies inimical to the needs of my constituents.

Also, as I have said before I am troubled about the constitutional impediment to Mr. FORD's taking office. As I pointed out previously, the emoluments clause—of the Constitution—article I, section 6—appears to bar Mr. FORD's confirmation because of the increase in the Vice Presidential pension rights enacted this year. I raised the issue before this House, because I thought we had an opportunity to correct the problem. I still think we have that opportunity. I would urge those Members who have any further questions on this issue to read the memorandum contained in my dissenting views which sets forth at length the constitutional objections to Mr. FORD's eligibility.

We have all too often in recent times seen constitutional requirements abandoned to meet the "needs" of the moment. Although I understand that some people feel the urgent need to confirm Mr. FORD immediately, certainly we can wait a few days to observe the demands the Constitution places on each of us.

These are extraordinary times and the times demand leadership of an extraordinary quality.

I do not think we can satisfy the needs of the American people, the needs of our conscience and the needs of our times if we approve the nomination of Mr. FORD.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. MITCHELL).

Mr. MITCHELL of New York. Mr. Chairman, I rise in support of the confirmation of Mr. GERALD R. FORD.

"What's he like?"

If I have heard that question once, I have heard it a thousand times since he—the Honorable GERALD R. FORD of Michigan—was presented to the American people as the Vice-President-designate.

To begin, I suppose I am not completely objective since JERRY FORD is more to me than a casual acquaintance or professional associate; he's a friend. That in itself demonstrates that I have a high personal regard for him.

But it was more than personal regard that prompted me to submit to the President, Mr. FORD as my choice to fill the void in the Vice Presidency. When the White House request came for Members of Congress to submit three names to the President for consideration in connection with his most important deliberations, I thought long and hard. The first name I wrote on the piece of paper was GERALD R. FORD.

I wanted a Ford in our Nation's future for a whole host of the right reasons.

During the nearly 1 year since my election to the Congress, I have come to know and respect JERRY FORD as a calm, steady, able individual who puts service above self. I have watched him in his capacity as Republican leader in the House and I have been impressed not only with what he did but how it was done. The GOP is the minority party in the House, not by just a few votes, but by a substantial margin, and yet, JERRY FORD has been successful on a number of occasions in rallying majority support for key proposals of the administration. That is leadership. And he has led in a manner to command respect even from those with whom he differs so strenuously. He is a gentleman, one who does not seem to think that the Golden Rule is outmoded.

No one is surprised when they discover that as a youth JERRY FORD earned Scouting's highest award, the rank of Eagle. The traits of character mentioned in the Scout's oath—honest, loyal, brave, cheerful, reverent, et cetera—are still part of the FORD makeup.

I have to admit that when a freshman Congressman comes to Washington, he is like a country boy in the big city, often not quite sure of himself and looking for direction. JERRY FORD was one of the first to help me along. Despite his heavy leadership responsibilities for the party and the Nation, he had time for DON MITCELL from Herkimer. In short, JERRY FORD qualifies as a nice guy and a good friend. I am pleased and proud to be identified with his selection and confirmation as Vice President of the United States. The American people are indeed fortunate to have this man of stature, character, ability, and dedication to fulfill a most important assignment during these difficult times.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. WYDLER).

Mr. WYDLER. Mr. Chairman, I rise in support of the nomination of Mr. GERALD R. FORD as Vice President of the United States. The vote that I am going to cast for him today is going to be the happiest and proudest vote I have ever cast in this House.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. HILLIS).

Mr. HILLIS. Mr. Chairman, I also rise to cast my vote for GERALD R. FORD as Vice President.

Along with many of my colleagues, I would like to take this moment to affirm my confidence in the abilities of GERALD FORD.

In my personal dealings with GERALD FORD, I always have found him to be hard working, concerned, well informed, and honest. This is not a view of GERALD FORD which I alone hold; it is one which has been voiced by many Members of Congress since his election to the Congress in 1948. As minority leader of the House of Representatives, GERALD FORD has been known by both Republicans and Democrats as a man of high integrity.

As Vice President of the United States, Mr. FORD will undoubtedly be an asset to the administration with his vast knowledge of the legislative branch of our Government. The relations between the executive and legislative branches of our Government have been deteriorating for several administrations. GERALD FORD is eminently qualified to aid in restoring and strengthening a spirit of cooperation.

The nomination of GERALD FORD for the Vice-Presidency has met with overwhelming support in the Senate. I am sure this support will be felt and demonstrated today in the House.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Maryland (Mrs. HOLT).

Mrs. HOLT. Mr. Chairman, I am pleased to have the opportunity to cast my vote in favor of the confirmation of GERALD FORD as Vice President.

Under any circumstances, the Vice President must possess the ability to assume the role of Chief Executive and he must be sincere and honest. He must also inspire the trust and respect of all Americans. The necessity of these characteristics has been greatly magnified by the current mood of the country and by the events of the past year.

I have known JERRY FORD for 15 years and I feel strongly that he exemplifies these traits. His good character has emerged unblemished from an intensive, but necessary, investigation by the Federal Bureau of Investigation and appropriate committees. His straightforward and frank approach as minority leader in this Chamber has won him many admirers from both sides of the aisle.

Mr. Chairman, I feel certain that Mr. FORD's performance as Vice President will make us proud of the action we are taking today. I urge my colleagues to join with me in supporting his confirmation and wishing him every success as our Vice President.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from North Dakota (Mr. ABDNOR).

Mr. ABDNOR. Mr. Chairman, I, too, rise at this time in support of the confirmation of GERALD R. FORD for Vice President and say this is one of the most exciting and proudest moments in my life.

Today's historic significance has impressed all of us. The people's elected representatives in Congress are confirming a new Vice President in the first imposition of the 25th amendment to the Constitution of the United States. We are not only confirming a Vice President, we are also reconfirming that regardless of what difficulties may beset our Nation, our system of government still functions.

When we were asked to submit recommendations for the office of Vice President, only one name crossed my mind—the name of the man who will be sworn into the office today.

One of the qualities that has most impressed me about JERRY FORD has been his ability to get people, whose personal philosophies embrace the entire spectrum found within a political party, to work together for a common goal. Every day in the House we have seen in action a splendid ability to work harmoniously with people of all types, from all walks of life, representing all varieties of constituencies in all parts of the Nation.

In addition to having the ability to unite members of his own party for a common goal, JERRY FORD has earned and gained the respect of his colleagues on the other side of the aisle in both the House and the Senate. Moreover, he has gained the respect of many skeptics throughout the Nation in his ability to withstand the most scrupulous and minute investigation ever conducted into a man's private and public life.

The ability to hold respect and work harmoniously with others are qualities we sorely need in positions of leadership today. Our new Vice President has both these qualities.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Maine (Mr. COHEN).

Mr. COHEN. Mr. Chairman, I rise in support of the nomination of GERALD R. FORD.

I wish to express my strong support for the resolution now before us confirming Congressman GERALD FORD as Vice President of the United States.

It has been my privilege to serve as a Member of this House during this unique time in our history. I have been especially privileged to be a member of the House Judiciary Committee, which reviewed Mr. FORD's nomination to the Vice-Presidency. Because of the charges and doubts that have been levelled upon the present administration, I and other members of the committee felt a special responsibility to assure that the individual who served as our next Vice President would strengthen the American people's confidence in their Government rather than weaken it through the slightest hint of scandal or questionable conduct. After completing an exhaustive review of Mr. FORD's background and hearing from a number of witnesses, I feel that the committee's favorable report to the full House on the confirmation resolution is incontrovertible evidence that Mr. FORD's record, in his private life and in his public service, is one of honesty and dedication.

Much has been said about the necessary qualifications of an individual who becomes Vice President. Fundamentally, he must be a person of candor and competence who can be helpful to his President and to his country, and I have every confidence that GERALD FORD will serve excellently in that regard. During the many long hours of testimony he gave before the committee, I was continually impressed by his candor, cooperation, and patience. I believe that his openness and honesty with the committee, the Congress, and the Nation will be duplicated many times in the future for the greater benefit of us all.

I urge my colleagues in the House to approve the confirmation resolution. Thank you.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. ARCHER).

Mr. ARCHER. Mr. Chairman, I rise in support of the nomination of GERALD R. FORD for Vice President.

During the past 3 years thousands of people from my district in Houston, Tex., have come to visit our Nation's Capital. I have taken some of these people on my own little tour of the Capitol Building. I have always included in that tour a stop at the minority leader's office. There my constituents and I have been greeted with warmth and friendship. Sometimes GERALD R. FORD himself would come out to say hello to these visitors.

I will miss visiting your office and your staff, JERRY FORD. The genuine hospitality you have shown me has been one of the very special highlights of my 3 years in the Congress.

I am grateful for your guidance, your real interest in my welfare. I am thankful for the time we have talked seriously about special problems that I encountered as a freshman Congressman. You have been minority leader to the fullest definition of that title: You have been mentor, confessional booth, conscience, director, and consultant.

I will always associate you with the House of Representatives, JERRY FORD. You were the embodiment of that institution when I entered it, and you have come to represent the highest ideals and principles of the House. Would that every Member of this institution be possessed with your integrity, your honesty, your dedication to the Republic. You have been a top Congressman and leader.

As you embark on a new road, you take with you the best wishes of the entire country. May this new assignment be a challenge to you, one that we know you will meet with determination and strength.

We thank you for your many years in the House, for your uprightness, for your devotion to the House and for what it stands. We will miss you, and you will always be a part of us.

With you and your wife, Betty, go our faith, hope, and prayers.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Chairman, I rise in enthusiastic support of the nomination of GERALD R. FORD for Vice President.

Mr. Chairman, when the 93d Congress today confirms a Vice Presidential nominee for the first time under the 25th amendment to the Constitution, we will do so with confidence that we have done our jobs carefully and well, and with the confidence that the man we confirm, GERALD R. FORD, is a good choice for the people of our country.

Congressman FORD, soon to be Vice President FORD, is one of us. He did not ask to be Vice President. His often-stated personal goal was to become Speaker of this House. Instead of the usual process, in this case the job sought him. He could not, and did not, refuse.

In my memory, Vice Presidents have been picked largely on the basis of their effect on the attractiveness of the Presidential ticket. Normally they have been people, unlike GERRY FORD, who have nursed strong ambitions for the Presidency itself.

GERRY FORD, then, is more than a first. He is unique. By inclination, by experience, by personality, he is one of us. When confirmed, he will be more than that, but he will remain one of us.

GERRY FORD is also a man I am proud to identify as my friend. Most Members have known him longer, and perhaps more closely than I, but nonetheless, I claim him. I suspect that one of the greatest testimonies to his personal character is that all of us claim him as friend.

It has been noted by a few of our colleagues, and by some representatives of the fourth estate, that Congressman FORD is lacking in intellectual capabilities. I am probably not the best judge of such matters, but I must report that he has been able to plumb my depths without drawing a deep breath. I am not sure how brilliant one must be to become Vice President, but I would not rule out any Member of this body for intellectual incapacity, much less one of our elected leaders with 25 years of effective and distinguished service.

If I have any regrets about the FORD confirmation, they are that this House will lose his considerable talents. If I have any worries, they are that those talents may not be used to capacity. It is my fervent hope that the President will fully utilize JERRY's abilities to the profit of the Nation.

JERRY does not vote like I do on every issue. But neither does any other Member. Disagreements with JERRY are never disagreeable. No Member takes more care to hear opposing views completely than he. Who could be fairer, or more reliable than JERRY? And who could be more open in his own views? No, JERRY does not always vote like I do, but I shall vote for his confirmation with pride and enthusiasm.

This is a great day for JERRY, for all of us, and for this House. We are going to confirm one of our best for the second highest office in the land. It may not be a unanimous vote, but it should be.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. TAYLOR).

Mr. TAYLOR of Missouri. Mr. Chairman, I rise in support of the nomination of GERALD R. FORD for Vice President.

Mr. Chairman, I would like to join with my colleagues in the House today, as well as with millions of other Americans, in voicing my pleasure at being able to vote for the confirmation of GERALD R. FORD to become this Nation's 40th Vice President.

To my knowledge, no man in the history of our Government has ever undergone such close scrutiny and rigorous questioning for this office as has JERRY FORD. He has come through with flying colors which bestows considerable credit on the House of Representatives where

he has served for 25 years and led the minority for almost a third of that time.

In honoring Congressman FORD we also honor the people of the Fifth Congressional District of Michigan who on 13 occasions have demonstrated their wisdom and good taste in choosing JERRY to be their representative in the Congress.

We also pay honor to the American people. They most certainly will be well served by our new Vice President because of his demonstrated integrity, his love of country, and unquestioned ability to lead. And most certainly we do honor the "people's House" in sending a man of the people to the second highest office in our Nation.

It is my pleasure to vote for the confirmation of GERALD R. FORD. I can think of no one more deserving of such a high honor.

Mr. HUBER. Mr. Chairman, I also rise in support of the nomination of GERALD R. FORD.

Mr. Chairman, for the first time in the history of the American republic, the U.S. House of Representatives votes on whether to confirm our first appointed Vice President of the United States, the Honorable GERALD R. FORD. It is a high honor, and I am pleased that the President has chosen a man worthy of that honor. More than that, however, the American people know that they will have a man of the utmost integrity in the second highest office in the country. Further, should the occasion arise, I am absolutely confident that JERRY FORD is capable of leading our country.

This has been clearly demonstrated over the past several years. Although I have only worked with JERRY in the House for the past year, he has made a deep impression on me as a man capable of getting things done. Even many of those who strongly disagree with Mr. FORD's voting record think highly of him. He is, as they say, a man who can disagree with you without being disagreeable. And that is a remarkable ability.

Gen. Douglas MacArthur once remarked that he had done his duty as God gave him the light to see what is right. It is my fervent hope that JERRY FORD, when faced with the tough decisions that a Vice President must often make, will always do as General MacArthur did; what he believes is right and not what is expedient or popular. To do the former is a sign of greatness, even though it is often never recognized as such, to do the latter gives one only ephemeral glory. I have complete confidence that JERRY always will do what he believes is right, and for that reason, I believe that he could become one of the great Vice Presidents in American history. I am proud to vote for his confirmation as the 40th Vice President of the United States.

Mr. HUTCHINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Maryland (Mr. HOGAN).

Mr. HOGAN. Mr. Chairman, it is with great pleasure that I rise today in support of the nomination of our colleague, JERRY FORD, to the Vice-Presidency of the United States.

I was one of many Members of the House who urged upon the President the nomination of JERRY FORD to fill the vacancy in the Vice-Presidency, and the hearings in the other body and before our Judiciary Committee have confirmed my convictions that this was a wise choice.

Our colleague from Michigan has undergone extensive examination from both Houses of Congress and from the FBI. Questions addressed to the nominee covered a broad range of public issues, with searching inquiry made into Representative FORD's views regarding the role of Congress, the separation of powers, the proper authority of the executive branch, the use of executive privilege, the energy crisis, civil rights, and general matters of foreign and domestic policy. In all, the hearings consumed 36 hours and 34 minutes of which 19 hours and 11 minutes consisted of questions addressed by the committee to the nominee.

Each member felt the necessity to assure himself that Mr. FORD is professionally, physically, mentally, and morally qualified for the assignment. In accordance with this demand, the FBI assigned 350 special agents to the case. They interviewed more than 1,000 people and prepared some 1,700 pages on the personal background of JERRY FORD. The nominee made available his bank records, financial statements, income tax returns and other pertinent material as well as all the files of his office. All this material was given the most thorough scrutiny. In addition, Mr. FORD provided, voluntarily, all information that was requested of him by members of the Judiciary Committee. The staff of the Judiciary Committee also conducted its own investigation.

As a member of the Judiciary Committee I had the opportunity to sit in and participate in the examination of Mr. FORD. I was impressed with his performance before the committee. His candor and sincerity during the questioning only furthered my conviction that he possesses the credentials and the ability to be an outstanding Vice President and, if such eventuality should occur, President of the United States.

We have probed the depths of this man and received ample documentation to answer any questions that may have been lingering in the minds of the American people as well as Members of Congress about the qualifications of JERRY FORD for the Office of Vice President. This investigation which has been the most thorough undertaken of any nominee for public office in the history of the Republic, has even further enlarged my respect for Mr. FORD. And I am even more confident of his ability to serve as the 40th Vice President of the United States than when I recommended his name to President Nixon.

Although we are all familiar with the achievements of our colleague, I would like to recall some of the details of the brilliant and impressive record of this outstanding American.

JERRY FORD won honors as a student and as a football player at the University of Michigan.

Later he worked his way through the Yale Law School by coaching the freshman football team.

After serving 47 months in the Navy during World War II with great distinction, and practicing law in Grand Rapids for several years, JERRY FORD was first elected to the Congress in 1948.

JERRY FORD has been elected and reelected 13 times by the people of his fifth district in western Michigan. He served 24 years in the House of which 9 were as minority leader. Those who question JERRY FORD's leadership qualities overlook the fact that we Republicans who have a number of outstanding Representatives to choose among, have repeatedly selected JERRY FORD as our leader. We do so because we recognize his outstanding qualities of leadership. He recognizes the right to disagree with him and respects contrary points of view. He never cajoles or pressures but uses reason and persuasion with great effectiveness.

Because of JERRY FORD's record of service in the Congress and the respect he enjoys among members of both bodies on both sides of the aisle, he will be a much needed asset to the administration as a mediator and conciliator between the legislative and executive branches of government.

We are living in unprecedented times. For the first time in our Nation's history we will utilize the 25th amendment to the Constitution which calls upon the President to nominate a new Vice President in case of vacancy in the office. For the first time in our history a Vice President was forced to resign from office. It was a confidence-shattering experience for the American people.

When he was asked to define his concept of the Presidency, he replied:

> I think the President has to be a person of great truth, and the American people have to believe that he is truthful. I think that the President has to lead by example, displaying the standards, morally, ethically, and otherwise, by which most Americans live their lives.

Mr. Chairman, we have heard a great deal of discussion today about the guidelines that a Member should use when he makes up his mind how he is going to vote on the issue before us today; but I submit this is an exercise in futility, inasmuch as each Member has only to answer to his own conscience and to his own constituents as to how he votes today.

We have heard about the exhaustive investigations to which the nominee has been subjected. We have heard, too, how well he has survived that intense scrutiny.

I will not belabor that point, but I do want to address myself, Mr. Chairman, to what I think are some of the main areas of criticism of those who oppose this nomination, the areas they have alluded to in their remarks today.

First of all, it has been mentioned that he lacks the requisite qualities of leadership for the second highest, and perhaps the highest, office in the land.

I submit, Mr. Chairman, that on our

side of the aisle there are a number of outstanding individuals with great leadership qualities. Yet, among that number of outstanding people, we have repeatedly selected GERALD R. FORD to be our leader. We do so because we recognize and appreciate his outstanding leadership qualities.

I think in that assignment as minority leader he has comported himself with distinction. Others have criticized him for a lack of intelligence. Aside from the point, Mr. Chairman, that it seems to me very arrogant for one Member to in any way demean the intellectual capacity of another Member, I think we ought to address this issue head on.

To me, JERRY FORD is an extremely intelligent individual. Intelligence is the ability to use one's existing knowledge to meet new situations and to solve new problems. It is the ability to cooperate with conditions and effectively adjust to them and try to work toward a goal. Assuming that these are the criteria for intelligence, JERRY FORD meets all standards. He knows how to work with people; he knows how to get things done.

Another matter, Mr. Chairman, raised by his opponents in this nomination is the Douglas impeachment matter. I am not going to belabor all the points that have already been made, but I do wish to emphasize, Mr. Chairman, that 114 Members of this body sponsored a resolution for the impeachment of Justice Douglas. That happens to be more Members than have signed impeachment resolutions for Richard Nixon. I submit that, if the Judiciary Committee had sought and received a million dollars to conduct an investigation into that impeachment inquiry, perhaps the result might have been entirely different, but the fact remains that there were some susbtantial areas of activity which cast doubts on the suitability of Justice Douglas serving on the Supreme Court. A Justice of the Supreme Court was receiving $1,000 a month in retainer from some unsavory individuals, and had in addition received a sum of money for publication of an article he authored in a magazine published by an individual who had obscenity cases pending before the Supreme Court. I submit that these are grounds for considering an impeachment inquiry, and that is what the minority leader at that time suggested.

But all these criticisms of JERRY FORD, Mr. Chairman, really narrow down to one area of disagreement, and that is philosophical. I do not in any way, as some of my colleagues have, deny friends on the other side of the political aisle, or the ideological aisle, the right to vote against the nominee because they disagree with him philosophically, but the fact remains that the American people overwhelmingly rejected that philosophy in the last election. JERRY FORD is substantially in agreement with the President's philosophy.

I do not agree with him on all of the issues but I think on balance he is within the mainstream of the American people's philosophy and the approach they prefer as to how our problems should be solved.

Mr. Chairman, I am convinced that, when the American people get to know JERRY FORD as well as we know him, their confidence in government and politics will be substantially restored. All of us who pursue politics as our career are saddened that so many among the American people hold our profession in such low esteem.

JERRY FORD will help to correct this mistaken assessment of politics and politicians, and we politicians and the country as a whole will benefit. I wish him well in his new responsibilities. I am sure he will do an outstanding job.

The contributions that JERRY FORD is continually making to the House will be sorely missed but I might add that the contributions he will make to the country will be measurably greater when he is confirmed by this body today.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. BADILLO).

Mr. BADILLO. Mr. Chairman, I rise in opposition to the nomination of GERALD FORD as Vice President. I do so with some reluctance, because I would not want to see a vacancy in that office for a prolonged period of time, and I do recognize the right of the President and the Nation, under the 25th amendment, to have a Vice President confirmed with all appropriate speed.

As Congressman FORD himself recognized in his testimony before the House Judiciary Committee, in this first experience at filling a vacancy under the provisions of the 25th amendment, we are moving in uncharted waters and what we do now will set a precedent for generations to come. My own personal view of our obligations under the 25th amendment is that we must be satisfied first as to the nominee's character and integrity, so that there can be public confidence in the President's selection; second, that we find that the nominee will provide a basic political continuity; and third, that we be assured that the nominee possesses the breadth of understanding of this Nation's institutions, values and needs that must be demanded of a President.

With respect to the first two criteria, I have no reservations. Obviously, Mr. FORD will provide a basic political continuity. As to character and integrity, the hearing record—both in the Senate and the House—has turned up no substantive doubt or evidence of venality. Congressman FORD emerges from these very searching and exhaustive inquiries as a man of good character and personal integrity, and for that, we are all grateful.

However, after reading both the House and Senate hearing records, examining the Senate confirmation debate and the respective committee reports on the FORD nomination, I must conclude that Mr. FORD falls short of meeting the third and perhaps most important criteria in that he does not possess the breadth of understanding of this country's basic institutions and values required of the Presidency.

I am deeply concerned about Mr. FORD's longstanding record of opposition to major civil rights measures. My concern stems not from the fact that Mr. FORD's record is almost diametrically opposite to mine, for that is not really a consideration under the 25th amendment. My concern stems from the fact that this record tells us something very basic about GERALD FORD, the man, and GERALD FORD, the prospective Vice President and President.

That record includes his July 9, 1965, vote to recommit the Voting Rights Act to the Judiciary Committee with instructions to report back a substitute crippling the provisions for Federal registrars and omitting the protection against intimidation and coercion; his July 25, 1965, vote against bringing to the floor the proposed civil rights bill; his August 9, 1965, vote to recommit the civil rights bill in order to delete fair housing provisions; his December 11, 1969, vote to gut the extension of the Voting Rights Act of 1965 by substituting for the straight 5-year extension a bill which deleted the basic provisions of the 1965 law preventing States and localities from nullifying minority votes; and within the past 2 months of this year, his vote to deny citizens of the District of Columbia the right to vote for their own mayor. That record tells us that he lacks sensitivity to the tremendous social upheavals which have taken place in this country over the past two decades and to the need for our national leaders to insure that action is taken to provide better opportunities for all.

The most serious defect in Mr. FORD's record, however, has to do with his participation in the secret war in Cambodia. GERALD FORD was one of 14 Members of Congress who were informed of the secret bombing raids over Cambodia prior to our announced invasion of that country on April 30, 1970. Under questioning during both the Senate and House hearings, Congressman FORD insisted that he saw nothing wrong either in President Nixon's policy of bombing a neutral nation or the decision to keep that bombing from Congress and the American people.

The following colloquy between Congressman DRINAN and Congressman FORD during the Judiciary Committee hearings shows that no distinction can be drawn between Mr. Nixon and Mr. FORD on the issue of the President's right to conduct a secret war:

Mr. DRINAN. Mr. Ford, I agree to all of that but what justification do you have that one Member of the Congress can keep that information from the Congress and the people of this country?

Mr. FORD. Well, the justification was that it was given to the six or seven or eight of us on the basis that it was important for us to know and that they would not give it to us unless we were in agreement to retain the information personally.

In my judgment, both the bombing policy and the deliberate lies regarding it represent impeachable offenses and gross violations of the Constitution. Mr. FORD's participation in those offenses demonstrate a failure on his part to comprehend the true nature of this Nation's political processes and institutions. His

manifest disrespect for those institutions can serve only to inspire a similar disrespect on the part of those who look to him for leadership, either as Vice President or as President. His admission that he placed a greater value on political and personal loyalty to President Nixon than to the institution of the Congress, the representatives of the American people, is a distortion of understanding and values which to my mind is sufficient grounds to disqualify him for confirmation.

Mr. RODINO. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa (Mr. MEZVINSKY).

Mr. MEZVINSKY. Mr. Chairman, I want to commend the chairman and my colleagues on the committee for their untiring effort to make this inquiry the most exhaustive study ever conducted. The committee achieved its goal: A thorough investigation coupled with a complete lack of confidential information being leaked from the committee.

This has been a most difficult decision for me. I differ with GERALD FORD on much of his theory of government and have been on the opposite side from him on many issues. However, as I view the 25th amendment, Mr. FORD has the necessary qualifications for the office of Vice President. As was brought out in the debate before the adoption of this amendment, the President has the right to nominate a member of his own party and one who will be compatible with his philosophy of government. So, although I do not share many of Mr. FORD's views, I do support the President's prerogative to choose him. Why then am I voting for GERALD FORD?

In essence I am voting for him, because he has that one quality that is so notably lacking in this administration—integrity. Not in recent history has the President suffered from such a crisis in confidence. Now as never before we must do all we can do to convince the American people that honesty and integrity are still important and are qualities that public servants do possess. After the grueling investigation that the gentleman from Michigan was subjected to, I believe he is honest and is a man of integrity. It is an interesting commentary on our times and the present administration that integrity has become the single most important quality to look for in leadership.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. BELL).

Mr. BELL. Mr. Chairman, I rise in support of the confirmation of GERALD R. FORD for Vice President of the United States.

Mr. Chairman, I wholeheartedly endorse the confirmation of GERALD R. FORD for Vice President of the United States.

Although I have not always agreed with JERRY on some legislative matters, I very deeply believe in his outstanding leadership qualifications, his great courage, his fairness and honesty in his judgments, and his very keen and discerning intelligence.

In some ways you might say that the proof that JERRY has all of these fine qualities is in the fact that as minority leader he has of necessity been involved in numerous disagreements, yet still the overwhelming majority of the House of Representatives think highly of him. In fact, enough of him to overwhelmingly confirm his nomination to the second highest office in the land.

It is with great pleasure, therefore, that I will vote for the confirmation of this man of great humility and leadership ability, GERALD R. FORD.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. FORSYTHE).

Mr. FORSYTHE. Mr. Chairman, today is a historic occasion, as the House of Representatives has confirmed a Vice President of the United States for the first time under the 25th amendment.

It was with a deep feeling of pride that I cast my vote for our colleague, the Honorable GERALD R. FORD, of Michigan.

GERRY FORD and I have not always agreed on the issues which confront our great Nation. But as a leader, and as a man, he has proven to be solid, understanding, and trustworthy. He is dedicated to serving America, and he will do so with integrity and perseverance.

America, now, needs quiet, sincere, and secure leadership. This is not a time for rhetoric, for flashiness, for insincerity. Our new Vice President meets this test, and I call upon all Americans to provide their support.

In his new position, GERRY FORD must assume the responsibility of preparing himself for the Presidency, should it become necessary. It is an awesome responsibility. I know he will meet it with dedication and courage, and I wish him well.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. ESCH).

Mr. ESCH. Mr. Chairman, I rise in support of the nomination of GERALD R. FORD of Michigan.

Mr. Chairman, I rise today to join in strongly supporting an affirmative vote that Congressman GERALD R. FORD, of Michigan, be named the Vice President of the United States.

Mr. Chairman, today is a historical day, and it is a day of both sadness and joyfulness. It is also a time for reflection and rededication. It is a time for sorrow, because the events that have transpired that have led us to this historical action that the House will undertake today. For the first time in the history of this country, a Vice President has admitted to committing a felony and has resigned. And, thus this occasion, joyful as today's central purpose is, must always be tinged with the country's remorse. And yet even in that sorrow there should be a basic note of gratitude for our country's institutions. A free people of the United States on November 7, 1972, voted not just for the individuals who hold office, but, more importantly, for their principles and issues for which they stood. Our system of government provides for a continuing in office of that Republican Party that won the people's confidence last November. Thus, today we provide for the succession in office of a Republican Vice President, with the majority of the opposition party voting for his confirmation. But, Mr. Chairman, enough has already been said about the sorrow of the Nation. This country and its people have dwelt too long in the climate of doubt and mistrust. It is important, therefore, that we place the most emphasis today on the affirmative. Today, within the hour, this House of Representatives will take the historical vote that will confirm the man from Michigan, GERALD R. FORD, as the 40th Vice President of the United States. It is a moment which all of us can be proud. Mr. Chairman, it has been said that "this is the people's House," and thus, it is most fitting that the man from Michigan take the oath of office in these Chambers. It is here that he has given his life of public service, dedicated to our country and its people and it is only fitting that he assume his new responsibilities in this Chamber as a reaffirmation of the belief that the people govern and that no group nor position nor, indeed, no man is above them.

Much will be said affirmatively of the qualities of GERALD FORD today. As a personal note, I would take but a moment to emphasize those qualities that I have found most rewarding. There is, as the chairman of the Judiciary Committee emphasized, the quality of integrity. No other man in the history of our country has been so thoroughly investigated and very few other men could have stood the test. At this time in our Nation's history, that quality surely must be foremost. Yet I have found in my 8 years of association with GERALD FORD that there is another quality that the country needs today that is found in the Vice President-designate. Simply stated, GERALD FORD respects differences. During my tenure as a fellow Congressman from Michigan, there have been frequent times when I have disagreed substantively with the minority leader on the issues before us. Always he has respected my right to disagree and more significantly during his period of leadership, he has had the capability of bringing differing views together that have impact upon the country's programs. Mr. Chairman, we live in a precarious time in our Nation's history. There are many of those in this House and throughout the land who continue to emphasize conflict rather than compromise, who would be in an adversary relationship with our country's leaders rather than seeking to support our cooperative efforts. Our late great Senator from GERALD FORD's hometown, Arthur Vandenberg, in writing to President Tru-

man as he changed his position in the post-World War II period from one of isolationism to internationalism, wrote:

I know, Mr. President, that it is easier to be critical than to be correct.

Mr. Chairman, today more than ever, while fully recognizing the right to criticize this country, it is time that as a people and as a country we begin to move to reunite and to move toward solving our country's problems rather than to stand apart and merely raising a critical voice. The new Vice President, more than any other man during the next 3 years, will have that specific responsibility. I believe that GERALD R. FORD is capable of fulfilling that task. And thus in an hour's time, in the people's House, the man from Michigan will take the oath confirmed by the opposition party to fulfill the second highest office in the land. It will be an affirmation of trust in GERALD R. FORD. It will be a reaffirmation of our faith in the institution of our Government. It should be a rededication of each of us toward our responsibilities as well.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. Mr. Chairman, I support the confirmation of GERALD FORD as Vice President of the United States.

Mr. Chairman, for the first time in our Nation's long and productive history, we are today, under the provisions of the 25th amendment to the Constitution of the United States, moving to fill a vacancy in the office of Vice President.

In these historic times, we are facing problems of monumental magnitude, and there is all too often a tendency to permit these problems to overwhelm us. I submit that we as a nation possess the strength and ability necessary to solve the difficulties that we are encountering, just as we have done countless times throughout our history.

Mr. Chairman, the Vice-President-designate is a man who clearly realizes the problems of the past, one who has a firm grasp upon the crises of the present, and one who can deal creatively with the difficulties of the future. His skill, ability, and integrity are well known to the Members of this body. Those of us who have worked closely with him know that his devotion to the strength and well-being of our country is beyond question. We can be confident that he will serve the citizens of the United States with distinction and honor in his new post.

Only history can fully determine, in its deepest meaning, the wisdom of our choice today, but let it be said that we gave GERALD FORD an overwhelming vote of confidence because his record was an honorable one. We cannot always know the events of tomorrow, but we can act with responsibility today.

Mr. Chairman, I fully support the confirmation of GERALD FORD as Vice President of the United States, and let us all pray that God will guide him in the great burden that he will assume.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. RUPPE).

Mr. RUPPE. Mr. Chairman, I rise in support of the measure to confirm the Honorable GERALD R. FORD of Michigan, as Vice President of the United States.

JERRY FORD possesses the qualities that will make him a great Vice President and a great political leader. In this year when the honesty and integrity of public officials has been called into question by the public, JERRY FORD has undergone the most thorough and careful scrutiny of any public official in our Nation's history—and his record, in both public and personal life, remains unblemished. He has repeatedly won reelection as his party's leader in the House, gaining and earning the support of diverse elements of republicanism represented in this body.

JERRY FORD also possesses that rare quality which allows him to understand the other fellow's point of view, even though he may disagree politically. There has never been any evidence of vindictiveness or bitterness on JERRY'S part for those who have opposed him politically. Perhaps the greatest tribute that a politician can receive is the friendship and respect of his political opponents. These proceedings, and the comments throughout his confirmation, have provided that kind of tribute.

Our new Vice President will be a man who seeks advice and counsel, who listens to not only those who support him, but those who oppose him as well. He will work to bring a better understanding, a better relationship between the executive and legislative branches of our Government, and he will help to ease the doubts and concerns which the people have expressed about their Government.

I am proud to say that JERRY FORD has represented my party and my State in this body. I am prouder still that he will now represent the Nation. And I am most proud to number him among my friends.

Mr. Chairman, I have to date resisted publicly prejudging the outcome of votes in this body. Today, I can publicly predict that my colleagues in the House will overwhelmingly confirm Jerry Ford as Vice President of these United States. This is a great day for JERRY FORD, this is a great day for the Congress, and this is a great day for the Nation.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma (Mr. CAMP).

Mr. CAMP. Mr. Chairman, I, too, wish to say that I support the confirmation of the nomination of GERALD R. FORD as Vice President of the United States.

Mr. Chairman, this is a proud day for the House of Representatives and an auspicious day for the Nation. With the elevation of my good friend and respected colleague, GERALD FORD, to the Vice-Presidency of the United States, the country will be gaining a fine and distinguished national leader who will be an honor to America.

At the same time, I cannot help but think how much this House will miss JERRY. In his tenure as minority leader, JERRY has been an effective and able legislator, a strong leader and a good friend to Members on both sides of the aisle. He has that rare ability to keep pertinent facts ever ready in his mind and to disseminate them factually and logically. Many say JERRY is a persuasive and influential man. To my mind, this is why. I look forward to working with JERRY in connection with his duties at the White House where I am confident he will continue his same high level of work.

In thinking about my association over the years with JERRY FORD, one instance stands out in particular. JERRY had kindly agreed to speak to a group in Enid, Okla., and needless to say, my friends were looking forward to meeting him. Poor weather conditions prevented travel that night but JERRY, with his usual thoughtfulness, refused to disappoint those Oklahomans and arranged to address the group via a telephone hookup. People in Enid have never forgotten that occasion.

In fact, communications from my district have been overwhelmingly in support of prompt confirmation of GERALD FORD. He is the kind of generous, honest man to whom the people look for leadership and guidance.

I believe that GERALD FORD as Vice President of the United States will go a long way to help heal the divisions which have been plaguing our country. I will be proud to cast my vote for the confirmation of this intelligent, sensitive man of integrity—for our respected minority leader, GERALD FORD.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. BIESTER).

Mr. BIESTER. Mr. Chairman, I rise in support of the nomination of GERALD R. FORD as Vice President of the United States.

Mr. Chairman, on this unprecedented occasion, it is with a great deal of personal as well as institutional pride and satisfaction that we in the House give approval to our distinguished colleague and good friend, GERALD FORD, to be Vice President of the United States.

Upon his election as minority leader in 1965, JERRY took resolute command of a dispirited and diminished Republican House membership. He dedicated himself to building a constructive opposition, offering positive proposals and alternative solutions to Democratic policies. While this position of leadership understandably identified him as a partisan figure, his actions have proven that his leadership position has not been allowed to interfere with the accommodating spirit which has characterized his approach to this responsibility. I am optimistic and encouraged by the prospects which lie ahead in a closer and more cooperative relationship between the executive and legislative branches.

JERRY has been an unfailing public servant, and he will add immeasureably to our National Government during these unsettling times. His openness and genuine devotion to restoring confidence to a dispirited Nation could never be more timely. President Nixon has made a wise choice, and the confirmation proceedings of the past several weeks have underscored the perspicacity of his selection.

The Republican Party called on JERRY FORD in 1965 to lead his party back from electoral defeat and legislative impotence. He responded to that challenge with skill and distinction.

Now, the country calls on JERRY FORD. He is very much a man on the spot, but JERRY has been there before. And as before, I have the greatest confidence that he will meet this challenge with the honesty and openness which has characterized his entire career.

Mr. Chairman, although I am speaking personally I am certain our colleagues would concur in stating that JERRY is taking with him our hopes and aspirations for a renewed spirit of trust and faith in a government, and in this endeavor we wish him our very best.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas (Mr. SEBELIUS).

Mr. SEBELIUS. Mr. Chairman, when President Nixon nominated Congressman JERRY FORD to be Vice President, I said in a newsletter to citizens in the First Congressional District of Kansas that JERRY FORD was an expert at getting along with people and in bringing folks of different views together in a compromise position. Most important, I stressed the fact that JERRY FORD knows how to make government work for people.

At this very difficult time in our Nation's history we need a man of integrity and a man whose experience will enable all of us to work together to make government a partnership with the people. The scrutiny of Congressman GERALD FORD by his colleagues was unprecedented. The result of this scrutiny is that the American people can put their faith and trust in a man who has been in politics most of his life and, without question, a decent, honorable, and just man.

I have had the privilege of serving in this House only 5 years. During that period I voted three times for JERRY FORD to be Speaker of the House. It is with a sense of humility and pride that I have the opportunity to join my colleagues, on both sides of the aisle, to elevate GERALD FORD to the high office of Vice President of the United States. He has been a great minority leader and he will be an even greater Vice President. It is a great honor to get to vote for him today.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia (Mr. WHITEHURST).

Mr. WHITEHURST. Mr. Chairman, I rise in support of the nomination of GERALD R. FORD as Vice President of the United States.

Mr. Chairman, it is a pleasure for me to rise in support of GERALD R. FORD for the office of Vice President of the United States.

In the 5 years that I have been a Member of this body, no one has impressed me more by his integrity or dedication to duty than JERRY FORD. His sense of fair play and his consideration for his colleagues on both sides of the aisle have won him recognition for his leadership qualities.

The exhaustive investigation undertaken into his background reflects a record of honesty and achievement that all of us could aspire to. Mr. FORD was one of the choices I listed in the proposed names submitted to the President, and I feel that he has those characteristics that all Americans prize in those they choose to lead them.

I urge my colleagues to join me in voting for his confirmation.

Mr. HUTCHINSON. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. KEATING).

Mr. KEATING. Mr. Chairman, as a member of the committee that favorably reported the nomination of GERALD R. FORD as the next Vice President and as a friend and colleague of Mr. FORD, I wish to share with the House my firm convictions concerning this nomination.

First, Mr. FORD is an honest man. That statement allows no contradiction and rests on the solid foundation of the most intensive investigation ever centered on one individual. Literally hundreds of people have delved into every aspect of Mr. FORD'S political, economic, and personal past. FBI agents, Judiciary Committee personnel of both bodies of Congress, media representatives, and interested parties of all description have sought to uncover some taint that would or should despoil his opportunity to serve as this country's second highest executive officer.

Not only were no skeletons found in Mr. FORD'S closet, but no trace of bones or even dust could be located by any of the investigators. The thoroughness of this inquiry is beyond question.

The exercise of our authority under the 25th amendment in these proceedings called for our careful attention and thoughtful deliberation. We are approving a candidate for an elective office in lieu of the people's approval ordinarily given by ballot.

Because this was the first time such proceedings have been necessary and because of the temper of the times, Mr. FORD was subjected to an inquisition that only a good man could survive and only a great man would endure. But the people that he will serve need and have a right to know if he is a man of integrity. The answer is unequivocal—yes he is. You can trust JERRY FORD.

Second, Mr. FORD'S qualifications to serve as Vice President are outstanding. In the past, as many of my colleagues are aware, the Vice-Presidency has not always received the attention and appreciation that is being demonstrated today.

One of President Roosevelt's Vice Presidents remarked that the Vice President was the spare tire on the automobile of government. Other figures have showered equally disparaging abuse on the office. One of the characteristics of the last Presidential election for the other party was the plethora of candidates who were offered but refused to assume the mantle of candidacy for the Vice-Presidency.

It seems ironic that now the office maintains an aura of responsibility that only an individual with Socrates' wisdom, Caesar's courage, and Mark Anthony's eloquence can fulfill.

Even if these prerequisites, however, are vital, Mr. FORD comes closer to qualifying than any other individual I know. I do not intend to elaborate on each of the areas where JERRY FORD has already demonstrated his excellence. His competence in the field of foreign affairs and his expertise in the defense posture of the United States are well known to all of us who have worked with him.

What may not be universally known is his dedicated attitude and his attention to the details of the legislative process over the last 25 years. Mr. FORD has not won the respect and admiration of his colleagues on both sides of the aisle—he has earned it by his consistency in achieving meaningful legislative results in a cooperative manner.

Mr. FORD treats individuals with respect and he has subsequently earned the respect and friendship in Congress that enables him to be an effective leader. He has repeatedly demonstrated his ability to coordinate different factions and unite different individuals with a common purpose to accomplish a goal. As Vice President, Mr. FORD will be able to continue to demonstrate his excellence as a leader.

Finally, I would like to emphasize my belief that the country today needs Mr. FORD as the second highest ranking public servant in this country.

It is no secret that the President is experiencing very great difficulties in the wake of Watergate. People throughout the land are lacking confidence in Government and all public officials. Clearly what is needed is strong and reliable leadership on the part of Government officials coupled with a restored sense of trust and belief on the part of our citizens.

Mr. FORD will be a tremendous asset to the executive leadership of this land because he will demonstrate to the people that he is a strong leader of absolute integrity.

There is no doubt in my mind that he will be able to help coordinate administration efforts with legislative initiatives here in Congress to provide positive action.

More importantly, Mr. FORD can go to the people, place his trust in them, and receive their trust.

Our Republic has suffered some severe shocks in recent months. The nomination and approval of Mr. FORD may prove the turning point where once again the country can move on and the Federal Government can be about the business of the people.

I urge the approval of Mr. FORD'S nomination.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. CHAPPELL).

Mr. CHAPPELL. Mr. Chairman, today is a historic occasion in the House of Representatives. For the first time in our Nation's history, the selection of Vice President of the United States is being confirmed by the Congress.

Those of us who know GERALD FORD admire and trust him. His fairness and hard work during his 25 years in the Congress have earned him the respect of us all.

Committees in the Senate and the House have conducted thorough investigations into his background, probably the most complete hearings ever held on an

official. The committees have recommended his confirmation and I hereby offer my full support.

Mr. Chairman, I know the overwhelming majority of my colleagues join in pledging our cooperation to GERALD FORD and wish for him a successful Vice-Presidency.

I urge the adoption of the resolution.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Oklahoma (Mr. STEED).

Mr. STEED. Mr. Chairman, I met JERRY FORD for the first time when I stood on the floor of this House on January 3, 1949, as a fellow classmate for the 81st Congress while our first oath as Members was administered.

During the years that have followed I have come to know him as a warm friend, an excellent lawmaker, an honorable partisan and a dedicated American. There are only 12 of us remaining from this 81st Congress freshman class of more than 80.

I vote for his confirmation as Vice President today with a firm conviction that he will perform these new duties with the same steady, creditable, and effective way in which he has performed in this House as the minority leader and Member. I join with my colleagues in wishing him well in his new endeavor. Our country needs his best effort and I am certain he will give full measure to the challenge.

Mr. RODINO. Mr. Chairman, I yield 3 minutes to the distinguished chairman of the Committee on Armed Services, the gentleman from Louisiana (Mr. HÉBERT).

Mr. HÉBERT. Mr. Chairman and members of the committee, in this body today there are only five Members who have seen more Members come and go than I have. I have seen Members serve a short time. I have seen Members serve a long time.

I can well remember the day that JERRY FORD first came to this body 25 years ago. I have had the opportunity to observe him as one of the leaders of his party. I have seen him rise to the top of that leadership and maintain it. I have seen him demonstrate in every manner, shape, and form that he has the ability, the diligence, the integrity, and the dedication to carry out any duty ever assigned to him.

I have heard much discussion in the well today of reasons, philosophies, causes, and misunderstandings. I can well understand and respect these opinions and these thoughts. Certainly if I were to go to the districts of many of those who stood in this well today, I could not be elected. By the same token, if they came to my district they could not get elected, either.

So my responsibility as I assume it—and as I think it should be discharged by the Members of this House—is in the representation that we give the people who send us here. This is a representative form of government, and you represent that which your people believe. And so, in casting my vote today for JERRY FORD with enthusiasm, and understandable enthusiasm, I believe I am doing what the majority of my constituents would want me to do.

JERRY FORD has been a very close friend of those of us from Louisiana throughout the years.

A typical example is the very distinguished chairman of the Committee on the Judiciary, whom I compliment on the very splendid presentation he made here as chairman of that committee, and then spoke his own personal views. I believe it is something that the gentleman should be highly complimented on. If the gentleman was not sitting there now, and if Edwin Willis of Louisiana had lived and was in this House today, Ed Willis would be sitting in the gentleman's chair as chairman of the Committee on the Judiciary. He would have rendered the same type of report as the gentleman did, except that when he came to the end, Ed Willis would have told the Members that he was one of JERRY FORD's best friends. So this just shows that there are personalities involved. It depends on who is talking.

Last year when we decided to send the majority leader from Louisiana, the late Honorable Hale Boggs, and the minority leader, JERRY FORD, to China, there was another example of the closeness that JERRY FORD has always had with our Louisiana people.

Mrs. BOGGS. Mr. Chairman, will the gentleman yield?

Mr. HÉBERT. I am delighted to yield to the gentlewoman from Louisiana (Mrs. BOGGS).

Mrs. BOGGS. Mr. Chairman, I thank the gentleman from Louisiana for yielding to me.

Mr. Chairman, I had the opportunity of knowing first hand the performance of JERRY FORD, when he and Hale represented this distinguished body on that mission to the People's Republic of China. It was a sensitive diplomatic assignment, which JERRY FORD met with excellence and grace, and in which he was ably assisted by his wife, Betty.

I shall support the nomination of Mr. FORD.

Mr. HÉBERT. I thank my colleague, the gentlewoman from Louisiana.

Mr. Chairman, may I say this in conclusion. There is nothing more that I can add or nothing more that I can detract. The Members have heard some beautiful records spoken here today, and they will read more beautiful records tomorrow when they get the extensions of remarks that have been well prepared by both sides.

All I can say is that I am the only Member of this body who has served with three Presidents of the United States on committees in the House, so I think I know men. I know the attitudes of people. In that spirit and in that understanding, and in the discharge of our own responsibilities, let us not be swayed by these herrings that are dragged across trails, these false issues—if we want to call them issues.

We are speaking of a man, that man's ability, that man's courage, that man's experience, that man's confidence engendered in the people who serve with him. He comes from the other side of the aisle than that from which I come. I shall support GERALD FORD, again I say, with enthusiasm.

Mr. HUTCHINSON. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. MARAZITI).

Mr. MARAZITI. Mr. Chairman, I rise to support the confirmation of Mr. FORD.

As a member of the House Judiciary Committee, I have had the opportunity to observe the testimony and demeanor of Vice-President-designate GERALD R. FORD.

He has spent considerable time before the committee—he was examined, cross-examined and reexamined.

I was impressed by his full, frank, and revealing answers to a multitude of questions on a wide range of subjects.

His calm and deliberate conduct under constant fire is another substantial reason for his confirmation as Vice President.

In my opinion he is the type of official America is looking for.

I know enough about GERALD FORD, and have heard enough to form a firm opinion that he will make one of the finest Vice Presidents in the history of this Nation.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina (Mr. YOUNG).

Mr. YOUNG of South Carolina. Mr. Chairman, as a freshman Congressman, I appreciate this opportunity of being allowed to express my feelings concerning JERRY FORD. As a freshman, there was a question in my mind as to whether or not I would have access to this distinguished leader in the Congress. We made plans to come to Washington in December of 1972, and received an appointment with JERRY FORD. On meeting this gentleman, I felt a warmth and sincerity. We sat down and I talked and he listened intently. On this occasion, I told him of my concern about being appointed to the Agriculture Committee. One of the reasons I felt so strongly about this was that my opponent during my campaign had said that I could not get on this committee. Mr. FORD understood the situation and assured me he would do the best he could although he did not have the final word. At this time, I appreciated his forthrightness. Later, on the floor of the House, debate was going on concerning disaster loans under Farmers Home Administration. It was my feeling that the full facts were not being brought out concerning this problem. I related this to the minority leader. Even though I was a freshman, he insisted that I take the well of the House to express my position.

Later, as we met on the floor of the House, he asked me if I still wanted to be placed on the Merchant Marine and Fisheries Committee. I told him that we had 60 miles of coastline in my district, and I felt this would be a valuable service in my district. His answer was, "I believe we should show the people of the South that we can get one of their Congressmen on two committees."

My impressions are that this man will listen, he will understand, he will have determination, he will have the strength that the Vice President of the United States should have. Therefore, today, it

gives me a great deal of pride to vote for a man well qualified to be Vice President of the United States.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. COLLIER).

Mr. COLLIER. Mr. Chairman, this is a great and historic day for this legislative body, but, more importantly, for our Nation. With the confirmation of GERALD R. FORD as Vice President of the United States, we will be placing in the second highest executive position in this land a man who has the experience, knowledge, disposition, and integrity the American people want in Government leadership.

There is no need to review Mr. FORD's biographical data because it is so well known to all of us after his 25 years as a Member of the House of Representatives.

I would be remiss as one Member if I did not reflect on my own personal association with him and express my great enthusiasm for the manner in which he has conducted himself in positions of leadership and in dealing with the most difficult and sensitive situations which our country has faced in the past two decades. I have had the high honor and privilege of serving with him for 17 years and can best describe him as a human Rock of Gibraltar in standing foursquare for those things that are basic to our American way of life.

He is a man who is widely known as a man "whose word is his bond." Always levelheaded, he has displayed a unique ability to reason logically with his adversaries rather than react in an intolerant or emotional manner. At this particular time in our history, it is consoling to know that we have a man second in command who has a great capacity for work and extensive knowledge of the legislative process. To me, this means that the growing breach between the executive and legislative branches of Government can be surmounted through a mutual understanding and mutual respect for the constitutional prerogatives of each.

GERALD R. FORD will make a great Vice President for all of these reasons and, beyond that, because he is a great American.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. BURGENER).

Mr. BURGENER. Mr. Chairman, on this historic occasion, the first confirmation of a Presidential nominee to become Vice President of the United States of America, I rise in enthusiastic and unqualified support of Mr. GERALD R. FORD of Michigan to be confirmed for this high office.

I believe his own words best explain why his nomination and confirmation offer hope for the future of our Nation. I quote Mr. FORD from his testimony before the Senate Committee on Rules and Administration during the recent hearings on the appointment:

> I believe I can be a ready conciliator and calm communicator between the White House and Capitol Hill, between the reelection mandate of the Republican President and the equally emphatic mandate of the Democratic 93rd Congress.

Probably never before in our history have the problems that face us as a nation been more numerous. I submit that never before in our history has there been a greater need for continuing, meaningful, and open communication between the executive branch of the Government and the legislative branch.

Carefully considered compromise should be the order of the day. It is because of this great need that I believe that GERALD R. FORD is probably the most uniquely qualified American to forge this essential communication link.

Indeed, the position is much more than that. It demands a person of unquestioned integrity, of broad governmental experience and with the capacity, the wisdom, and the judgment to lead this Nation as its President should that ever become necessary.

I say then, in conclusion, Mr. Chairman, this is a good day for America, a day of promise for better days ahead for all of our citizens.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado (Mr. JOHNSON).

Mr. JOHNSON of Colorado. Mr. Chairman, when the President requested that we submit names to him of individuals to fill the Office of Vice President, I submitted the name of GERALD FORD. I did that recognizing that Mr. FORD might one day be President.

If he does become President, he will bring to that Office certain characteristics which we need. During my lifetime, the office of the Presidency has taken on the trapping of monarchy. Mr. FORD has an openness and candor, a personal humility if you will, that is desperately needed in the Presidency. The adulation and praise we render our President, the obsequisousness with which we approach him will not turn the head of this very human individual.

No one can ever say in advance how an individual will respond to the pressures of the Office. But I have confidence that if he ever does occupy the highest Office in the land, he will fulfill his obligations honorably and well.

Mr. Chairman, Mr. FORD spends part of the year in my district. I have jokingly told him in the past that I am glad to be his Congressman. Now I can say in all seriousness, I am proud that he will be my Vice President.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Chairman, I rise today in support of the confirmation by this body of the nomination of GERALD R. FORD to the Vice Presidency of the United States.

During the course of 15 years in the House of Representatives, I have had an opportunity to assess the character and capabilities of JERRY FORD.

I believe that he is unquestionably equipped to handle the responsibilities of the office of the Vice President. He is a man of the highest moral character, integrity, and human decency. He has distinguished himself both in the Congress and elsewhere as even a casual reading of his biography reveals.

Mr. FORD's distinguished legislative career spans 25 years in the House, and his performance here has earned him a reputation for competence. He has retained the good will and friendship of Members on both sides of the aisle, which, in and of itself, is a testimony to his ability to be a unifying force in the office for which he is being considered.

More than that, he has been an effective leader of the minority party since he was elected to that position during the 89th Congress. The stability and forcefulness of his leadership is now an established fact.

I have found him to be a considerate man, and one whose friendship has been a source of strength to me over the years. It has been a friendship which has withstood the occasional strain of conflicting opinions. Our voting records have been at variance more than once, but despite differences on particular issues and on ideology that inevitably arise, our association has been marked by civility, warmth, and productive cooperation.

That is my personal evaluation of the advisability of confirming Mr. FORD to the Vice-Presidency. To that is added the collective judgment of the Committee on the Judiciary. The report of the committee on GERALD FORD's confirmation found him fit and qualified to hold the high office for which he has been nominated.

This report is the result of one of the most thorough perusals of a man's activities ever conducted. The nominee was scrutinized by the committee in close cooperation with the Federal Bureau of Investigation, the General Accounting Office, the Internal Revenue Service, the Library of Congress, and other public and private organizations. "Not one public day, not one issue, nor one vote, nor one statement went unexamined by the committee staff in the course of its research," this report tells us, and yet, Mr. FORD's character has emerged from this investigation unblemished. At this time in our history I think that this is extremely gratifying. Confidence in the leadership of the Nation must be restored. It is GERALD R. FORD's tremendous capacity for leadership, which he has so admirably demonstrated within the House, that best qualifies him for the Vice Presidency or, for that matter, the Presidency, should the need arise.

It was Harry S. Truman, a man with whom I find JERRY FORD in many ways comparable, who said: "We must build a new world, a far better world—one in which the eternal dignity of man is respected." JERRY FORD is capable of carrying that project forward.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts (Mr. CRONIN).

Mr. CRONIN. Mr. Chairman, I first knew Congressman GERALD FORD when I was a member of the staff of former Congressman Brad Morse. I had the opportunity to work with Mr. FORD on many occasions, both here in Washington and in my district in Massachusetts. As a re-

sult of this past association, when I came to Washington as a Congressman, he took me under his wing and gave me a great deal of valuable advice and help, especially in the early weeks of the session. GERRY was particularly helpful in assisting me in making my choices for committee assignments, and in assisting me to fulfill these choices.

GERRY FORD has continued to be a strong and good friend and has shown the kind of leadership we need not only on the Republican side, but in the entire House. Although we have not always agreed on votes, our friendship has remained firm. I have learned a valuable lesson from Mr. FORD—that the finest quality of leadership is the ability to disagree without being disagreeable. My respect for this quality has done much to strengthen our friendship on a professional level.

I am particularly pleased to cast my vote for Congressman FORD today. Although I realize that he will be a loss to Congress, I am convinced that GERALD FORD is the kind of individual that the country needs right now as Vice President. His absolute familiarity with the legislative process will be a valuable asset to the Executive. His concern for bringing the country together, particularly after a period of so much stress, will help the Executive in its development of legislation and present legislative packages that the Congress will be able to enact practically.

The nomination of GERALD FORD is a positive step ahead for the country and is further indicative of Congress concern to lead the country through the period of adjustment in the weeks ahead. It is time to get the energy to heat our homes, to solve the problems in foreign affairs, to stabilize our economy and to get this country moving again. FORD has the unique ability in his position to initiate this activity. He will surely be an asset to the executive branch and a friend of Congress as well.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Kansas (Mr. WINN).

(Mr. WINN asked and was given permission to revise and extend his remarks.)

Mr. WINN. Mr. Chairman, I too, want to endorse the nomination of the Honorable GERALD R. FORD as Vice President of the United States.

There is little more remaining to be said about the fine qualities of GERALD FORD. The thorough search of his background, his finances, his personal habits, and his political philosophy by the House Judiciary Committee—and by the Federal Bureau of Investigation for that matter—only gives additional strength to those arguments put forth by those of us who support GERALD FORD'S nomination.

It is with great enthusiasm that I will vote for GERRY FORD'S nomination on this floor today.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan (Mr. BROOMFIELD).

Mr. BROOMFIELD. Mr. Chairman, as the old saying goes, character is a victory, not a gift. That being true, JERRY FORD'S public and private life is a victory for honesty, integrity, and forthright courage.

It is a privilege to stand today to speak in behalf of the nomination of GERALD R. FORD as the 40th Vice President of the United States. Here is a dedicated man, a man who has devoted his life to his country and public service. Here is a man the Nation needs.

With public confidence in elected officials and Government at a low ebb, JERRY FORD brings to the second highest office in the land the refreshing honesty and candor which we so desperately need.

As a fellow Michigan native and a personal friend, I never had any doubts as to the Vice-President-designate's capability or character. Indeed, no Member of Congress, on either side of the aisle, can feel differently.

Nevertheless, upon his nomination the FBI launched the most exhaustive and detailed investigation of the public and private life of any public appointee. There followed televised hearings before the Senate Rules Committee in which before the entire Nation JERRY FORD submitted to unlimited questioning of his past.

Mr. Chairman, I do not doubt that JERRY FORD openly welcomed, and, indeed, thoroughly enjoyed that examination. Because the confirmation hearings were televised, the American public had the opportunity to witness for themselves the quality and character of this man. JERRY FORD, through the example of his own record of 25 years of public service, was a tonic for the credibility of elected officials and our Government.

Not only did he fully cooperate with the congressional committees vested with the responsibility to confirm his nomination, he bent over backward to voluntarily provide any information requested or needed. An honest man has nothing to hide and JERRY FORD hid nothing.

It is ironic, Mr. Chairman, that in the rush to assure the impeccable character of this man, that little attention has been focused upon the fact that JERRY FORD is overwhelmingly qualified to assume this critical and difficult office.

I suspect that the reason is that hardly anyone who knows JERRY FORD could seriously even question the leadership, the experience, and the capability of JERRY FORD to fill an office which is but a heartbeat from the Presidency.

Certainly, no one who has seen him day in and day out for the last 9 years as minority leader, shaping and guiding legislation through the Congress, would ever think to question it. Members on both sides of the aisle know that JERRY FORD has been an innovator, a conciliator, and a guiding force in the formulation of America's domestic and foreign policies.

It is no secret that the House of Representatives will sorely miss his advice and experience. We of the Michigan delegation who have had the privilege to work side by side with him will feel that loss even more deeply.

But, we temper that regret with the knowledge that JERRY goes today to meet an even greater responsibility for his country.

Then, too, as Vice President he will serve as a valuable link between the executive and legislative branches. His deep and abiding respect for Congress will serve our country in good stead in the months ahead as we seek to close ranks and move together to confront and resolve the pressing problems of today. I know how JERRY FORD feels about Congress. I know he sees among his highest priorities the task of bringing this Government back together and then to proceed with all possible dispatch to meet the challenges which await us.

How will he do this? Well, I believe JERRY FORD revealed that himself; when he opened his testimony before the Senate Rules Committee he said:

> Truth is the glue which holds government together. Compromise is the oil that makes government work.

Mr. Chairman, we are fortunate to have a man like JERRY FORD available to fill the mandate of the 25th amendment of the Constitution. It is an honor to urge the House to accept his nomination.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida (Mr. BURKE).

Mr. BURKE of Florida. Mr. Chairman, not too long ago, at the White House, I had one of the really great political thrills of my life, when the President announced that GERALD R. FORD was his nominee to succeed Spiro Agnew as Vice President of the United States.

Why was I thrilled by this announcement? Simply because I knew that the President had selected one of our country's most outstanding men. He had selected a man of outstanding courage, ability, leadership, and integrity. He had selected a man well qualified to serve as President of our great country should the circumstances of fate tap him on the shoulder to so serve.

GERALD R. FORD understands the problems that face the American people today. He is well respected by most of us who serve in this Congress. I know of his dedicated service and his willingness to help others first hand. He is no god; nor do I feel that he could under any circumstances heal all of our ills, but GERALD R. FORD is a good man—an honest man.

Almost 8 years ago when I first came to the Congress, it was he that first communicated with me to offer his help and advice. He came to my district shortly thereafter, at my request, as principal speaker at a fund raising dinner, to help me raise funds to pay off my campaign deficit. Since then he has always been available.

There may be some of my colleagues who disagree with some of the votes he cast during his more than 20 years as a Congressman. But then who decides who is the perfect Congressman or that there is one of us who votes perfect for all the people at all times? One thing I do know, and that is that whenever GERALD R. FORD cast his vote on any issue, he did so honestly, and with the conviction that his vote at the time was in line with what he believed was in the interests of the people of his district.

I am proud to be able to vote to confirm the nomination of JERRY FORD for

the office of Vice President of the United States. I have been proud to serve in the House with him. I do not hesitate to say that I will vote for him for the reason that it is my firm conviction that he will ably perform his duties, because he is well qualified to perform them. He is an able American and fully understands the possibly awesome tasks before him. He will work hard and faithfully to make Americans proud of the action we will take today in casting our vote confirming him. I wish you well, my friend. May God bless your future endeavors.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. WHALEN).

Mr. WHALEN. Mr. Chairman, when President Nixon announced the selection of our colleague, the gentleman from Michigan (Mr. GERALD R. FORD), to fill the vacancy in the office of the Vice Presidency, I was among those present at the White House.

I was delighted with the choice, as virtually all of those who know JERRY FORD were. He is first and foremost a man of unquestioned honesty and integrity, qualities which are essential if the confidence of the public is to be recovered and maintained. In my four terms as a Member of Congress, I have had differences with the minority leader. But in no instance has there ever been even a shadow of vindictiveness on JERRY's part. On the contrary, he has been consistently a man of his word, a fact well known to Members of this body.

Moreover, our colleague is without question one of the most experienced individuals in the Congress, one who understands the myriad aspects of how this complex institution functions. His great capability in this respect will be of inestimable value both to him and the administration during the next 3 years. He has total credibility here and he knows how to use it.

I believe also, Mr. Chairman, that our friend has a great understanding of the country and its needs. As the minority leader, he traveled extensively to every corner of the Nation, speaking and meeting the people. He thus has gained a frame of reference not normally available to most Members of Congress whose opportunities for visits to constituencies other than their own are not nearly so extensive.

Finally, JERRY FORD is a man of commitment. Having been in the service of the Nation as a Congressman for almost a quarter of a century, concern for the development of a better America has become a way of life for him.

All of these assets and many more certainly would serve him in good stead should he ever have to accede to the office of the Presidency. I have tremendous confidence in my good friend, with whom it has been a privilege and an honor to serve in this House. I express to him my heartfelt best wishes as he embarks upon his new responsibilities.

Mr. RODINO. Mr. Chairman, I yield 6 minutes to the gentleman from California (Mr. DANIELSON).

Mr. DANIELSON. Mr. Chairman, our session today is one of first impression. We are here to confirm or not to confirm the President's nominee for Vice President of the United States pursuant to the terms of the new 25th amendment to the Constitution.

There has been much discussion as to whether the President's nominee, our colleague GERALD R. FORD, should in fact be confirmed. The answer to that question I submit lies in our perception of just what is the role of the House of Representatives under the 25th amendment.

As a Democrat it is understandable that I would prefer a member of my own party to hold the high office of Vice President, particularly since it is my firm opinion that he will soon become the President of the United States. I do not agree in many respects with GERALD R. FORD's political philosophy and I certainly do not agree with his entire voting record. Yet the entire context of the 25th amendment makes it clear that the President, and only the President, has the power and right to nominate the Vice President, and it would be inexcusable, wishful thinking, if not dreaming, for me to expect him to appoint anyone other than one of the leaders of his own party.

Clearly GERALD FORD fits that description.

As a member of the Judiciary Committee I worked long and hard in studying the background of GERALD FORD for the office of Vice President. There was nothing that developed in that study which would disqualify him from the pending confirmation. He is a man who has a long and distinguished career in public service. He has passed the acid test of 25 years of election to public office and 8 years as a leader of his party in the Congress.

Moreover he will bring to the administration something which is badly needed, namely credibility and candor.

These are in my opinion, good, sound and compelling reasons why I should, and I shall, vote for the confirmation.

We need ask this question: Are we seeking a Messiah to bring about a utopia, the Biblical millennium, or are we seeking a real person to be a real Vice President or President, to serve our country in the real world?

If it is the former, we shall never succeed.

If it is the latter, I think that we have now as good a nominee as we can expect our President to make.

The question has been raised as to whether or not GERALD R. FORD, a Member of Congress, is barred from holding the office of Vice President of the United States by the provisions of article I, section 6, clause 2, of the Constitution known as the Emoluments Clause. That section reads as follows:

> No Senator or Representative shall, during the Time for which he was elected, be appointed to any Civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time.

I respectfully submit that GERALD FORD is not barred, by that clause, from holding the Office of the Vice President, since the Office of Vice President is not a "civil office" within the meaning of the "emoluments clause." When one considers the manner in which the terms "civil office" and "civil officer" are used in the other parts of the Constitution, it becomes evident that a "civil office" within that meaning is an office other than one created by the Constitution, and of course the office of the Vice President is an office created by the Constitution.

Article II of the Constitution, which delineates the Executive power of our country, the powers and duties of the President. Article II, section 2, clause 2 deals with the nomination and appointment of officers of the United States and provides that the President:

> Shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Court of Law, or in the Heads of Departments.

It is clear from this clause that the term "Officers of the United States" applies only to those officers nominated and appointed by the President with the advice and consent of the Senate, or those appointed otherwise pursuant to authority granted by laws enacted by the Congress.

The office of Vice President is not included among these, since the Vice President is elected, rather than nominated and appointed.

Article II, section 3, provides for the commissioning by the President of officers of the United States, and it reads in part:

> Article II, section 3: (The President) ". . . shall Commission all the Officers of the United States."

Clearly the Vice President of the United States need not be commissioned by the President and never has required such a commission. He derives his office and his authority from the electorate.

Prior to ratification of the 25th amendment, all Vice Presidents were elected. Pursuant to the 25th amendment, in the unique situation which is before us today as a matter of first impression, a proposed Vice President is nominated by the President and shall take office upon confirmation by a majority vote of both Houses of Congress. This does not require a commission to be issued by the President. Further, it requires a "confirming vote" of both Houses of Congress, rather than merely the advice and consent of the Senate.

Again, article II, section 4 of the Constitution, which relates to the subject of impeachment, provides:

> Article II, section 4: The President, Vice President, and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of Treason, Bribery, or other high Crimes and Misdemeanors.

Here again the language clearly distinguishes between the President and Vice President, on the one hand, and "all civil officers" on the other hand. These offices are stated in the disjunctive. It is clear that the term "civil officers" was intended to denote a different class of

officers than were the terms "President" and "Vice President." If no distinction were intended, there would have been no need for the Founding Fathers to refer to the President, the Vice President, and all civil officers. The term "civil officers," alone, would have sufficed. I therefore respectfully submit that the "Emoluments Clause", appearing in article II, section 6 of the Constitution, does not bar GERALD FORD from holding the office of the Vice President.

On another note, I question whether a change in potential retirement benefits would be an emolument within the meaning of article I, section 6, clause 2. Black's Law Dictionary defines "emolument" as:

> The profit arising from office or employment; that which is received as a compensation for services, or which is annexed to the possession of office as salary, fees, and perquisites; advantage, gain, public or private.

I submit that an increase in potential retirement benefits is not an emolument, in that the potential retiree, GERALD FORD in this case, even if he is confirmed, does not have a vested right in his civil service retirement benefits. He has only an inchoate right, which cannot and does not vest until he meets all of the conditions necessary to qualify for the benefits. If he should die in office he would not ever have had any right to civil service retirement benefits. The same would be true if he should fail to qualify fully for those benefits for any other reason.

Mr. HUTCHINSON. Mr. Chairman, in the debate on the rule, the gentleman from Illinois (Mr. MCCLORY) made the point that the emoluments clause of section 6, article I, was never intended to apply to the office of the Vice Presidency and that nothing in the language or the legislative history of the 25th amendment speaks to the contrary. However, no Member of this chamber should ever, no Member of this Chamber should assume that Public Law 93–136, which liberalizes eligibility for cost-of-living increases in civil service retirement annuities, is an increase in the "emoluments" of the office of the Vice President. For under Public Law 93–136 it is most uncertain whether there is, or ever will be, any additional benefit conferred on the holder of the office. The law provides for an alternative computation which only in some situations will produce an additional benefit.

This case is similar to that of Mr. Justice Black who, as Senator, was appointed to the Supreme Court. Although during his term as Senator, the retirement benefits of Supreme Court Justices had been increased, it was successfully argued that the uncertainty of the future benefit removed it from the emoluments clause.

More recently, in 1969, Congressman Laird was appointed Secretary of Defense, an office whose salary had been increased subject to congressional veto. Then Attorney General Ramsey Clark issued an opinion that the salary was not increased until such time that Congress had lost its power to reduce it. If that argument was valid then, it is valid now. For it is even less certain that the benefit of JERRY FORD's case will be enjoyed than it was in Mel Laird's case.

These precedents are treated more fully in a letter to me from Robert G. Dixon, Jr., Assistant Attorney General, Office of Legal Counsel. Pursuant to authority already obtained, I include it in the RECORD at this point:

DEPARTMENT OF JUSTICE,
Washington, D.C., Dec. 4, 1973.

HON. EDWARD HUTCHINSON,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN HUTCHINSON: We have been asked to express our views on the effect of a possible increase in civil service retirement annuity under Public Law 93–136 on the nomination of Congressman Gerald R. Ford as Vice President. This letter sets forth our views, and the letter is being sent concurrently to Chairman Rodino.

A statute enacted during the current session of Congress, Public Law 93–136, liberalizes eligibility for cost-of-living increases in civil service retirement annuities. The Vice President is a participant in the civil service retirement program. 5 U.S.C. 8331(2) and 2106. The question has been raised whether in view of Article I, § 6, clause 2 of the Constitution, enactment of the foregoing statute is an impediment to Mr. Ford's eligibility to become Vice President pursuant to the 25th Amendment.

Analysis of the question leads to the following conclusions: (1) the emoluments provision of Article I does not apply to the office of Vice President and (2) in any event, because of the contingent nature of any possible benefit to Mr. Ford by virtue of Public Law 93–136, that law has not increased the emoluments of the office of Vice President.

1. The 1973 Act.

Prior to enactment of Public Law 93–136, eligibility for cost-of-living increases in civil service retirement annuities was limited to persons who retired *before* the effective date of the increase. The effect of the new statute is to make it possible for a person retiring after the date of an increase. However, this result is clearly not automatic. For example, in the case of an employee who retires six months after the date of an increase, the additional longevity (six months) might cause a greater increase in his annuity than would receipt of the cost-of-living increase. In such a case, the annuity would be based upon longevity and Public Law 93–136 plainly would not affect the size of the annuity.

2. The meaning of Article I, § 6, clause 2.

Article I, § 6, clause 2, provides, in part, as follows:

"No Senator or Representative shall, during the Time for which he was elected, be appointed to any Civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time;"

There are several grounds for the conclusion that the above constitutional provision does not apply to Mr. Ford.

First, the office of Vice President is not a "civil office" within the meaning of Article I, § 6, clause 2. It can be stated that the term "civil office" refers only to one covered by Article II, § 2, clause 2, *i.e.*, an office filled by appointment by the President, a court or a department head. Cf. *United States* v. *Mouat*, 124 U.S. 303, 307 (1888). See 17 A.G. Ops. 522 (1883).

Under the 25th Amendment, a clearly different process is used—nomination by the President and confirmation by a majority vote of both Houses of Congress. The amendment does not refer to "appointment." It is also proper in construing the emoluments provision to consider other provisions using the terms "appointment" and "civil officer." Article II, § 4, provides for impeachment of the "President, Vice President and all civil officers of the United States." Thus, there is a distinction between "civil officers" and the Vice President. To the extent that the pertinent terms are used elsewhere in the Constitution, they show that Mr. Ford is not being "appointed to a 'civil office'." It follows that no increase in emoluments would be a bar to his eligibility.

3. The contingent nature of the retirement benefits.

It is clear that, unlike a law increasing the salary of the Vice President, Public Law 93–136 did not result in an immediate benefit to the holder of that office.

In 1969, former Attorney General Clark issued an opinion regarding the eligibility of Congressman Laird to be appointed Secretary of Defense. See 42 A.G. Ops. No. 36 (1969). Under a statute enacted during the 91st Congress, an increase in the salary of the Secretary of Defense was possible, but would probably remain uncertain until after Laird's appointment was not prohibited by Article I, § 6, clause 2. He stated:

"It is my view that, notwithstanding submission of any salary increase recommendations in the Budget message, the salaries in question will not "have been increased" within the meaning of the constitutional prohibition so long as Congress may still exercise its power of disapproval."

The present case is analogous. Normally, a Vice President must serve for five years before he would be eligible for civil service retirement benefits. Mr. Ford is in a different position, because of his service as a Member of Congress. It is most unlikely that Public Law 93–136 would work to the benefit of Mr. Ford as Vice President. A cost-of-living increase might occur toward the end of his tenure, if he should retire thereafter and the timing of the increase is such that an annuity reflecting the increase is larger than one based on longevity. The foregoing events are quite uncertain and will no doubt remain uncertain until after the end of the current Congress.

The case of Justice Black furnishes further support for Mr. Ford. Senator Black was appointed to the Supreme Court in 1937. The question of his eligibility for the appointment was raised by reason of the fact that Congress had during his term of office as Senator provided for an improved financial position of Justices retiring at eventy. The appointment was justified on the ground that inasmuch as Mr. Black was only fifty-one years old at the time and thus would be ineligible for any "increased emolument" for nineteen years, it could not be as to him an increased emolument. The situation gave rise to the case of *Ex Parte Levitt*, 302 U.S. 633 (1937), and it is significant that the Supreme Court declined to pass upon the validity of Justice Black's appointment.

On the basis of the foregoing discussion it appears to be plain that the Constitution presents no bar to Congressman Ford's confirmation as Vice President.

Sincerely,

ROBERT G. DIXON, Jr.,
Assistant Attorney General, Office of Legal Counsel.

Mr. HUTCHINSON. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey (Mr. FRELINGHUYSEN).

Mr. FRELINGHUYSEN. Mr. Chairman, when debate began I had no intention of expressing my own views on this resolution. On the same day that Mr. Agnew announced his resignation, I had suggested that GERALD FORD would make an excellent Vice President. Having worked with JERRY FORD for 21 years here in the House, and having known him since our days together at Yale Law School, I knew that he had the essential qualities which a Vice President needs.

I shall vote to confirm Mr. FORD with pride and confidence.

I find myself compelled to speak, Mr. Chairman, primarily to express my shock at the statement of my long-time friend and colleague from New Jersey, Mr. RODINO. As chairman of the House Judiciary Committee Mr. RODINO opened debate with a detailed statement of the thoroughness of the investigation by that committee of Mr. FORD. Mr. RODINO emphasized the unprecedented thoroughness of that investigation. As a result of their efforts, Mr. RODINO continued, Mr. FORD has the qualifications for the position to which he had been nominated. Mr. RODINO then stressed in no uncertain terms his own high personal regard for Mr. FORD, a regard won over a period of shared experiences extending for more than two decades.

The shocking part of Mr. RODINO's statement was the final portion of his remarks. He announced he would vote against Mr. FORD's nomination. He is going to do so, he declared, because of the frustration of his own constituents. He is going to vote against Mr. FORD because in his opinion the Nixon administration has not done enough for urban areas, such as the district which Mr. RODINO represents.

Mr. Chairman, I do not know what specific problems Mr. RODINO may face in his own district, and perhaps he is in need of sympathy. However, I cannot sympathize with an individual who votes against a nominee, whose qualifications he personally has thoroughly explored and finds fully adequate. I doubt if this attempt to placate his constituents, if this is what is sought, will accomplish much. While I fully recognize that Members have different views, certainly it shakes my own confidence in Mr. RODINO's judgment. I personally think Mr. RODINO's decision on this ground is deplorable.

Carried to its logical extreme, any Democrat who disagrees with the approach of a Republican administration, or who criticizes its accomplishments, can feel free to vote against a fully qualified nominee. Should the example of Mr. RODINO be followed, a Democrat-controlled Congress could never confirm any Republican nominee, even a man of Mr. FORD's obvious quality.

Mr. RODINO. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I only wish to say that I shall not indulge in a colloquy with my colleague from New Jersey. I believe each Member must search their own conscience and vote accordingly. If the gentleman from New Jersey (Mr. FRELINGHUYSEN) is not able to distinguish why I shall vote in the way I do, I am afraid that he is unable to understand the words that I have expressed.

Therefore, I shall say no more.

Mr. Chairman, I yield such time as he may consume to the gentleman from Louisiana (Mr. RARICK).

Mr. RARICK. Mr. Chairman, I have known and respected GERALD FORD ever since I came to the House. He is a capable man, an outstanding legislator, and meets every constitutional test for the office of Vice President of the United States. I do, however, feel that there are several things that must be aired.

As you know, Mr. Chairman, this is the first time in our history that a Vice President will be selected without first going to the people. Richard Nixon is a minority party President; however, he has received his mandate from the people. A majority of the American people selected him to serve as their President.

This is something that Mr. FORD will not be able to say. I have no doubt that GERALD FORD will be confirmed; however, he will be confirmed only through the action of a coalition of the Members of the House. We are, in effect, returning to a type of parliamentary democracy similar to that of Canada, Great Britain, West Germany, or prerevolutionary Chile. Mr. FORD's confirmation will serve as a show of confidence in the President and the incumbent administration. For the first time in our history, we are being asked to confirm the nomination of a man from within the minority party representation of this legislative body to be the Vice President of this country, the man who will be but a heartbeat or a resignation from the office of the President of the United States.

If confirmed, Mr. FORD will need support from the legislative bodies because he has never received popular support from the majority of our citizens.

I am also concerned that Mr. FORD's international ties might compromise his position in the operations of this country's foreign policy should he become Vice President or President. We know, for example, that Mr. FORD supported the Atlantic Union Resolution, legislation called for a union of the nations making up the North Atlantic Treaty Organization based on Federal principles.

As you know, Mr. Chairman, this legislation which was contrary to the American system of government did not reach the House floor when the Members voted to defeat the rule calling for its consideration. Debate on this rule brought the fact that the Atlantic Union Resolution, had it been enacted, would have been a major step toward subverting the power of the American people acting through this Congress to control the destiny of the American people.

Furthermore, Mr. Chairman, we are aware that Mr. FORD did in fact attend several meetings of the Bilderberg Group, a secret international association of the rich and super rich including European nobility whose aims do not necessarily coincide with those of the majority of the American people.

Virtually every American is aware of the Watergate affair. Quite a number of them are sick and tired of it. Unfortunately few of those people ever heard of the Bilderberg Group or what they stand for.

Tragically, effects are more newsworthy than causes. I am concerned about this and question if Mr. FORD's friendship with these international king makers will affect his attitude or role in formulating foreign policy for the best interest of the American people should he by chance or circumstances become President of the United States.

These are serious reservations, Mr. Chairman, and having made them I urge all Americans to watch Mr. FORD's actions closely following his confirmation and inauguration.

I recognize that Mr. FORD is a capable man who, except for my stated reservations is well-qualified to be the Vice President of the United States.

Upon Mr. FORD's nomination by the President, I advised my people that since they would not have a direct vote in his selection, to express their wishes to me. My people are from a deep southern State, Mr. FORD is from a north midwestern State—yet their response was overwhelmingly in support of Mr. FORD.

Having made these explanation I will cast my people's vote for Mr. FORD's confirmation. I include correspondence between Mr. FORD and myself:

NOVEMBER 2, 1973.

Hon. GERALD R. FORD,
U.S. Capitol,

DEAR JERRY: It has been brought to my attention that your name has been associated with a group known as the Bilderbergers. This was reported in your biography in *Who's Who in America.* The Bilderbergers, I am given to understand, are a secret or quasi-secret international organization or movement which has been linked with representatives of foreign governments and international people of great wealth and influence, whose aims may or may not coincide with those of the American people.

Inasmuch as President Nixon has nominated you for the office of Vice President of the United States, a decision in which I will be called upon to cast my people's vote, I would greatly appreciate your advising me if you have ever been a member of the Bilderburgers or directly participated in any of their functions.

If your answer is in the affirmative, will you kindly supply me or the committees charged with investigating your qualifications to hold the office of Vice President with a detailed explanation so that the American people can know fully who the Bilderburgers are and what is their goal and mission.

I would greatly appreciate your early reply.

Sincerely,

JOHN R RARICK,
Member of Congress.

OFFICE OF THE MINORITY LEADER,
Washington, D.C., November 10, 1973.

Hon. JOHN R. RARICK,
Longworth House Office Building,
Washington, D.C.

DEAR JOHN: Your letter of November 2 asking my relationship, if any, with the Bilderbergers has been received.

In 1963, as I recall, I was invited by Prince Bernhard of the Netherlands to attend a meeting of the Bilderberg group in Stockholm, Sweden. I accepted for two reasons: First, I was informed that the U.S. delegation included outstanding business and industry leaders from the United States plus a number of high ranking U.S. government or former government officials from our country. I was also informed that the delegation from the other nations would be of similar stature.

Secondly, my Congressional District (Fifth Michigan) at that time had better than 50 percent citizens with a Dutch heritage. Prince Bernhard had visited my District when he came to the United States in 1952. Under these circumstances, a rejection of this invitation from Prince Bernhard would have been most ill-advised and certainly misunderstood by many of my constituents.

In 1964 I attended another Bilderberg meeting for one day at Williamsburg, Virginia. Again the invitation was extended by Prince Bernhard. Although subsequently invited in 1965 I regretted on the basis that

my new duties as Republican House Leader precluded me from being away from the Congress in Washington, D.C., for the three or four days scheduled for the meeting in a European nation. I have received no subsequent invitations after 1965 and, therefore, attended no other meetings of the group. The two meetings that I did attend in 1963 and 1964 I found most interesting. The individuals, in attendance from all nations, represented a cross section of business, labor and government. It was a gathering of individuals with a wide range of political philosophies and, therefore, most challenging.

The agenda covered a myriad of subjects that were of interest to the parties present, all relating to the well-being of the Free World. Everyone had an opportunity to speak freely on each subject and most of those in attendance did. Obviously there were many divergent views.

There was no effort at any time to reach a consensus and a plan of action. No resolutions were approved. No determination was made to implement any program under the sponsorship of the Bilderberg group, most certainly no program was advanced, adopted or endorsed, whose aim could be characterized as not coinciding with the American people.

I hope this information is satisfactory but if you have further questions please call upon me.

Warm personal regards,

GERALD R. FORD,
Member of Congress.

NOVEMBER 28, 1973.

Hon. GERALD R. FORD,
House of Representatives,
Washington, D.C.

DEAR GERRY: In your letter of November 10th, replying to my inquiry as to your participation with the Bilderberg group, you confirmed your attendance at the 1963 meeting in Stockholm, Sweden and the 1964 meeting at Williamsburg, Virginia.

As I recall from our phone conversation you indicated that these two Bilderberg meetings were the only ones you attended. I am enclosing a list of participants in the 1970 Bilderberg meeting at The Hague, Netherlands which lists you as a participant, and also a copy of a biographical sketch from Who's Who in America wherein you are shown as attending the Bilderberg group conference in 1962.

I would greatly appreciate your further comment as to your purported attendance at the 1962 and 1970 Bilderberg meetings.

As I related to you earlier, I will be sooner or later called upon to cast my people's vote on the question of your confirmation as Vice President of the United States. While you assure me that "no program was advanced, adopted or endorsed, whose aim could be characterized as not coinciding with the American people," you still have not told the American people nor me who the Bilderbergers are nor their goals and mission in order that the public might make this determination that the Bilderberg aims may or may not coincide with those of the American people.

I look forward to hearing from you further.

With kindest regards.

Sincerely,

JOHN R. RARICK,
Member of Congress.

Mr. Chairman, to date, a response to this correspondance has not been forthcoming from Mr. FORD.

Mr. RODINO. Mr. Chairman, I yield 4 minutes to the gentleman from Utah (Mr. OWENS).

Mr. OWENS. Mr. Chairman, I rise today in support of the resolution to confirm the nomination of GERALD R. FORD to be Vice President of the United States.

During the course of the hearings by the Judiciary Committee, on which I serve, I was greatly impressed by Mr. FORD's candor and openness. He responded, even to the very personal questions, with direct and concise answers, unusually responsive for a politician. Even after long hours and several days on the witness stand, under questioning by all 38 members of the committee, he maintained his poise, his directness, and his sense of humor. I found his frankness and his candor extremely impressive and these virtues are badly needed right now in high executive office.

In response to questions I put to him in committee, the gentleman from Michigan made commitments to continuing that same commitment to openness in the Vice-Presidency, should that office come to him:

He pledged to make annual complete financial disclosures while Vice President and if he should succeed to the Presidency.

He pledged unequivocally to reveal all contributions if he were a candidate for the Presidency in 1976.

He pledged to meet with any Member of Congress who requested such a meeting on a matter of national importance, as soon as possible, if he became President, even if that Member should be a freshman Democrat.

He pledged to keep a public log of all Presidential appointments, if he should attain that office, stating both the names of the persons he met with and the subject matter discussed, except in cases of national security.

He pledged he would, if President, account to the Congress for all funds appropriated to the White House, even for which no accounting is now required.

He pledged not to let stand uncorrected by him false statements by any subordinates should he become President.

As the times and the situation required, our committee conducted the most thorough going examination that any aspirant to any public office in this country has ever undergone. We looked, and I believe properly, into his stands on issues; his philosophy of government; his voting record; his financial affairs; and his private life. We have set this precedent for future nominations under the 25th amendment, and I believe that is a significant achievement.

Under this intense scrutiny of his public and private life, including all of his financial affairs, it was clear that GERALD FORD is a man of unquestionable honesty and integrity. Those values are notably lacking in this administration.

Although I approached the committee hearings with some perhaps partisan doubts about his intellectual capabilities, I found GERALD FORD to be an astute and able man.

Mr. FORD would not be my candidate for Vice President, nor obviously, for President of the United States. I do not vote for his viewpoint on issues when I vote today to confirm his nomination.

I disagree fundamentally with his voting record. He has voted, we learned in hearings, to gut most of the important civil rights legislation which has come before the House while he has held office.

He and I disagree, apparently, as to basic national spending priorities.

We disagreed vehemently over the President's conduct of the war in Southeast Asia.

His role in the attempt to impeach Justice Douglas and his answers to questions posed him in this regard during these hearings reveals a gross insensitivity, it seems to me, to the importance of the constitutional concept of separation of powers and the independence of the judicial branch. This matter caused me very serious concern.

But it seems clear to me, Mr. Chairman, that the 25th amendment gives the President the right—and last year's unequivocal election returns imposed the obligation—to appoint someone who shares his political philosophy.

I do not agree with some of my colleagues on the committee and other Members who believe that the 25th amendment requires that they vote against a nominee with whose philosophy or voting record they disagree, even though it clearly gives them that right.

Congress basic responsibility, in my judgment, is to determine whether the nominee is a competent, decent, and honest individual. Being convinced that Mr. FORD possesses all three of those qualities. I voted in committee and I will vote today, in good conscience, for GERALD FORD's confirmation. He is an eminently acceptable nominee.

Mr. MAYNE. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. YOUNG).

Mr. YOUNG of Florida. Mr. Chairman, there is much I would like to say today in support of the confirmation of JERRY FORD to be the next Vice President of this great Nation.

Had I several hours today, I would obviously repeat many of those good things that have already been said and will be said about JERRY by many of his colleagues on both sides of the aisle.

All of my remarks, Mr. Chairman, would be glowing with praise for JERRY FORD as a hard worker, as an able and effective legislator, and as a loyal and patriotic American.

If I had the opportunity and if I had several more hours at my command, I would like to respond point by point to many of the criticisms that have been made on the floor today by Mr. FORD's outspoken opponents.

At this point I want to emphasize that some of the most obvious reasons why JERRY FORD ought to be confirmed were made by some of those who say they will not vote to confirm him.

This is an interesting point, and one that the American people should pay close attention to.

I would feel better today if I had the time to respond to those critics point by point, but I think I can sum up my feelings by saying that many of the criticisms were much like the criticisms directed at Mr. FORD by the political cartoonists of our news media, when they stated that the only criticism they could get their hooks into was the fact that they had not been able to determine how best to caricature his face. If that is the only criticism that can be made against JERRY FORD, I think he is in pretty good shape.

JERRY FORD is a proud man today, and he should be. He has every right to be,

not only because of the great honor that is about to become his, but because today JERRY FORD, if anyone can be, is at peace with himself, at peace with his conscience, because JERRY FORD's personal integrity has been given a closer scrutiny in the last weeks, a much closer scrutiny than probably any public official in American politics has ever been exposed to before.

I think he can have great peace within his own conscience that he passed that test with flying colors, and even those who will vote against his confirmation today made it a strong point to first say that they believe in the man's integrity.

My next thought might be somewhat mischievous, but I just wonder aloud how many of the people who serve in public life today would want to be exposed to the same type of investigation that JERRY FORD has gone through in past weeks.

Some of the criticisms directed at JERRY have been that he is unknown. They say, "How can I go to my district and tell my people who JERRY FORD is?"

Someone has said that he does not have the charisma or the public stature that some of our well-known political superstars have. I would like to make two points here: There are those in public life who work very hard at their job, and very sincerely, in an attempt to do a proper job for the people they represent.

Mr. Chairman, these people find very little time to promote themselves through public relations campaigns.

Yet there are others who do find the time to promote themselves through public relations campaigns and find very little time to devote to doing their jobs.

Now, on the question of the political superstar, I think most anyone in this Chamber would acknowledge that a Member of the House of Representatives who has served any time here tending to his business and doing the job of a legislator and being involved in his committee work and being involved in the debates on the floor of the House—anyone would acknowledge that that person probably has a better working knowledge of this Government and is more personally acquainted with the problems of the United States than most of the so-called political superstars all put together. Because that working congressman deals with it day in and day out.

Mr. Chairman, I would like to say to JERRY FORD in behalf of all of his friends and supporters who will be voting here in a very short time to elevate him to the second highest office in the United States, "JERRY, when that roll is called up yonder, we'll be there."

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri (Mr. ICHORD).

Mr. ICHORD. Mr. Chairman, I rise in support of the nomination of GERALD R. FORD for Vice President of the United States of America and urge my colleagues to confirm his nomination.

Mr. Chairman, I have not agreed with each and every vote JERRY has cast as a Member of this body but we have agreed on the overwhelming majority of the issues we have faced in the Congress.

I feel that his general philosophy of government is compatible with the general philosophy of the 500,000 people I am privileged to represent in the Congress.

What is proper responsibility of an elected Representative in Congress in casting his vote? Should he follow the advice of the great English parliamentarian, Edmund Burke who wrote that an elected representative owes his electorate only his good judgment and if he sacrifices his judgment to theirs, he betrays them, or should he follow the advice of the late colorful mayor from Boston, James Curley, who is reported to have said: "There go the people, I am their leader, I must follow them." What is the proper role of a Representative? I personally believe that his proper course is somewhere between the two extremes. Sometimes, he must lead and sometimes he must follow but most assuredly he should also measure his judgment alongside the judgment of his constitutents.

With such an interpretation of the role of a Representative, I cannot concur with the views of my colleagues who intend to vote against JERRY merely because they personally do not agree with his political views. If they know the views of their constituents, which is usually an academic question, they should follow those views because this is indeed a historic occasion. The people of the United States for the first time in modern history will not have the opportunity to vote for their Vice President. Under either extreme view, I believe I would have to vote affirmatively. I am confident that an overwhelming majority of the constituents in the Eighth Congressional District of Missouri would vote for his confirmation. JERRY is an outstanding legislator and fully qualified to hold the office of Vice President. In addition, the inquiry of the House Committee on Judiciary has proven him to be a man of unblemished integrity and high honesty. No public figure seeking high office in recent history has undergone such an extensive investigation into his background.

As a Member of the Democratic Party from Missouri I have no hesitation in voting for his confirmation. Since the Vice President is elected with the President and usually named by the respective Presidential nominees, there should be a Vice President who is compatible with the President. In fact, the committee reports of the House and Senate Judiciary Committees contained this language interpreting the words of the 25th amendment.

Mr. RODINO. Mr. Chairman, I yield 5 minutes to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Chairman, I had not planned to speak, because my views have been printed separately in the committee report and I think they pretty well set forth my position.

However, I was surprised and distressed to hear a Member criticize the chairman of the Judiciary Committee, who has done such an outstanding, thorough, expeditious and fair job in supervising the committee's investigation and hearings on the nomination of Mr. FORD. If anyone has earned the right to vote his conscience on this nomination, it is PETER RODINO.

It has been a trying experience for many of us to try to decide what to do in this unprecedented situation. This is the first time we have ever had to operate under the 25th amendment. I do not question the right of the President, under the 25th amendment, to nominate a member of his own party. Nor do I think that the Congress should reject the nominee for partisan reasons or solely because his political philosophy differs from that of the congressional majority. But surely the Members of Congress have a right, indeed a duty, to exercise their best judgment as to whether the nomination will serve the most urgent needs of the country.

Now GERALD FORD is an honorable man. But I think it is a tragic thing, and an example of the low state to which our public affairs have sunk, that the one quality which keeps being emphasized over and over again is that JERRY FORD is an honest man. It is not surprising, however, that that is what keeps being emphasized, because GERALD FORD's prospective predecessor in that office turned out not to be an honest man. It is too bad that honesty seems to be the only criterion that most people seem to be concerned with.

Mr. Chairman, we have a crisis of leadership in this country, and everybody in this room is aware of that fact. The real test has to be are we picking a nominee for Vice President who can fill the shoes of the President? That is the principal reason why we have a Vice President. Can this nominee restore the confidence of this Nation in its leadership? That is the question we are facing.

I submit, while the minimum we should insist upon is that the person be a man of integrity, there are a lot of other qualifications that are needed, also. One is, I would suggest, executive ability.

Now, Mr. FORD is a man of ability, or he would never have been the House minority leader as long as he has, but he has had absolutely no executive experience.

So, let us put that down as one problem area.

Second, we need a person who is above partisanship. There are many, many topnotch Republicans in this country—and if anybody wants me to, I can name a dozen of them, in and out of Congress—who have outstanding qualifications and who have not been overly partisan. And I suggest, in the light of his record as minority leader, that partisanship has been the most prominent feature of Mr. FORD's career in the last 10 years. So he will have to overcome that if he is Vice President or President, if he is to reunite this country.

Finally, Mr. Chairman, I suggest that we need a person who has a demonstrated record of compassion for people, whose voting record does not add up to a vote for bigger military budgets, but a vote for bigger human budgets, human priorities and human rights. And I suggest that on that too, the record of Mr. FORD leaves many doubts.

So while I do not mean to suggest that he is not an outstanding person, an out-

standing legislator, and a man of character, I question very seriously whether he is going to fill the most crying need for this country today, which is for leadership that can lead effectively and that can reunite the people of this country. I hope that Mr. FORD can do that job. If he becomes President, I will try to help him, and I will pray for him. But I have serious doubts, and so do a lot of other people.

Mr. MAYNE. Mr. Chairman, I yield 5 minutes to the gentleman from Michigan (Mr. CHAMBERLAIN).

Mr. CHAMBERLAIN. Mr. Chairman, in my years of service in the Congress, no occasion has given me a greater sense of purpose than to rise in support of the nomination of my colleague and friend of long standing, GERALD R. FORD, as Vice President of the United States. During the many years I have served in the House with JERRY, it has been my privilege to know him well. But today, rather than recount his biographic background or long list of accomplishments, which are well known and have been thoroughly reviewed, I would, instead, point out, as one who has had the opportunity to work closely with him, why I feel he is uniquely qualified for this high office. We in the House know he is extremely capable, completely fair, conscientious, and scrupulously honest. He is a man of profound integrity, and his grasp of complex legislative problems and ability to find acceptable solutions have made him a most effective leader in the House. His devotion to America has always been above partisanship. He is perhaps more fully qualified than anyone in our country today to serve, not only as Vice President, but to assume the office of the Presidency should circumstances so require.

JERRY FORD will take on his new duties with perhaps the best preparation any Vice President could possibly have. He has been personally involved in the efforts to find solutions to every problem our country has faced over the past 25 years, and they have been numerous and at times horrendous. The reconstruction after World War II, the Korean war, the riots and deep National trauma following the assassinations in the sixties, Vietnam, with all its complexities. And the list could go on ad infinitum. More importantly, in the past decade or so, he has actively participated in the major decisions of our Government. I mention this to underscore the fact that JERRY FORD is no novice or theoretician, but a man of wide experience who thoroughly understands the practicalities of the problems confronting our Government and who knows and has worked with all of the people involved in Government. And what commends him so remarkably in this regard is that he is not only well acquainted with the problems, their background, and what is so necessary to their resolution but, of greater significance, he understands the basic prerequisites and constraints of governing.

By virtue of his long years of experience, JERRY appreciates the need for responsiveness of government to the people. The very cornerstone of our whole system of government—government by the people—is the ability to translate the will of the governed to the statute books. He has spent his entire career working with and responding to people, and developing national policy to meet public needs. Given the diversity of the country, this is no simple task. But what I have noticed over the years that, to me, has made JERRY FORD a leader among leaders is the deep respect he has evidenced for the views of others. This has been the very essence of his success in bringing about the compromises needed for the good of the country. When views and concepts collide, as they must in a democracy and in fact do every day here in the Congress, they need to be reconciled. That is accomplished only by starting from a basic respect and understanding of others. That he has such a fundamental respect for other's rights is clearly reflected in the broad respect he himself commands, not only within his own party, but from those who oppose his basic philosophy and point of view. The Senate vote approving his nomination overwhelmingly confirms that high regard and demonstrates what we all know to be true—that the most important factor in choosing a leader is not whether one agrees or disagrees with every one of his stands, but, rather, the decency and integrity, the sense of our country and respect for its people, that a man will bring to the office. JERRY, unquestionably, has those high requisites.

In this history of our country, perhaps no Vice-Presidential candidate has been more thoroughly scrutinized than GERALD R. FORD. Every vote, every political stance, all his financial records, and his current views on the widest range of domestic and foreign policy issues have been fully aired and closely studied over the past few weeks, and his record has met even the most critical tests that have been placed upon it. As a member of the Michigan delegation, I have been especially proud of JERRY and always grateful for the opportunity to work closely with him on the many problems involving our State, as well as the broader national issues. It has been a genuine personal pleasure to know him these many years.

Mr. Chairman, the choice of GERALD R. FORD as Vice President is an honor to the man, to the House of Representatives, to our State of Michigan, and to the people of this country he has served so long and well. Should, in the course of events, the responsibilities of the office of the Presidency devolve upon him, I am absolutely satisfied that, as one who possesses the highest virtues a man can bring to public office, he would be a great and unifying leader.

Mr. RODINO. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts (Mr. HARRINGTON).

Mr. HARRINGTON. Mr. Chairman, I rise in what is at least to me an incongruous setting, with the ceremony already arranged to ratify what we are about to do, with an offer, for the benefit of my colleagues who are not members of the Judiciary Committee, of views which have been stated before.

First, let me say that I am not here this afternoon to suggest a delay, to suggest that there be a consideration of the statute which would provide for a different method of dealing with the question of succession, or to become a part of, or a supporter of, an effort to deprive the Republican Party and the conservative base of that party the right to govern this country for the next 3 years.

I think the results of the November election of 1972 were obvious, and I think any effort which could in any way be interpreted to suggest that those results should not be honored by the majority party would be a mistake.

Nor am I here this afternoon to suggest that all of the meager tests of what the 25th amendment should mean have not been attended to. I assume, and I should perhaps say I presume, GERALD FORD is honest and well intentioned, and all of the other adjectives which have been used in various contexts to describe his conduct in the Congress. But I should like, if I could, in the time that I have, to raise a few questions which I do not think have had enough consideration in this very unreal setting called Washington, D.C. Perhaps the theme was best stated by the Congressman from Maryland, Mr. HOGAN, who suggested that when the American people get to know GERALD FORD, their confidence in politics will be restored. That in a way, and in a way that I perhaps could not have done without that theme being suggested, is something that is worth considering.

What has happened in this country over the course of the last 10 years is not like the era of Calvin Coolidge normalcy; it is not like the period of post-World War II Dwight Eisenhower; but a series of traumas, depending upon how one perceives them, that are accelerating and which have led to a very fragile degree of continued confidence in the process. Whether one wants to take those lacking credibility for assessments on networks, or whether one wants to take a Senate Study Commission done recently and publicized over the weekend, I think this loss of confidence is something on which to reflect. Whether it be in the area of foreign policy where many of our perceptions, and I might say innate smugness about what is right for us had to be right for the rest of the world, have been shattered in a small country in Southeast Asia; or it be in the unfolding and still ill-defined tragedy called Watergate, I do not think it is enough to suggest that we should draw comfort from the suggestion of the very real possibility and, I might say personally, certainly of GERALD FORD being President of this country before 1976 comes to pass. The irony of his using the 25th amendment for the second time, is something that we have shown proper appreciation for in the course of these proceedings.

I defer to 1,700 pages of FBI testimony and I defer to the effort, to the degree that it was accomplished, by the Senate and the House to ascertain the background and the facts and the philosophy of Congressman FORD. But I suggest that the kind of mute testimony which we have to address ourselves to without rancor is the sum total of the 25 years of service, and all that it testifies to for the public—a public that wants to believe in their Government, that wants to

be moved and that wants to be led and that wants to have its belief renewed.

These remarks do not go to disagreement singularly with issues, and they do not go to the virtues of the civil rights practices and views of the nominee, though I may share the assessments of some of my colleagues. They go instead to the matters that need to be developed and need to be recognized on the part of the leadership of this country.

They do not necessarily require us to make sure that JERRY FORD is clean. We know all about JERRY FORD's background and we have even come close to coming to grips with that fundamental transformation of our party. I do know that we have already arranged this afternoon's effort, an effort which has been ceremonially arranged, but I do not think this is something we ought to take as settled and dismiss the discharge of our duties.

I hope GERALD FORD is a Harry Truman and can rise to the occasion and fulfill the expectations of the majority of the Republican Party. But I suggest we have the 25 years of service which again we can refer to and to which reference was made by the gentleman from Maryland, which have not made him the subject of a great deal of interest on the part of the American public, I suggest in 1973 what we badly need—and I say "we" deliberately, not the Nixon Presidency, but the American political process—is a recognition of what this country has gone through and is going through today.

By any measure one wants to use, I do not feel that in having the hearings which have been conducted for the most part thoroughly, exhaustively and in good faith and which have been free from bitterness or rancor or partisan acrimony, we have begun to touch the fundamental problems which should be part of the concern of the Congress in looking at the reality of America today and the needs of this country.

The inevitable is about to occur. I hope the expectations, as shown by the kind of language chosen and the good will that accompanies GERALD FORD, are something that will be useful to more than the American Congress and that the American people can take comfort in the literally and figuratively cold winter of 1973–74 and the bleaker spring to follow.

At this point I derive no comfort either from the proceeding or his record of this quarter century of service in the Congress.

Mr. BURTON. Mr. Chairman, will the gentleman yield?

Mr. HARRINGTON. I yield to the gentleman from California.

Mr. BURTON. Mr. Chairman, I share the views of the gentleman from Massachusetts (Mr. HARRINGTON).

I had intended to speak on my own time, but the gentleman from Massachusetts has stated it so well and so much better than I would be able to state my feelings and reactions at this moment and my reluctant conclusion based on the rather clear record.

I do intend to vote against the confirmation of our colleague Mr. GERALD FORD, although I do share the opinion that my vote will be one of a minority in this House. I would hope, although I have no such belief, that my vote, viewed in retrospect, will prove to be a mistaken one. I believe that a "no" vote on this occasion best serves the national interest.

Mr. HUTCHINSON. Mr. Chairman, I yield 3 minutes to the gentleman from Iowa (Mr. SCHERLE).

Mr. SCHERLE. Mr. Chairman, I take the well of the House and rise in enthusiastic support of the confirmation of GERALD FORD to accede to the Vice-Presidency of the United States.

I have listened to a great deal of philosophical interpretations, as varied as they may be. To me they appear to be just a little bit more than "sour grapes."

I have no problem whatsoever in recommending to the people of this country an outstanding individual, one with impeccable integrity, experienced, respected, and above all a fine American. He is one of ours from this body. He has served this body and his constituency well. There has never been a time in the history of this country when leadership was more sought after than it is today. We have a man, GERALD R. FORD, who will be the necessary tool to heal the breach between the executive branch of Government and the Congress of the United States.

This is very important to me. I respect this man's talents. He could not have served in this body and been reelected time after time if he did not have the talent, the compassion, the sympathy, and the support of his constituency.

My only hope is this, that President Nixon and the others who reside at 1600 Pennsylvania Avenue recognize this man's outstanding ability, put him to work, allow communication to flow from both branches of Government. I am sure that JERRY FORD will bring back renewed confidence and credibility that has been so lacking in the administration today.

I offer my heartiest congratulations to JERRY FORD, a personal friend of mine, and to his family. I wish him well. I am sure that this House will support him to the highest degree.

We should all feel very proud and very complimented that one of our own Members was selected to serve in that responsible capacity as Vice President of the United States of America. He will do an outstanding job.

To put my colleague's mind (Mr. SEIBERLING) at ease over here who questioned the possibility of GERALD FORD, whether or not he could serve as Vice President and President, in my humble opinion he is eminently qualified to do one or both, if the need is ever there.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. GINN).

Mr. GINN. Mr. Chairman, it is an honor to rise in support of the confirmation of my distinguished colleague from Michigan, Mr. GERALD FORD, to be Vice President of the United States.

I count it a great honor to participate in the historic vote which will place Congressman FORD in the second highest position in our land. The honor is even greater because it will permit me to again publicly express my wholehearted confidence in the integrity, the leadership, and tremendous ability of JERRY FORD.

These are troubled times in our Nation. We are faced with the recurring problems of the Watergate affair, we are confronted with a critical energy shortage, and with the problems of crime, drug abuse, and many other areas of grave concern to us all. This is a time, then, when we here in Washington must put aside political bickering and pull together to solve these great problems that face us all.

This is a time in our history that demands decisive action, and this is a time when our Nation is in particular need of the qualities that have made JERRY FORD one of the most distinguished Representatives in the Congress.

For some 25 years, he has honorably practiced the art of helping to devise practical solutions to challenging problems. And today he will begin a new chapter in his book of public service. Today he will assume the formidable task of serving in our second highest office and, I believe, he will bring new force to the task of getting the White House and the Congress to work together.

This should be a new beginning for us all. This should be the day that we signify by our support of JERRY FORD that the Congress and the White House should turn full force in a unified effort to bring this country together and meet the challenges of the future.

Again, I wish my colleague from Michigan well in his new job, and I pledge to him my cooperation.

Thank you, Mr. Chairman.

Mr. RODINO. Mr. Chairman, I yield 7 minutes to the gentleman from Massachusetts (Mr. BOLAND).

Mr. BOLAND. Mr. Chairman, I have known JERRY FORD for the 21 years that I have had the privilege to serve the people of the Second Congressional District of Massachusetts.

During that time, and particularly during the last 9 years when he has acted as minority leader, I have found him to be a competent, vigorous, sincere and honest man. He has left the impression, with all with whom he has dealt, that he is a man of unswerving integrity.

He has won the wholehearted respect of his colleagues—on both sides of the aisle. The people of the Fifth Congressional District of Michigan, and the Members of the House, will both share in the loss of JERRY FORD from the House of Representatives, but I believe the Nation will gain in the exchange, by his confirmation as Vice President of the United States of America.

This is the first time in the history of this Nation that a Vice-Presidential nominee has sought confirmation under the provisions of the 25th amendment. It is also one of the few times, when it seems possible, that a Vice-Presidential nominee, has a more than average chance, of succeeding a President. Under these circumstances, it becomes extremely important that a well qualified and thoroughly investigated man fill the office of Vice President.

The investigation conducted by this committee, and that conducted by the

Senate Committee on Rules and Administration, have been studies in thoroughness. I commend the chairman and all his committee members for the far-ranging and exhaustive questioning that has been put to Mr. FORD.

As for the qualifications to be expected in a Vice President, no less an authority than the President himself has said that they are three: The Vice-Presidential nominee must be qualified to step into the shoes of the President of the United States; he must share the political philosophy of the President; and he must be able to work with Congress.

Mr. Nixon ought to have added a fourth qualification—especially, in light of the circumstances under which a vacancy was created in the office of Vice President, and those, by which this administration has been rocked, since the Watergate break-in. That qualification, ought to be, that the nominee, be the sort of man, that can restore public trust in government—not just the administration but all government.

I believe that JERRY FORD satisfies all four of these criteria. First, he is the kind of man that we can safely and confidently place, as the saying goes, "just a heartbeat from the Presidency." His style, his rhetoric, are not those of a Kennedy. But, like a Kennedy, he says what he thinks. He gets the message across. He also gets things done.

JERRY FORD exudes the kind of confidence that I hope to see in a President of the United States. He could be the kind of President that Harry Truman became. By the way, I hope he does not mind my comparing him to all these Democrats, but I will simply say this: Jack Kennedy had a good deal of admiration for JERRY FORD's ability.

I remember a situation in 1961, during the Kennedy administration, when the foreign aid bill was before the House. I had offered an amendment which would have increased the amount of development grants contingency fund from $175 million to $275 million, an amount much closer to what the President had requested. JERRY FORD supported me on that occasion. I commended Mr. FORD at that time in these words:

> I appreciate the remarks of the gentleman from Michigan, who is always nonpartisan in this particular area, and who has always made a great contribution to this House not only in this field but in other categories as well.

I would not hesitate to make a similar statement today, some 12 years later. I would only add that JERRY FORD's contributions to the House will be measurably greater as Vice President of the United States.

The second qualification for a Vice President is that he share the views of the President. Mr. Nixon is apparently satisfied with Mr. FORD's political philosophy, it is a moderate to conservative one. It is not my own. However, I believe that the House has an obligation to respect the 1972 election results. The Presidential mandate of 1972 was a conservative one.

The third qualification—an ability to work with the Congress—is one that is desperately needed in some administration figure. If it is to be the Vice President, that is all the better. If it is to be JERRY FORD as Vice President, I think I can confidently say, that there will be a truly cooperative exchange, flowing, from the White House, to the Congress for the first time in 5 years. He has demonstrated over the years a willingness to approach many issues on a nonpartisan basis. His contribution in restoring good relations between the Presidency and the Congress would be highly prized.

The fourth and last qualification is particularly important at this point in time. The American people are quite emphatic on one point. They want honesty in government. They want publice officials they can trust and whom they can believe. JERRY FORD is such a man. In a sense, he is a workhorse. He certainly is new to the full glare of the national limelight. I believe, however, that as the American people get a good look at this man in the days to come, they will begin to appreciate the strength and the fine qualities he has and that we need in the Vice President of the United States.

Of course, the recommendation of GERALD FORD to be Vice President does not satisfy everyone in this land, or in this Chamber. Differing philosophies, and opposing views on many issues, can never bring perfect accord or consensus on mortal man.

But, we have before us the recommendation of the President—the only one empowered under the 25th amendment to submit such a nomination. I am impressed by the degree of support that has flowed to the nomination of GERALD FORD from so many segments of the public, the press, and so many in public life, here, in Washington, and across this land.

I am persuaded, too, by the highly professional, knowledgeable, congressional watchers of the communication media who see us at our best—and sometimes at our worst. I am talking of the long-time, experienced men and women—not the occasional, come and go type—who almost unanimous agree that GERALD FORD will bring honor and substance to the Vice Presidency.

This Nation cries out for steadiness, dependability, integrity, seldom in our history, has there been a time when integrity has edged ideology in the judging of a man for so high an office in our land. I take it that integrity is inborn—it is in the very marrow of a person. Oftentimes, ideologies ebb and flow and drift with the times.

Harken to the concept of the Presidency as defined by Congressman FORD before the Senate committee:

> I think that the President has to be a person of great truth, and the American people have to believe that he is truthful. I think that the President has to lead by example, displaying the standards, morally, ethically, and otherwise, by which most Americans live their lives.

I am sure that this kind of a response helped bring the overwhelming support he received in the Senate. I am confident, too, that it impressed senators who have not always, and perhaps seldom, shared Mr. FORD's views on many issues—Senators like KENNEDY and BROOKE, of Massachusetts, HART, of Michigan, JAVITS, of New York, PROXMIRE, of Wisconsin, ABOUREZK, of South Dakota, and many others.

I come to this well, a Democrat from Massachusetts—the only State in the Union that was not carried by President Nixon in the 1972 election. I come from a congressional district that rejected President Nixon. Some 480,000 reside there. When the President announced his nomination of GERALD FORD, I detailed my support of him in the press, on television and radio. I have received only two letters from my district opposing his confirmation.

Mr. Chairman, I commend to the Members of the House a report by pollster Lou Harris, provided to Senator Muskie's Intergovernmental Relations Subcommittee on the "Citizen's View of American Government."

One of Harris' conclusions was that the American people profoundly believed "that the key to any kind of successful future leadership must be ironclad integrity."

I am persuaded by my association with, and my knowledge of him in this body over so long a period of time, that GERALD FORD has an abundance of that kind of integrity.

Mr. Chairman, I will cast my vote to confirm GERALD R. FORD for Vice President of the United States.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. RINALDO).

Mr. RINALDO. Mr. Chairman, I rise today in support of the confirmation of my colleague, the Honorable GERALD R. FORD, to be Vice President of the United States.

During the 11 months it has been my privilege to work with him in his capacity of minority leader, I have found him to be a man of the utmost integrity. When I first came to Washington, I was told by older colleagues that "JERRY FORD's word is his bond." No truer words were ever spoken. He is a man who can be relied upon to keep promises and commitments, even when it proves to be a hardship to do so.

In these times of mounting distrust in government, it is reassuring to know that we are placing in the second highest office in the land a man who can be trusted, a man who can be believed. We need a man with GERALD FORD's integrity and credibility in the highest councils of government.

I believe there is another excellent reason why we in Congress should support the nomination of GERALD FORD to be Vice President. He would be, after all, the first Member of the House to serve in the office of Vice President in nearly 40 years. Seldom before in our history have there been such clashes over such fundamental issues as the question of the reassertion of congressional powers. I believe it is only fitting that the office of the Vice Presidency be filled at this juncture by a man from the Congress—a man who understands the significance of and the need for a legislative branch that is truly the equal of the Executive, as the Founding Fathers intended.

I therefore urge you to join me in voting for the confirmation of the Honorable GERALD R. FORD, a man of integrity and a dedicated public servant who will provide the necessary liaison between the White House and the Congress.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. ZION).

Mr. ZION. Mr. Chairman, I rise in support of the nomination of Mr. GERALD R. FORD.

Mr. Chairman, it has been said that a man is known by the company he keeps. In this instance, it is apparent that Mr. FORD is best known by the people who oppose his confirmation. As his opponents take the floor, one by one, it is interesting to note their philosophy.

In almost every case, they are members who gave aid and comfort to our enemies in Southeast Asia, by discouraging our fighting men, and demoralizing our POW's.

A study of the voting record of most of his detractors indicates they represent the far out leftwing element of this body who have no respect for the taxpayers hard earned money and who want to force the heavy hand of Government into every home and business in the land.

It is gratifying to note that the qualities that JERRY FORD brings to his high office are so badly needed at this time. In contrast to his critics, we know that JERRY is a proud patriotic American who believes in a strong national defense, fiscal responsibility and a government that will only do for its people those things that they are unable to do for themselves. There is no greater praise for JERRY FORD than an evaluation of the character of those who oppose him.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Massachusetts (Mrs. HECKLER).

Mrs. HECKLER of Massachusetts. Mr. Chairman, I rise in support of the nomination of GERALD R. FORD as Vice President of the United States.

Mr. Chairman, we meet today to discharge one of our most solemn duties under the Constitution. Under the 25th amendment, section 2, we are advised:

> Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

Under this mandate the President has made his choice—and I am happy to rise to support his nomination of the Honorable GERALD FORD as the 40th Vice President of the United States.

I have confidence that the distinguished gentleman from Michigan will bring to the Vice Presidency the integrity and forthrightness which this office requires. A number of my colleagues have called for the nomination of an inspirational leader; I think that Mr. FORD's honesty, his cooperation with the searching examination of his record by the House and Senate Judiciary Committees and his commitment to full disclosure can well be considered inspirational in light of the current climate of secrecy and suspicion in this Nation.

This Congress and this Nation have been torn by divisions. In Mr. FORD's nomination, I see hope for a new unity, both in our Government and in our society as a whole.

Our method of selecting our Vice Presidential nominees at political conventions is clearly inadequate. Recent events underscore the importance of a thorough investigation of the fitness of the person who is to serve us in the second highest office of the land—an examination such as Mr. FORD has undergone.

I wish GERALD FORD every success in his new office. These are critical times for our Nation, and I have confidence in GERRY FORD's ability and determination to meet the challenges that face us.

Mr. HUTCHINSON. I yield such time as he may consume to the gentleman from Maryland (Mr. GUDE).

Mr. GUDE. Mr. Chairman, I think the greatest tribute that has been paid to Mr. FORD is the broad spectrum of support that he has gained in the House here today. I rise in support of his confirmation.

Mr. Chairman, the House and the Senate have investigated our colleague GERALD R. FORD with care. And he has proved to be, as many of us knew him to be, a man of conscience and a man the Nation can trust—as we, on both sides of the aisle, have grown to trust him.

Cynics have said that no one with 25 years in office could have no skeletons in his closet, but GERRY FORD has proved the cynics wrong.

His selection and approval honors the administration, the Congress, and the Nation.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. KEMP).

Mr. KEMP. Mr. Chairman, I rise in support of the nomination of GERALD R. FORD as Vice President of the United States.

Mr. Chairman, I have a special affection for JERRY FORD, because among his many attributes is his varied background, embodying the keenest sense of, and fulfillment through, competitive athletics. JERRY FORD is a competitor. It has been a part of his life, from the football field to the floor of this body, and he is a great example to me and indeed to all Americans.

JERRY FORD will make an outstanding Vice President. He understands the Congress; he understands the executive. He brings to the Vice-Presidency an acute awareness of what the Congress must do for the Nation and its people. He will be an effective liaison between the executive and the Congress, helping to bring a greater degree of harmony to their relationship.

JERRY FORD rose to leadership in the Congress. This is of profound importance, because it is a recognition by his peers—by his colleagues—that he has the capabilities to lead, to attain goals and to meet objectives. In a parliamentary system of government, JERRY FORD would have been a prime minister or the leader of the loyal opposition by the attaining of such rank among his peers. It is only fitting and proper that his abilities and services now be recognized in our system of government.

General of the Armies Douglas MacArthur wrote:

> It is on the fields of friendly strife that are sown the seeds that upon future fields on future days will bear the fruits of victory.

JERRY FORD embodies the fulfillment of this axiom.

I wish him Godspeed and look forward to victories on behalf of our country.

Mr. HUTCHINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. O'BRIEN).

Mr. O'BRIEN. Mr. Chairman, I rise in support of the nomination of this good man to be Vice President of the United States.

Mr. Chairman, many years ago in England, a man named Robert Whittinton, spoke eloquently albeit in the rather stilted language of the time, from his mind and his heart about a gifted and embattled political figure of the day, Sir Thomas More, Lord Chancellor of Britain.

His words once more are timely, so well and accurately do they bring to my mind the image and likeness of GERALD FORD.

"He is a man of angel's wit and singular learning. I know not his fellow. For where is the man of that gentleness, warmth, and affability.

"And, as time requireth, a man of marvelous mirth, and pastimes; and, sometimes of as sad a gravity.

"Indeed, man for all seasons."

In the opinion of this freshman Member GERRY FORD is our man for all seasons. I will vote for him, I trust that God will bless and guide him in his new and awesome responsibilities after this House confirms his nomination.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. CASEY).

Mr. CASEY of Texas. Mr. Chairman, I thank the chairman of the committee for yielding this time to me.

I, with pleasure, rise in support of the nomination of GERALD FORD.

Mr. Chairman, today this Nation will witness an event that has not happened before, the Congress will confirm the selection of a new Vice President, the Honorable GERALD R. FORD, of Michigan. The events leading to this historic moment have been tragic, but they in no way detract from the honor of this moment for JERRY FORD.

I have known JERRY for the past 15 years, ever since I came to Congress. I have watched him over the years and have come to respect his judgment, integrity, and faithfulness to the people whom he represents. I consider him my friend.

I consider JERRY FORD a true and faithful American, dedicated to keeping our country strong, and I feel he will maintain this same position as Vice President of this Nation.

Mr. Chairman, none of the rest of the membership of this House has undergone the searching scrutiny by both House and Senate committees into one's personal and public life. His nomination has been opposed by some because of his partisanship and strong support of the

Executive. He would be less than faithful to his duty as minority leader if he were not partisan and not trying to support the Republican Executive. I feel that this partisanship and strong support is indicative of the trust that can be placed in him, and I also feel that because a majority of both committees wholeheartedly recommended his confirmation, he is indeed worthy of being Vice President in every respect.

Mr. Chairman, I assure you that it is without hesitation that I shall cast my vote for his confirmation.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Georgia (Mr. FLYNT).

Mr. FLYNT. Mr. Chairman, I rise in support of the confirmation of the nomination of GERALD R. FORD to be Vice President of the United States.

Mr. Chairman, I support the resolution of confirmation of the nomination of GERALD R. FORD to be Vice President of the United States.

He has served honorably and effectively in the House of Representatives for a quarter of a century. He has represented his district and his State well, and he has served his party as its leader.

For 20 of these 25 years I have known GERALD R. FORD and it is easy to understand why he has enjoyed and maintained the confidence of his constituents during the entire time he has represented them.

He is a man of intelligence, competence, ability, and integrity. He possesses the qualities of leadership.

During his service as a Member of the House of Representatives he has earned the respect and admiration of the overwhelming majority of the Members with whom he has served—on both sides of the political aisle.

We in the House shall miss his presence as one of us, as his district will miss his service to that district and its citizens. The Nation will however derive the greater benefits of his service in the office of Vice President upon which he is about to enter. As he leaves his post of minority leader and as a Representative from Michigan, we wish him continued health and happiness and Godspeed.

I have every reason to believe that as Vice President and any other position in which he may serve that he will reflect honor and credit upon the highest traditions of such office.

Mr. RODINO. Mr. Chairman, I yield 5 minutes to the gentlewoman from New York (Ms. ABZUG).

Ms. ABZUG. Mr. Chairman, I am voting against confirmation of JERRY FORD as Vice President because I think his confirmation would be unconstitutional, unseemly, and untimely.

I discussed earlier in the day the fact that the nomination is unconstitutional.

In brief, the challenge to Mr. FORD's eligibility for this office rests on article I, section 6, clause 2 of the Constitution, which reads:

> No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time.

The Congress enacted during this term Public Law 93–136, which increases the emoluments to the Office of Vice President, and Mr. FORD participated in that action. Under the 25th amendment, the Office of Vice President is an appointive office. In my view, there is an extremely strong case that the confirmation of GERALD FORD would, therefore, be held unconstitutional, just as a similar finding may be made in the proposed confirmation of WILLIAM SAXBE as Attorney General.

In that case the Congress at least saw fit to hold hearings to solicit authoritative opinion, and enact remedial legislation to cure the defect. Although I do not believe that such legislation cures the defect, the issue was considered.

When this question is litigated, and it undoubtedly will be, should the court find that Mr. FORD is ineligible for the Vice-Presidency, the Congress will needlessly have presented the Nation with still another constitutional crisis and raise new questions about the Executive leadership of our Nation. I urge my colleagues to consider whether we need to place ourselves and the American people in such a dilemma about the Vice-Presidency, when we already have the most widespread national concern as to the legitimacy of the President remaining in office.

I also find approval of Mr. FORD today unseemly because of the lack of adequate consideration given by the Congress to the extraordinary circumstances in which this nomination has come before us. I have sat through this entire debate and more than half of the persons who have come up here theoretically under the 25th amendment in support of the confirmation of a Vice President have talked about nominating and confirming a President of the United States. I submit to you that this body acts inappropriately, and it was not intended by the 25th amendment for us to put into office a President in this manner.

It is unfortunate that in the first instance in which the 25th amendment has been called into use that it occurred under conditions not contemplated when the amendment was drafted and adopted. As a matter of fact, when I testified in the other body before the Committee on Rules, the chairman there agreed with me that the history of the 25th amendment did not contemplate the present circumstances.

It is unthinkable that after the events of recent months, the Congress take upon itself the right to appoint the highest officer in the land, and refuse to place the issue before the American people. If we are faced with more than flawed personalities; if Watergate, and the secret police force and organized attempts to subvert the primary and general elections, and massive influence peddling by high Government officials, and years of illegal executive warmaking, and the consistent failure of the Congress to take up its responsibilities as an equal partner in Government; if all these things happened and represent more than isolated failures, then we will change our institutions for the better only by publicly examining them not by substituting one person for another.

It is certainly unfortunate that in the first instance in which the 25th amendment to our Constitution has been called into use, it has occurred under conditions not contemplated by the Members who drafted the amendment or those who approved it.

A review of "Selected Materials on the 25th Amendment," recently compiled for the Senate Committee on the Judiciary by Senator BIRCH BAYH, chairman of the Constitutional Amendments Subcommittee, shows that it was not intended to deal with the situation of a double vacancy or with the preliminary circumstances where the Vice-President-designate is nominated by a President who himself may leave office for reasons of misconduct.

As pointed out by Prof. Richard P. Longaker, chairman of the department of political science, University of California at Los Angeles, in this compilation, page 213—

> There is no doubt that Congress can establish the line of succession in the event of removal, death, resignation, or inability of both the President and Vice President.

No additional amendment was needed to deal with this situation. The impetus for enacting the 25th amendment, according to the Library of Congress report on the amendment, as reprinted in the "Selected Materials," came from—

> the assassination of President Kennedy which alerted the American people as never before to the dangerous constitutional void. . . . Even as the Nation mourned the loss of the President many thoughts were troubled by the prospect of the political crisis which might have followed had the fallen leader lingered on in hopeless and permanent incapacity.

Thus, the underlying concerns which resulted in the amendment were the issues of Presidential disability, and how a determination of disability would be made. As Senator BAYH said:

> The principal purpose of the amendment is to distinguish between inability voluntarily declared by the President himself and inability declared without his consent.

Most of the participants in the lengthy hearing on the amendment addressed themselves solely to this issue, as the "Selected Materials" indicates, and three of the five sections in the amendment are devoted to it. While dealing with the major problem of Presidential inability, the Congress also utilized the opportunity to provide a method for filling a vacancy in the Office of Vice President.

In the Senate Judiciary Committee report on the amendment—"Selected Materials," page 13—the discussion of how the Vice President is to be selected occurs in the context of a stable Presidency. The report says:

> It is without contest that the procedure for the selection of a Vice President must contemplate the assurance of a person who is compatible with the President. . . . In this way, the country would be assured of a Vice President of the same political party as the President, someone who would presumably work in harmony with the basic policies of the President.

Nowhere in the committee testimony, discussions or floor debate will you find any suggestion that it would be proper for a President who is the subject of a serious impeachment inquiry and whose

credibility has been irretrievably damaged to be allowed to nominate the man who may prove to be his successor.

Our power under the 25th amendment to confirm should not be confused with a requirement to rubber stamp. I recognize the feelings of friendship and loyalty that many Members of the Chamber have toward the minority leader and their respect for his long years of service, but I think we have a larger duty to perform, and that is to guarantee that the American people have leadership of the highest quality and excellence, and, if possible, to let them make that choice themselves.

Without in any way questioning Mr. FORD's personal honesty or moral integrity, I believe the issue before us is whether he has the qualities of leadership necessary for the highest office in the land because we all know that the only real function of a Vice President is to be prepared to become President at a moment's notice.

There is no doubt that Mr. FORD is in harmony with Mr. Nixon. Throughout the unfolding horrors of Watergate and the increasing evidence that the Nixon administration has broken the law and violated the Constitution, Mr. FORD has been serving as the foremost apologist for the White House in a manner that goes far beyond the call of party loyalty. He has a voting record far to the right of any mandate that might even be mistakenly attributed to the electorate in the 1972 elections. But under no circumstances can he be described as the man the American people would most likely choose as their President or Vice President.

There is no doubt that Mr. FORD is in harmony with Mr. Nixon. The question before the Congress is whether either Mr. Nixon or Mr. FORD is in harmony with the American people. The question is whether Congress is bound to impose upon the electorate a potential nonelected President who in turn would then be free to choose a nonelected Vice President.

This very real possibility is clearly beyond the scope and intent of the 25th amendment, and is in conflict with the fundamental purposes of the Constitution and our system of government. For all its checks and balances, and separation of powers among the three branches of Government, the Constitution is primarily designed to protect the predominance of the public will as expressed through elections. It would be an abuse of the intent of this amendment to allow it to be used to fill both Chief Executive Offices without an election. Elections were considered by the framers of our Constitution as the appropriate way of filling the Presidency if a double vacancy arose.

In a case in which the President and Vice President leave office, whether by death, removal, or resignation, the Constitution permits Congress to provide by law for the election of a new President, even though the former President's term has not yet expired.

The specific language in article II, section I of the Constitution is as follows:

Congress may by law, provide for the Case of Removal, Death, Resignation or Inability, both of the President and Vice President, declaring what Officer shall then act as President, and such Officer shall act accordingly, until the Disability be removed, or a President shall be elected.

Mr. FORD is Mr. Nixon's choice, but he need not be ours. The intent of the 25th amendment was to make the Congress an equal partner in the filling of a vacancy in the Vice-Presidency, and we should be assured of the propriety and wisdom of the nomination on all points before confirming. The Congress has rejected nominations submitted by the President before, including two nominations to the U.S. Supreme Court, and it does not have to accept this nomination from a President who even some members of his party believe should leave office.

I am not proposing that the Congress immobilize itself in the current crisis. It has a responsibility to move in a more expeditious manner with the impeachment inquiry, and I think it was inappropriate for the Judiciary Committee to give priority to the Ford nomination over the many impeachment resolutions referred to it. There is another way in which we can act. I have introduced legislation, as have other Members of Congress, which would make possible interim national elections for the President and Vice President in the case of simultaneous vacancies in these two offices. My bill would allow the person in line of succession under the 1947 statute, in this case the Speaker of the House, to assume the Acting Presidency until a special election could be held. Under a law enacted in 1792, it was for 94 years the law of the land that in the event of a double vacancy the people, through elections, could directly pick new national leadership. The right can be restored to them, and I hope we shall do so, no matter what action is taken today. But it is also certain that in confirming the Ford nomination today, the House will be shutting out the possibility that the electorate would be able to choose a new President and Vice President before 1976.

A similar bill has been introduced by Senator HATHAWAY. It would alter the succession to place the minority leader in the Acting Presidency until such an election could be held. I would support Mr. HATHAWAY's version, too, as witness to my basic concern that we preserve our democratic institutions rather than trim them to the needs of particular persons.

In a period marked by Watergate, usurpation of power, gross misconduct, and violations of the law stemming from the White House, rampant economic problems resulting from mismanagement, and the unprecedented resignation of the Vice President following a criminal conviction, we have in this country an atmosphere of cynicism, alienation, despair, and a growing belief that Government service is equivalent with corruption. I want to call your attention to the findings of a recent Harris survey, commissioned by a Senate subcommittee. It showed that a majority of Americans are disenchanted with Government. It showed 61 percent believing that "what you—the people—think does not count much anyway;" it showed 55 percent feeling that "people running the country do not really care what happens to you;" It showed 76 percent thinking that "the rich get rich and the poor get poorer"; and it showed 60 percent agreeing that "most elective officials are in politics for all they personally can get out of it." These are very sad findings, and they impose a responsibility upon us. One of the ways to restore the confidence in Government that has been so badly eroded is to return the choice of national leadership to the people through our traditional method of elections.

I know that the confirmation of Mr. FORD is considered preordained and that arrangements for his taking the oath have already been made. But I urge my colleagues to consider carefully what they are doing and to ask themselves whether it is necessary to rubber stamp this nomination. I believe it is not, and that the alternative would be more in keeping with this body's role as a surrogate of the people and a protector of the Constitution.

Our procedure should have been first in an expeditious manner to determine whether the President should be impeached.

The CHAIRMAN. The time of the gentlewoman has expired.

Ms. ABZUG. Mr. Chairman, may I have an additional 2 minutes?

Mr. RODINO. I yield 2 additional minutes to the gentlewoman from New York.

Ms. ABZUG. Believe it or not, I think that the American people do not want to put Mr. FORD into office. I think the American people want us first to determine whether the President should be impeached. Then they, under our framework, will have the ultimate power to decide in an election who they want to be the President of this country. I suggest that those of you who vote for the confirmation of Mr. FORD on the ground that he is going to be the President are not really following through in what you hear from the constituency that you represent. They want an election, and they want to be able to determine who is their leader.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. COUGHLIN).

Mr. COUGHLIN. Mr. Chairman, I rise in support of the nomination of GERALD R. FORD.

Mr. Chairman, on the nomination of the Honorable GERALD R. FORD as Vice President of the United States, the House of Representatives considers a historic decision implementing the 25th amendment of the Constitution for the first time since its enactment.

While this fact, perhaps, adds a note of drama to the occasion, I think the overriding concern is that the House act with responsibility and reason in voting on Mr. FORD. The Nation needs and is entitled to a Vice President selected in conformance with the provisions of the Constitution. The history of the past dozen years spells out the necessity and importance of having the office of Vice President filled.

The language of the 25th amendment, authored by a distinguished Democratic Senator, prescribes that the President nominate the candidate for Vice President. Implicit in this is the presumption that the President will select someone who shares his philosophy and represents the party that won the previous Presidential election.

I cannot, except in the wildest stretch of imagination, perceive that any other course of action would be followed. It has been suggested that a "caretaker" be appointed as Vice President, a theory that belies the reason and our need for a Vice President.

As a matter of fact, the course that has evolved in Mr. FORD's selection and confirmation proceedings is that which we could have expected in implementing the 25th amendment. The only questions that remain are these: is Mr. FORD worthy and capable of fulfilling the Vice-Presidency and beyond that, of course, of the Presidency if it were necessary?

Never in the history of this Nation has a person nominated for public office been so thoroughly investigated. The depth and scope of the investigations by the Senate Rules Committee and the House Judiciary Committee have never been equaled in searching out an individual's public and private existence as have those involving Mr. FORD.

On these inquiries and Mr. FORD's public hearings we, in the House, must base much of our decision on the candidate's worthiness to assume the Vice Presidency. The verdict has been overwhelming for Mr. FORD.

There is not a man or woman in public service who has not made mistakes or regretted decisions. Mr. FORD would be the last person to imply that his long record in public service would meet with approval by everyone throughout a Nation that prides itself on individualism, free thinking and diverse opinions.

In a quarter of a century in the Congress, Mr. FORD almost daily has made decisions and cast votes that encompass a number of subject and concern so multitudinous as to defy comparison.

Yet, through all the emotion and swirl of events that cascade around Capitol Hill, Mr. FORD has compiled another record which is every bit as important, indeed if not more important, than the "yeas" and "nays" to which anyone can take exception.

Mr. FORD is an honorable and decent man. He is not a "manufactured" public official of intractable demeanor, but a warm and friendly individual who recognizes that in Washington, as in life, you deal with people as individuals. Mr. FORD is understanding and compassionate; he is a man who understands his own constituency and yet recognizes there are others whose constituencies maintain different values and diverse opinions.

As House minority leader, Mr. FORD has a conciliatory and reasonable approach. He is a man of modesty and humility. To those who denigrate such basic attributes in a human being, I would remind critics that these often are the most needed qualities in a leader when it comes time to implement great decisions and are indispensable to governing.

When the fiery dialog dies and the partisan cries fade away, we must do what we believe, in our hearts and consciences, is best for the United States of America.

I am convinced that Mr. FORD's confirmation as Vice President meets that test. I am proud to cast my vote for him.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. DON H. CLAUSEN.)

Mr. DON H. CLAUSEN. Mr. Chairman, I rise in support of the confirmation of Mr. GERALD R. FORD as Vice President.

Mr. DON H. CLAUSEN. Mr. Chairman, GERALD R. FORD is one of the most able and talented people it has ever been my privilege to know. He is a very decent and humble man. He is a man who possesses a great deal of common sense and his ascendancy to the Vice Presidency is very timely at this point in our history.

Since he was nominated to be Vice President, I have been asked many times "What kind of a man is he?" In each case I can say he is a good, honest man with a unique capacity for leadership.

I served with Mr. FORD in the House before and after he was elected minority leader. During all that time he has always had my trust and respect.

He can be partisan as his role as a party leader requires him to be but he has made his record by being totally committed to constructive debate. His constructive, positive outlook toward the legislative process can best be seen in the quick endorsement he received from the Speaker of the House who is the leader of the Democratic Party and, naturally, Mr. FORD's opponent during many House debates.

As Vice President he will bring his special legislative expertise to the job in a way that can only help strengthen communication between the executive and legislative branches of our Government.

His judgment has been honed by 25 years in the House and can be applied effectively to the sensitive issues this country faces today. The nature of any congressional constituency is such that it requires a Representative to make careful decisions on complex issues in hundreds of subject areas under the pressure of many competing interests. GERRY FORD has risen to the position of Republican leadership in the House without flinching from difficult decisions and while remaining sensitive to the needs and desires of the people he represents and the country he serves.

His integrity and moral rectitude have not only never been called into question but can serve as an example to others. Probably the most intensive investigation ever conducted into a man's background has just been undertaken by friend and foe on Mr. FORD. The fact that there was no adverse information only confirms what those of us who have been close to him over the years already know.

There is no question but that he will assume the Vice-Presidency at a most difficult time in our history. The problems that need attention are of a major magnitude and the administration is being beseiged from every side.

In this darkness, however, is a ready-made opportunity for a man of GERRY FORD's character and ability. The minority leader of the House does not receive the attention of the national media as others in political life do, but once Mr. FORD is sworn in as Vice President he will soon gain the confidence of the American people.

The public will see him as a man fully committed to the achievement of American ideals and as a man worthy of the public trust. He will earn and retain that trust.

We in the House are among those who know GERRY FORD best so I have no doubt his nomination will be overwhelmingly approved today. I very much look forward to working with him.

Following my attendance at the White House where President Nixon announced to the Nation that his choice for Vice President was GERRY FORD, I was asked for my comments by the news media.

In closing, I would like to repeat the essence of those remarks in describing my good and close friend, GERRY FORD.

I believe Gerry Ford is an excellent choice for the Vice Presidency. He was an All-American football player at the University of Michigan, he has been an outstanding Congressman. Knowing him, as I do, Gerry Ford will make an all-American Vice President.

GERRY FORD, will serve as a "great bridge builder" between the Congress and the executive branches of our Government. I will urge that President Nixon appoint him as Chairman of the Domestic Council. In this way GERRY FORD can serve as the "Domestic President" of the United States thereby permitting President Nixon to concentrate on the extraordinarily demanding and awesome responsibilities associated with our international interests and concerns where he has demonstrated exceptional ability and expertise.

This is a great day for America. I sincerely believe GERRY FORD will serve as the catalyst toward restoring a new sense of confidence in our Government.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. ASHBROOK).

Mr. ASHBROOK. Mr. Chairman, I rise in support of the confirmation of GERALD FORD.

Mr. Chairman, during the seven terms that I have served in the Congress, GERALD FORD has proven to me that he is a fine, honorable, able, intelligent, and perceptive human being. He is able to discuss differences of opinion in a way which is neither arrogant nor demanding. I think that he will bring the same approach to the Vice-Presidency.

I have always set standards for myself and I try to keep those standards. I use certain guidelines in assessing a person. One of those guidelines is the person's instincts. How does a person respond when the going is tough? How does a person respond when things are troublesome? How does a person respond when the heat is on?

I can say that JERRY FORD, by his instincts, by his response, shows that he is of the particular caliber that we are looking for in the Vice-Presidency.

He is a person who comes through both on television and in person honestly and sincerely. I am sure that JERRY FORD as Vice President will be proven to be a man ably equipped by temper, background, intelligence, and a sense of public service to do the best possible for the interests of the United States.

I urge my colleagues in the House to vote affirmatively on the nomination of GERALD FORD to be Vice President of the United States. An affirmative vote will serve the best interests of our country. I am confident that GERALD FORD will be a Vice President who will work with the Congress and always be open to our comments and suggestions.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Indiana (Mr. MYERS).

Mr. MYERS. Mr. Chairman, I shall vote for my good friend, JERRY FORD, today with enthusiasm. I have listened today to the group that is fighting against his election and the reasons they state for their no votes. It is not my intention to question their motions and validity of their arguments. The 25th amendment to our Constitution gives each of us the right to vote for or against the President's nominee for any reason or for no reason. We can and must vote our best judgment in the selection of the second highest office in our country. Then we live with our conscience and that record.

I have not come up with my fancy formula nor question and answer form to examine the capacity and ability of our candidate. I have long admired JERRY FORD. The qualities he possesses of coolness, calmness, judgment, integrity, and capacity for work, make him well qualified for and deserving of this office in my opinion.

Later today, he will become the Vice President. I hope each of us, even those who presently oppose him, will unite behind him to help him in the difficult job that he has ahead for him. With our help and our prayers, we must move forward to restore the confidence in our Government and in our Nation.

I am proud today to cast my vote for truly a gentleman in every respect, GERALD R. FORD of Michigan, to be the 40th Vice President of the United States.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. MAILLIARD).

Mr. MAILLIARD. Mr. Chairman, so much has been said by the many Members who have spoken today in support of confirmation of GERALD FORD as Vice President that it is quite unnecessary for me to add my appraisal of his exceptional ability and character. I do however want to say—by means of this record—to GERRY that Milly and I have enjoyed our cordial personal relationships with Betty and himself and hope they will continue when he assumes this new and higher responsibility. I also want to say to him that just as I have found his leadership here in the House to be of the very highest quality. I know beyond doubt that his leadership as Vice President will ask of us who follow nothing that is not in the best interest of our beloved country.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. VEYSEY).

Mr. VEYSEY. Mr. Chairman, never in our history have we seen such an intensive and relentless public investigation of a man's life than we have here in the Congress since the nomination of JERRY FORD for the Vice-Presidency.

And never in history, through the thousands of public screenings of nominees for high office, has a man better withstood this grueling, always painful, often shattering, but very necessary test.

JERRY FORD's life has been the ultimate in public service. While rising to the position as leader of the Republican Party in the House of Representatives, he has continued steadfastly to serve his constituency in Michigan which first elected him over a quarter of a century ago. He has earned, through his great moral strength, his deliberate wisdom, his unique ability to listen to and cultivate all sides of an issue, and his unfailing loyalty to the principles in which he believes, the absolute respect of friends and adversaries alike.

At this particular juncture in this Nation's history, when we have seen the public's confidence shattered time and time again by wrongdoings in public office, the selection of a man like JERRY FORD for the Vice Presidency can be a godsend. For he embodies all of the qualities Americans look for in men of greatness, but which they believe they have lost in so many of their leaders.

Mr. Chairman, the energy crisis is an anthill compared to the paramount problem America faces today—a crisis of confidence in her political system. In State after State, political leaders and elected officials have been indicted. New ones have been elected, and they too have foundered on their own self-indulgence.

Most recently, we have been numbed by the inexcusable and unexplainable derangements of a Presidential campaign and we have been shattered by the forced resignation of a Vice President who had become a national hero to millions of Americans.

Mr. Chairman, America needs desperately the kind of man who can bridge this seemingly bottomless chasm.

Mr. Chairman, I think JERRY FORD will not only present the kind of image we so desperately need today in the second-highest office of our land, but I also believe that he will be a great Vice President. Further, I think JERRY FORD, if called upon, would also be a great President. And that is a question we have to seriously consider when we put him next in line for the Presidency.

Another factor which I believe to be important in this particular case is JERRY FORD's close relationship with the Congress and the high opinion of him which both Democrats and Republicans share equally.

Never in my memory have the Congress and an administration been more antagonistic than we have seen in the past year.

And while I applaud the President's new determination to open the White House doors to congressional input, I do not believe he can completely clear the black clouds without JERRY FORD's help.

Mr. Chairman, through more than 6 weeks of painstaking, meticulous congressional examination of every page in JERRY FORD's life, and through the exhaustive employment of 33 FBI field offices, and 350 special FBI agents, the American public has come to know and trust JERRY FORD just as most of us here have known and trusted him for years.

Today the public believes in him just like we believe in him. And that is a most important accomplishment. I commend the committees in both the House and the Senate for their exceptional effort. It was necessary, and it was done right.

The following words of the next Vice President, when asked during the Senate confirmation hearings to define his concept of the Presidency, are timely and fitting:

> I believe the President has to be a person of great truth, and the American people have to believe that he is truthful. I think the President has to lead by example, displaying the standards, morally, ethically, and otherwise, by which most Americans lead their lives.

From "All American boy" and athletic standout at Michigan—to the Vice-Presidency of the United States, JERRY FORD has been everything that statement rightfully prescribes.

I am proud to be able to represent the overwhelming majority of my 470,000 constituents by voting today in their behalf for JERRY FORD for the Vice-Presidency.

Mr. HUTCHINSON. Mr. Chairman, I yield 10 minutes to the gentleman from New York (Mr. HORTON).

Mr. HORTON. Mr. Chairman, I yield to the distinguished gentleman from California (Mr. SISK).

Mr. SISK. Mr. Chairman, I appreciate my colleague's yielding.

I, of course, rise in support of the confirmation of our good friend and colleague, the gentleman from Michigan, Mr. GERALD FORD.

At this particular time, I wish to announce that the National League has voted unanimously to move a baseball franchise to Washington, D.C. I want to join with my good friend, the gentleman from New York (Mr. HORTON) and the other members of the committee, the gentleman from Virginia (Mr. BROYHILL) and the gentleman from Illinois (Mr. PRICE) in thanking our distinguished Speaker, our Vice-Presidential designate, Mr. FORD, and the gentleman from Kentucky (Mr. NATCHER), the gentleman from Michigan (Mr. DIGGS), and a number of Senators, for the help and assistance that they have given in making this possible.

Mr. HORTON. Mr. Chairman, I want to also express my deep appreciation to the gentleman from California (Mr. SISK) who has acted as the chairman of our little group.

Back in, I think it was, about September or October 1971, a group of Members of Congress became concerned about the fact that we were going to lose the

Washington Senators and not have baseball in Washington. I remember that at that time the Vice President soon-to-be, the gentleman from Michigan (Mr. FORD) and our distinguished Speaker of the House indicated their support. The gentleman from California (Mr. SISK) and I, the gentleman from Illinois (Mr. PRICE) and the gentleman from Virginia (Mr. BROYHILL) as the executive group of those Members of the House, went out to Phoenix to talk with the representatives of baseball at that time to urge the baseball team to come back to Washington.

I am particularly grateful to Mr. SISK, for the work he has done. I think it is particularly appropriate at this time in this debate that we express our appreciation to the gentleman from Michigan (Mr. GERALD FORD) for his continuous support in our efforts to try to get baseball back to Washington, and also to take this occasion to thank our distinguished Speaker of the House (Mr. ALBERT) for his help. I think this is a great day in Washington sports history.

I am looking forward to the next baseball season. I again want to express appreciation for all that the gentleman from Michigan (Mr. FORD) did to make this possible.

Mr. SISK. Will the gentleman yield?

Mr. HORTON. I yield to the gentleman from California.

Mr. SISK. I thank the gentleman for yielding.

Mr. Chairman, we also want to thank all of our colleagues, some 200 or 300, who signed the petition we took to Phoenix 2 years ago, and we want to thank every one of them for their help and support.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Idaho (Mr. SYMMS).

Mr. SYMMS. Mr. Chairman, I intend to cast my vote for JERRY FORD who has been the leader of my party in my short time in Congress.

JERRY is fair, open and has been impeccably honest with me on every issue we have faced—some we agreed on and some we did not, the kind of a man who earns one's respect.

I am particularly happy to vote a man into the Office of the Vice Presidency who had the courage to stand up for a strong America and his convictions; that is, calling for the impeachment of Justice Douglas.

We will miss him in the House, but wish him and our country every success in the future. May God bless him in this new challenge and may he further the cause of liberty.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky (Mr. SNYDER).

Mr. SNYDER. Mr. Chairman, one can add little to what has been said of our respected, hard-working minority leader, now the Vice-President-designate. No one can remain 25 years in the public eye without undergoing a searching evaluation by those he serves. The Honorable GERALD R. FORD has done that and more. Not only has he repeatedly passed the test of the people of his district and his State of Michigan, but he has achieved the same success in this body. He has been not only elected, but repeatedly reelected minority leader by his colleagues in the Congress. Now, by our vote, he will be confirmed Vice President of the United States after passing under the penetrating scrutiny of the House of Representatives and the Senate. Never has a nominee to any elective office had to undergo such a grilling—and on national television to boot. Few in this body could undergo the same scrutiny.

The country certainly can count on JERRY FORD to give us his best as Vice President.

I am sure he finds it noteworthy that this day on which he succeeds to the second highest office in the land, is the anniversary date of Kentucky-born Abraham Lincoln's swearing-in as a freshman Member of this historic body.

Mr. HUTCHINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia (Mr. PARRIS).

Mr. PARRIS. Mr. Chairman, I am particularly honored at this time to rise in unqualified support of the confirmation of GERALD R. FORD to be Vice President of the United States. This is truly an historic occasion, in which I am proud to be able to take part.

Several of my colleagues will recall that at the time the Senate Committee on Rules and Administration held hearings on the nomination of Representative FORD, I appeared before that committee to present the results of a public opinion survey which I conducted in the Eighth District of Virginia. Each of the households in my district was provided with a ballot which asked a very simple question: "Would you cast your vote for the confirmation of GERALD R. FORD of Michigan as the 40th Vice President of the United States?"

In view of the unique nature of the Eighth Congressional District, I believe the results of this poll are particularly significant, and also merit the consideration of this body today.

A recent issue of U.S. News & World Report described the residents of the Eighth District as "national citizens." Because of the district's geographical location adjoining the Nation's Capital, its residents range from farmers and suburbanites to people who live under typical urban conditions.

Thousands of the residents of the Eighth District are Government workers. Most of them are not what you would call traditional Virginians, but are former residents of every section of the country. The district's census figures reasonably reflect the Nation as a whole in relation to percentages of minority groups. In living habits, personal interests, and earning power, the residents of Virginia's Eighth District are typical of millions of Americans.

As of this date, more than 20,000 replies to the survey have arrived at my office. I am delighted to be able to report to my colleagues that the totals show overwhelming support for Mr. FORD, with some 79.2 percent casting their votes in favor of his confirmation as Vice President.

It is my belief that this tally represents a substantial expression of opinion by residents of Virginia's Eighth District. To make a valid comparison, any of us in political life would be more than delighted to receive such an overwhelming vote of confidence as the results of this survey indicate.

This information is respectfully submitted for the consideration of my colleagues. I am sure that this body will, like my constituents and myself, give unqualified support for the confirmation of GERALD R. FORD as the next Vice President of the United States.

Mr. RODINO. Mr. Chairman, I yield 5 minutes to the gentleman from Florida (Mr. SIKES).

Mr. SIKES. Mr. Chairman, it was natural that many people in and out of my district would ask my opinion of the designation of GERALD FORD of Michigan for Vice President. The answer was the same to all of them: I consider him the best choice available to the President for this very important post.

I doubt there are many people who seriously question that statement. There has been opposition from some quarters, but it is minimal and explainable. GERALD FORD is a man who has the confidence of the people who know him or know of his work, his qualifications, and his character. It is very significant that he received an overwhelming endorsement in the Senate and the House vote will follow a similar pattern. This is a remarkable thing in that those who know you best can be most critical. GERALD FORD has been an outstanding figure on Capitol Hill for 25 years. He has grown in stature and in responsibility. He has voted his conscience and that is what each of us should do.

Yet he has retained the friendship and the confidence of the great majority of his colleagues on both sides of the political aisle. He has also survived with little difficulty the political wars in his home State and district. And a man who can do that for 25 years is not a political accident. Such a man GERALD FORD is who understands people and their needs and whose dedicated efforts in their behalf has assured their confidence and support. They are a cross section of America.

I have served with JERRY FORD during all of his time here. We were privileged to work together on the Committee on Appropriations for many years and on the exacting but important Subcommittee on Defense, where he gave outstanding service. I have not heard as much regret expressed when any other man left that committee because of the requirements of other responsibilities—in his case, leadership responsibilities. That is the kind of work he did on the Appropriations Committee.

Our families have enjoyed a close relationship and Mrs. Sikes and I have watched with pride their achievements and shared the happiness of JERRY and Mrs. Ford as their children grew into maturity. The friendship which we formed with the Ford family early in his service here has been one of the brightest spots of our own tenure in Washington.

JERRY FORD is one of those fortunate individuals who can accept calmly and responsibly exacting duties, drudgery,

sometimes the criticism of the news media particularly if they disagree with your political philosophy—and always the increasing demands from the people back home for more services from Government. He has accepted all of this and continued to do one of the most creditable jobs of any Member of Congress. He has grown into leadership in the House—the toughest school of all. He is the kind of leader America must have if we are to exist as a free, democratic land of opportunity.

We can be certain that whatever his capacity in life, JERRY FORD will never cease to be concerned about good government and the welfare of our Nation. He is proud to be an American. This pride has been reflected in his service here. It is an outstanding service and GERALD R. FORD of Michigan is an outstanding American. I can go further. He is a great American.

This is an historic first for the House of Representatives and for America. It is also a great credit to the House that we are preparing to confirm for Vice President a man who proved himself worthy of public trust as a Member of the House.

I proudly join in congratulating JERRY FORD on the great honor and the new responsibility he is preparing to assume as Vice President of the United States.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. PETTIS).

Mr. PETTIS. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I have known JERRY FORD since I first came to Congress. He has served this House well and it is a privilege to join my colleagues supporting his nomination as Vice President.

JERRY FORD is a man of integrity, a man of honesty, and a man of political competence. His is the type of solid, dependable leadership this country needs most right now if public trust and confidence in government is to be restored.

I was pleased to note that just last week, a public opinion poll taken in his own Fifth Congressional District in Michigan, showed JERRY FORD receiving the same 85-percent vote of confidence he received last November when he was reelected to his 13th term in the House.

This is an historic moment. For the first time, 535 Members of Congress will be using their votes to elect a Vice President on behalf of the people of this Nation. Our combined judgment will take the place of that of 70 million registered voters.

The Senate has already cast its ballot. Now, the House, which holds true responsibility for being the representative voice of the people, will vote.

Mr. Chairman, I am confident my vote for JERRY FORD is a vote for the people.

Mr. HUTCHINSON. Mr. Chairman, I yield to the gentleman from Ohio (Mr. J. WILLIAM STANTON) such time as he may consume.

Mr. J. WILLIAM STANTON. Mr. Chairman, I rise in enthusiastic support today to cast an affirmative vote for the confirmation of GERALD R. FORD, from the State of Michigan, to be Vice President of the United States. The speakers who have preceded me have gone into great detail as to the nominee's qualifications and ability. Realizing that their eloquence exceeds my own, I will try not to repeat to many of them.

Last night, while driving home, I noticed on the bumper of the car in front of me a sticker that read "JERRY FORD—Makes Things Better." To us who spend so much time in Washington we recognize this as a bumper sticker advertising a local automotive agency. However, I cannot but think that this bumper sticker epitomizes my own thoughts regarding the person, JERRY FORD, and his selection as Vice President of the United States.

JERRY FORD has and, I am sure, will continue to "make things better." Working with him over the last 9 years has been an experience that I shall always cherish. His great attributes of justice, fairness and sense of fair play have won him the respect and admiration of almost all of his colleagues. He is, in every sense of the word, a true leader. He has, from the very beginning of his political life here in the House of Representatives, made this a better place.

As we look to the future, I know that these outstanding characteristics of the man will spread by leaps and bounds to encompass the hearts of millions of other Americans. It is my profound wish that these great qualities that he has been endowed with and has personally developed will be used to "make things better" for the American people, specifically, and for the world in general.

The American people clamor for men endowed with the capabilities and personal attributes of JERRY FORD. I know he will not let them down.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. STEELMAN).

Mr. STEELMAN. Mr. Chairman, GERALD FORD has served his country, his congressional district, and his party ably and well for some 25 years. When a man is being touted for higher responsibilities, it is common and necessary to speak of his accomplishments, his record of service, his philosophy, and indeed, GERALD FORD stacks up supremely well in these areas. However, it has always been my feeling that the important test had to do with things more basic. The key question has to do with basic values. His colleagues on both sides of the aisle who have served with him far longer than I speak of him here today in that sense. Their respect and my respect comes not only for his record of service which is distinguished, but for his personal qualities of being fair in an arena where expediency often leads lesser men to unfairness, of being a man of his word where expediency often leads lesser men to acts of deception, of being a willing counsel to younger Members when time constraints dictated otherwise, of proceeding calmly and deliberately in the face of adversity when many of us are tempted to act impulsively. These same qualities, Mr. Chairman, will serve him well and more importantly they will serve us, as Americans, well in the Vice-Presidency as they have in the House of Representatives. Mr. Chairman, I am highly honored to have served, if for a short time, with this great and distinguished American. The House of Representatives loses today by JERRY FORD's departure. It will miss his leadership, but this country gains and I am proud to cast my lot and support to this great and good man, GERALD R. FORD of Michigan.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. STARK).

Mr. STARK. Mr. Chairman, I rise on this historic occasion to oppose the confirmation of GERALD FORD for Vice President, and to discuss briefly my deep concern at elevating the minority leader to that office.

GERALD FORD has been an apt and dependable leader of the minority in the House. He has represented his district well and been a fair spokesman for those sharing his philosophy of government. He has been a loyal party member, and has done much in attempting to expand support for his wing of the Republican party. He is honest and fair in his dealings, financial and otherwise.

The simple fact is, however, that today we are electing GERALD FORD, President. Republicans and Democrats alike recognize the inevitable. Impeachment proceedings against Richard Nixon are waiting in the wings. Tomorrow they will take center stage as his own party turns on him.

Many of us today have said that GERALD FORD is a man of honesty and integrity, that he follows his conscience, and that his policies are consistent. But, these qualities alone do not necessarily make a good President. They simply describe a decent, honest man—one of many, and no more suited than any other to be President.

A brief summary of his legislative record describes his political character, a profile with which I cannot identify. He is unalterably opposed to some of the most basic concepts of our society. He voted to cripple the Voting Rights Act of 1965. He has consistently voted against civil rights legislation. He has blocked significant housing legislation as well as aid for elementary and secondary education. He does not support labor issues, is committed against civil liberties, and blindly followed the President's insane Vietnam policy. In short, this is a man who votes his conscience—and in his conscience he opposes helping the average man in this country. GERALD FORD sides with the rich and powerful and fights against those who need help, fairness and justice. Rent subsidies, OEO, medicare/medicaid, food stamps, child care, the minimum wage—these concepts are anathema to GERALD FORD.

In the way our Government treats these critical issues in the months ahead lies the death or survival of our cities, and the hope the disadvantaged and minorities have of attaining a decent life—something so long denied them by the likes of GERALD FORD. Based on his record to date he will keep the poor

downtrodden, the towns and schools segregated, will let the cities crumble, and make the people fend for themselves, even when they are unable to do so. These policies are antihumanitarian, indeed amoral. They represent a lack of concern for our fellow man. They epitomize negativism at its worst.

The 25th amendment did not mandate the procedure we have followed. I of course object to the step taken by Richard Nixon in this nomination, but more strenuously oppose the role of Congress in ratifying this choice. My colleagues have turned their backs on their responsibility to screen carefully, and force the President to make a responsible selection.

Hearings held in both Houses were extensive, yet revealed nothing. Those committees should have looked for more than dishonesty. They should have searched for the positive qualities of the man. If honesty is the only quality required of a President today, then it is clear that Richard Nixon has allowed the office of the Presidency to sink to the lowest standards of any government in the world. We can only judge FORD by his legislative record, and by the fact that he is not, in the words of President Nixon, "a crook." This is not sufficient reason to endorse his nomination.

The 25th amendment requires us to act in lieu of the electorate, and we are not doing so. The people I represent would not elect this man. He offers them no understanding for their financial problems, no solutions to their social and physical difficulties. He offers only honesty and decency—not even good will.

It is with great regret that I am compelled to make these remarks and vote against confirmation. I would have wished to support JERRY FORD in all his endeavors. However, this matter is simply bigger than the man himself. This body is today naming a President.

As a member of this body I cannot act imprudently, nor make light of my responsibility in this selection process. I simply cannot in good conscience endorse a man for President who I believe will turn his back on the needs of my constituents and the goals and desires of all people of this country. I reluctantly urge my colleagues to follow me in voting against confirmation.

Mr. RODINO. Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. BROOKS).

Mr. BROOKS. Mr. Chairman, I want to take this opportunity to commend our distinguished chairman (Mr. RODINO) for his exceptional fairness and objectivity throughout the hearings on the confirmation of GERALD R. FORD. Nobody can say that he was not fair, objective, patient, tolerant, and candid throughout that hearing.

Republicans and Democrats alike understand that PETER RODINO, as our chairman, was a fair man.

We in this House owe him our sincere thanks for the method in which he put together the investigation which was as thorough as any we have had in this Congress.

We know more about JERRY FORD than I ever wanted to know. We did not find anything that was indictable, even in a justice of the peace court, or we would have indicted him.

We really do owe a debt of gratitude to our chairman, PETER RODINO, and to the senior Republican Member, ED HUTCHINSON. They both were objective.

Mr. HUTCHINSON, as the Members know, is a sincere and solemn man; in this instance he was also the most amiable, pleasant, gracious representative of the Republican Party that one could have had on that committee. The amiability and the courtesy and respect he accorded to everyone; his own willingness to cooperate with our chairman helped to make those hearings tolerable and in the long run for the best interests of this Nation.

Mr. EILBERG. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from Pennsylvania.

Mr. EILBERG. It is with great enthusiasm that I associate myself with the remarks of the gentleman from Texas. I, too, was a member of the Judiciary Committee and sat through 6 days of hearings and meetings of the committee.

It seems to me that one of the great pleasures I had was the privilege of working with the chairman. Chairman RODINO has been very thorough and fair in this matter and gave every Member a chance to be heard, even sometimes at night. Ultimately he was not only serving the committee, but the Nation.

I respect the right of the gentleman from Texas. I respect the right of the distinguished chairman from New Jersey to vote in committee or on the floor. I think this is something each of us does in his own conscience. I think it would be wrong to in any way discredit the activities of the chairman. He has been excessively fair and most deliberate. I think he deserves the thanks of the entire House.

Mr. RODINO. Mr. Chairman, I yield the gentleman 1 additional minute.

Mr. BROOKS. Mr. Chairman, I want to say that I concur in the remarks of these two gentlemen. Every Member must vote his own judgment.

The chairman in the hearings was most objective and fair, now he votes as he is obligated to do by his judgment

Mr. SMITH of New York. Mr. Chairman, will the gentleman yield?

Mr. BROOKS. I yield to the gentleman from New York.

Mr. SMITH of New York. Mr. Chairman, I thank the gentleman. I want to associate myself with the remarks of the gentlemen in three matters: one, in support of the genleman for the confirmation of GERALD R. FORD; and two, to compliment our chairman who has been exceedingly fair and I thought ran a good ship; and three, to compliment our ranking minority member. I would say the chairman had a little trouble with the gentleman from Texas because of his solemn behavior; but otherwise, I would say the hearings ran very well, as well as any I have seen.

From my knowledge of GERALD FORD, derived from knowing and working with him in the House of Representatives for 9 years and from the hearings on his confirmation before the House Judiciary Committee on which I serve, I know that GERALD FORD is honest, intelligent, industrious, loyal, perceptive, compassionate, dedicated to the United States of America, and possessed of integrity and great physical stamina. These qualities are those which America needs in its leadership, and they are the qualities which will help GERALD FORD bring healing for the hurts and trauma which this Nation has suffered.

Mr HUTCHINSON. Mr. Chairman, I yield to the gentleman from Illinois (Mr. MCCLORY).

Mr. MCCLORY. Mr. Chairman, I want to associate myself with the remarks of the gentleman from Texas (Mr. BROOKS) and say that I enjoyed very much his remarks in the final session of the committee meeting before the vote there on the confirmation of Mr. GERALD FORD. He delivered very entertaining and eloquent remarks at that time.

I feel that we should respect the reasons which people may have for voting. I want to commend the chairman of the committee (Mr. RODINO) for his thoroughness and fairness; also, our ranking minority member, the gentleman from Michigan (Mr HUTCHINSON). He also did a very thorough, very responsible, and a very respectable job in the committee hearings preceding the confirmation vote.

Mr. Chairman, the entire Judiciary Committee deserves great credit.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. PRICE).

Mr. PRICE of Texas. Mr. Chairman, I wish to join those commending my friend and colleague GERALD FORD upon his confirmation as Vice President of the United States. JERRY takes a place in history as the first man selected for the Vice President under the new process provided under the 25th amendment to the Constitution. He deeply deserves a place in this Nation's history and this Nation needs his talents as Vice President. As a Member of Congress for 25 years, he is knowledgeable in all aspects of the international, domestic and political problems facing our Nation. He will lend strength and stature to the executive branch. We shall miss him in the House Chamber but we need him standing behind the President. At this time in history I want to wish JERRY and his family best wishes and Godspeed in his new position as Vice President of the United States of America.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Nevada (Mr. TOWELL).

Mr. TOWELL of Nevada. Mr. Chairman, it is with a strong sense of privilege and a great deal of pride that I rise today in support of the nomination of Mr. GERALD FORD for the Vice Presidency.

During the 11 months I have served as

a Member of this distinguished body, it has become abundantly clear that in Mr. FORD, the minority party has been in the hands of extremely competent leadership. In that time, I have come to know that Mr. FORD is a very capable statesman, a diligent servant of the people, and an individual of deep personal integrity.

His advice, counsel, and guidance to young Members of this body has been invaluable to men like myself and, in the end, has made me a better representative of and for the people of Nevada.

Mr. FORD has, in the past year, been a frequent visitor to my State and in so doing made many devoted friends throughout the State of Nevada.

I am sure I speak for the majority of the people in Nevada when I urge unanimous support for Mr. FORD's confirmation. His loss from this floor will be deeply felt on both sides of the aisle, but his ability to serve the people will be greatly expanded by his confirmation as Vice President.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Chairman, I rise in support of House Resolution 735, to confirm my friend and distinguished colleague, GERALD FORD, as Vice President of the United States.

Even in the short length of time that I have been a Member of this Congress, I have come to learn for myself why JERRY FORD is one of the most highly respected men in this Chamber.

I was surprised that he was always able to make room in his demanding minority leader's schedule to counsel a freshman Congressman from a far away place. But as I have come to know him better, through his strong support of legislation authorizing the trans-Alaska pipeline and other matters of vital importance to the people of Alaska, I have realized that he invested his time in me because he is a believer in our system, our way of government.

As this country's 40th Vice President, I am confident Mr. FORD will continue to uphold the Constitution and the basic principles upon which this Nation and his own public life have been built.

Since his election to the House of Representatives a little more than 25 years ago, JERRY FORD has built a solid reputation and has gained the respect of Members seated on both sides of the aisle for his honesty, ability, and integrity.

I am sorry to see him go, for this Chamber will be diminished by his absence.

I will cast Alaska's vote for Mr. FORD's confirmation as Vice President.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois (Mr. FINDLEY).

Mr. FINDLEY. Mr. Chairman, today's proceedings have truly lifted the spirits of the Nation.

Mr. Chairman, the many fine qualities of GERALD R. FORD have been recognized in the debate today.

Today's proceedings truly lift the spirit of the Nation.

A quality of Mr. FORD which I find especially appealing and important is his ability to deal fairly and decently with those who oppose him on issues. He does not bear grudges. He respects the right of others to disagree.

Mr. RODINO. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts (Mr. STUDDS).

Mr. STUDDS. Mr. Chairman, I want to take this brief moment to share with the House what I had an opportunity to share personally with the minority leader yesterday.

Mr. FORD and I, as he very well knows, are very, very far apart politically and philosophically. We are very, very far apart, dramatically so, in our respective views of the responsibility of this Government toward its own people and toward the peoples of the rest of the world.

It does seem to me, however, that those are not the kinds of judgments we are expected to make by the 25th amendment of the Constitution. Moreover, it seems to me that of all the questions we in this House are asked to decide, the selection of a Vice President of the United States is one in which, if humanly possible, the people whom we represent and for whom we who serve in this Chamber are surrogates, should have a voice.

Consequently, a few weeks ago I sent questionnaires on the Presidency and the Vice-Presidency to every household in my district. A moment ago, the Members heard my colleague from Massachusetts (Mr. BOLAND) allude to the fact that he represented a district in the only State in this Nation not carried by President Nixon. Mr. Chairman, I have the unique distinction of representing the only one of the 12 congressional districts in that State that was carried by President Nixon.

The people in this district have spoken in fascinating, dramatic and very different ways in the questionnaire which was sent out. Tomorrow I shall place in the RECORD the returns from almost 34,000 voters in this most traditionally Republican of our districts of the State of Massachusetts. The news will not be very cheerful for the President, but for Mr. FORD, the people of my district have asked by a vote of 75 percent to 25 percent—3 to 1—that their Congressman vote to confirm JERRY FORD.

Mr. Chairman, for that reason, this afternoon I shall vote in their name to do so.

Mr. HUTCHINSON. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois (Mr. YOUNG).

Mr. YOUNG of Illinois. Mr. Chairman, I would like to add my voice to the voices of my colleagues on both sides of the aisle in speaking in support of the approval of the nomination of GERALD FORD.

I also would like to state that I appreciate very much the work of the gentleman from New Jersey (Mr. RODINO) the chairman of the Committee on the Judiciary, as well as the work that has been done by the gentleman from Michigan (ED HUTCHINSON) who is the minority leader of the Committee on the Judiciary, and the work of other majority and minority members of that committee in connection with the very, very thorough investigation which was made with respect to our nominee, GERALD FORD.

Truly, no man has ever been investigated as fully and as completely and as thoroughly as JERRY FORD in connection with his selection for the office of Vice President.

There is one thing which is not in this House report which should be brought out. There are many characteristics of leadership which should be mentioned, but there is one that has not been adequately mentioned.

It has been truly stated that being a father these days is a leadership position. The father is the cornerstone of the family. The family is the cornerstone of the community; the community is the cornerstone of the Nation.

I think that JERRY FORD's leadership as the father of a very fine family of four outstanding children is strong evidence of his great ability to lead the Nation as its Vice President and, if called upon, as its President.

Mr. RAILSBACK. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Illinois. Mr. Chairman, I would like to yield the balance of my time to the gentleman from Illinois (Mr. RAILSBACK).

Mr. RAILSBACK. Mr. Chairman, I simply wish to join my colleague in congratulating the chairman of the committee, the gentleman from New Jersey (Mr. RODINO).

I got so carried away on the issue about Justice Douglas that I forgot to commend the gentleman for what I thought was a very fine job which he did in presiding.

I also wish to commend the gentleman from Michigan (Mr. HUTCHINSON) who, I believe, also contributed so very much.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Hawaii (Mr. MATSUNAGA).

Mr. MATSUNAGA. Mr. Chairman, I rise in support of the confirmation of GERALD R. FORD to be Vice President of the United States.

I have not agreed with JERRY FORD on many issues in the 11 years I have served with him in the House, but his conduct has been such as to elicit my respect for the man, despite his understandably misguided position on the issues. He has been highly partisan at times, but so have we all on occasion. Besides, under our two-party system, as minority leader he has had to play his assigned role of the villain. And those of us with theatrical experience know that the villain's role is the most difficult to play.

Seriously speaking, Mr. Chairman, I support JERRY FORD's confirmation because his personal integrity has been unquestioned, not even after an unprecedented double set of confirmation hearings. He possesses that trait of character which best qualifies him for public office—honesty. With JERRY FORD as Vice President, I believe we can look forward to a period of improved relations between the executive and legislative branches. Perhaps, more than any other minority leader, JERRY FORD has gained the friendship and respect of his colleagues on both sides of the political aisle. On the occasions that I have had to confer or consult with him on various matters, I

learned one unimpeachable thing about him: JERRY FORD always keeps his word.

An important aspect of confirming this nomination lies in its effect on the Presidency itself. During the time that the Vice-Presidency has been vacant, there has been an understandable reluctance on the part of our Republican colleagues to discuss seriously the possible removal from office of the President. They apparently feel that to permit a Democrat—in this case the Speaker, under the 25th amendment—to succeed to the Presidency would frustrate the overwhelming Republican victory of 1972.

After today's vote, Mr. Chairman, no such reservations should exist. After JERRY FORD has been confirmed, whatever grounds there may be for impeachment of the President can be judged solely on their merits by Members on both sides of the aisle.

GERALD R. FORD, as Vice President, can only enhance the standing and respect with which the executive branch is today regarded. I will therefore vote to confirm his nomination.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas (Mr. DE LA GARZA).

Mr. DE LA GARZA. Mr. Chairman, the action we are called on to take here today is without precedent in the nearly 200 years of our Nation's history.

For the first time, we are acting to place in the second highest executive position in our Federal Government a man who has not gone before the U.S. electorate in a national campaign.

This means he has not faced live audiences in many, perhaps most, of the States in order to present his party's case to the citizens. He has not been followed around the country by representatives of the communications media alert to everything he says and does. He has not been quizzed and questioned by organizations concerned with his views on a thousand and one varied subjects.

We are asked, in short, to elevate to the Vice-Presidency of the United States a man who has never been a national candidate.

But, Mr. Chairman, none of this is to be taken as meaning that we are being asked to act without knowledge both wide and deep of the man whose name is before us.

Since he was nominated for Vice President last October, JERRY FORD's personal and private life has undergone a painstaking examination by investigative experts and, more importantly, by his peers in the Congress of the United States.

JERRY FORD has served in this body for 25 years. No less than 34 present Members of the House have witnessed his entire period of service. Many of us who came here later have seen him at work for 20 years, a dozen years, 10 years—in my own case, 9 years. He is not an unknown quantity to us.

The Honorable Sam Rayburn, who served as Speaker longer than any other man, used to say that the House was a tough but fair jury when it came to judging its Members—the toughest and fairest in the world. During his service here, JERRY FORD has earned the respect of Members on both sides of the aisle. Today this jury of his peers will return their verdict. I doubt that any of us question what the outcome will be.

Mr. Chairman, I wish to make one further point. As I have said, the action we take here today is without precedent. But let us note that this action is in accord with our Federal Constitution as amended. The Senate has acted, now the House is acting and let me here commend the Judiciary Committee and its chairman, Mr. RODINO, for the thorough and yet fair manner in which they have conducted the hearings on the confirmation of JERRY FORD.

We are indeed following precisely the procedure set forth in the 25th amendment to the Constitution. That amendment was proposed to the legislatures of the several States on July 7, 1965. It was declared by the Administrator of General Services, in a proclamation dated February 3, 1967, to have been ratified by the legislatures of 39 of the 50 States.

The 25th amendment is as much a part of our Constitution as any other article of that document.

We are following the Constitution, Mr. Chairman, just as we should follow it in any other matter involving the stability of our Government and the general welfare of the American people. That is our solemn responsibility as Members of Congress.

I feel strongly that JERRY FORD fulfills very amply the constitutional requisites, and he certainly has all of the necessary personal qualities. We wish him well as our 40th Vice President of the United States of America.

Mr. RODINO. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri (Mr. RANDALL).

Mr. RANDALL. Mr. Chairman, in less than 2 hours I will vote for the confirmation of GERALD FORD for Vice President.

As we consider this confirmation today the technical question is whether we approve the nomination for Mr. FORD for Vice President, but the essential or basic, underlying question is what kind of a President Mr. FORD would make if the President should resign or be impeached.

One of the three Senators voting against confirmation, made an accurate appraisal, when he said "by this confirmation we are selecting a potential President of the United States."

In one of our hometown newspapers, the Kansas City Times, it was stated recently the important question covering the confirmation of GERALD FORD is how close he is to the Presidency. They go on to say that the Office of Vice President is a sort of "nothing" job but once the Office of President becomes empty or vacant it suddenly goes from nothing to everything.

May I suggest to my Democrat colleagues that from a partisan standpoint, in my judgment, the only wise course for us on this side of the aisle is to support this confirmation today. It is not only the sensible thing to do, but the political thing to do.

The 25th amendment never intended that the Congress be given a wide range of choices. What was intended is that the country enjoy the security of a Vice President to provide continuity between Presidential elections. In my view, our clear responsibility is to confirm Mr. FORD.

After the hearings in the other body the press concluded GERALD FORD suddenly developed a strong personality. I think it is interesting to note that there has been a strange change of attitude, by certain columnists and editorial writers. Those who less than 2 months ago were calling him a nonentity are today becoming worried about his strength as a candidate in the future.

One of my Democratic colleagues a moment ago said we should not praise him too much today because the words might come back to haunt us in 1976. Then I heard another Member suggest that an additional reason we should not praise him is because it makes it appear that the House is a sort of club that approves one of its Members regardless of his merits. Well, neither of these arguments has anything to do with the function of the 25th amendment. Moreover, 1976 should not be permitted to be a factor as we vote on this confirmation today.

Those of us who know GERALD FORD in the House respect him. This is not a partisan, but rather, is a bipartisan consensus. It would not be too far to go to say that there will be only a small number of votes against him today.

You have heard it said sometimes that GERRY FORD is not an intellectual. Well, being a so-called intellectual is not a prerequisite to being President, but a sense of devotion to duty is a prerequisite. The press has said he is deficient in charisma. Well, as we look back over American history, we note there have been some Presidents who lacked luster, but they made great Presidents. A determination to work hard and diligently at the job of being President has made the names of several former Presidents great names in American history.

When the FORD nomination was made back on October 12, I recall one writer said that Mr. FORD projected a bland image. My reaction then and now is that today we do not need cleverness or cuteness in our public officials. We do not need those in high office to have the ability to entertain. Rather, the one characteristic that those in public life must be possessed of today and the most important qualification of any officeholder now in these troublesome times is to be possessed of the trait of character that we know as integrity. GERALD FORD has that characteristic. He is honest. He is truthful. He is a man whose word is as good as his bond.

If we are to overcome the lessened confidence in government today, it can be done only by proving to the American people that there remain men in this country who yet and still regard public office as a public trust. All of us in public life today must do all we can to restore confidence in government by the observance of personal honesty, straightforwardness, and old-fashioned truthfulness.

GERALD FORD has much more than a thin, polished veneer. Underneath he is a substantial, solid, steady, hard-working individual who is possessed of moral

soundness, free from corruption, and a man of honor.

GERRY FORD is a decent man, an honorable man. He has been free from fraud or unseemly conduct throughout his entire life. He has had a reputation for personal honesty. GERALD FORD possesses the rare characteristic of being straightforward. He has an openness and frankness that we need in public life today. He has a candor that shows his openness of mind which in turn reflects his disposition of fairness.

Another quality of GERRY FORD is his humility. Arrogance is not a part of Mr. FORD. He is a modest man, and, in my judgment, that makes him a good man.

In these troubled times characteristics of GERALD FORD that I have just described are credentials that should be the important consideration as we come in just a little while to vote on his confirmation for Vice President.

Mr. Chairman, GERRY FORD deserves confirmation today by the House, where he has served the past 25 years.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from New York (Mr. LENT).

Mr. LENT. Mr. Chairman, I am proud to rise in support of the nomination of my friend and colleague from Michigan, for the office of Vice President.

While some individuals have claimed that GERALD FORD lacks the "charisma" the Nation now needs to inspire it, I believe he has many more fundamental qualities which are far more vital to the good and welfare of our Nation. He has, primarily, the ability to inspire confidence at a time when public confidence in Government is at a premium. In addition, as a Member of this body for a quarter-century, he is acutely aware of the legislative process and the problems faced by Congress. Another positive result of his confirmation will be greatly improved cooperation between the executive and legislative branches of Government.

My Long Island constituents can also take heart from the fact the Vice-Presidential nominee is no stranger to our region. He has been a visitor to Long Island on many occasions—twice since this past summer, once at my invitation, and again on November 26, 1973, when he served as the keynote speaker at a United Jewish Appeal dinner in Suffolk County. He delivered an outstanding address to some 3,000 guests who contributed nearly three-quarters of a million dollars in private funds in support of Israel.

JERRY FORD has been an outstanding Representative in Government for longer than most of us. But, he is now just beginning to come into his own on the national scene. His future is very bright.

In short, I feel that GERALD FORD will make an excellent Vice President. I am proud to cast my vote for his confirmation, firm in my belief that his simple, sincere style, and outstanding abilities will serve our Nation well.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. BOB WILSON).

Mr. BOB WILSON. Mr. Chairman, I rise in support of the nomination of JERRY FORD as Vice President.

I have known JERRY FORD for 21 years, since I first arrived in the halls of Congress. I must say, Mr. Chairman, that in that time I have heard many outstanding speeches and read volumes of statements and statistics on every conceivable subject, but I have never read or heard such ridiculous claptrap as some of the statements made during the debate here today about our distinguished colleague, GERALD FORD.

As a member of the Republican leadership, I was privileged to work with JERRY at the time the Civil Rights Act of 1966 and the Voting Rights Act were passed by this body. I can say without equivocation that there would not have been a Voting Rights Act and Civil Rights Act of 1966 if it had not been for GERALD FORD's work with Congressman MCCULLOCH, the ranking minority member on the Judiciary Committee. Congressmen FORD and MCCULLOCH were the leaders who gathered sufficient Republican strength to join with liberal Democrats in passing meaningful legislation, and at this time to try to label him as having a mediocre civil rights record, or even a tinge of racism, is a discredit to those who make such statements.

JERRY FORD's an ideal person to become the second highest leader in our country. I was with him when the Presidential nominee of our party, Mr. Nixon, asked him again if he would be our Vice President and JERRY respectfully declined at that time because of his desire to help the President lead his program through the House. Now circumstances and fate have made it possible for JERRY to become the Vice President of our country. He is a man of great courage and great modesty. His hat size is the same as it was when he was a very junior Congressman, at the time I first met him. He is a family man and an honest, trusted, public servant who is a real credit to our country. I would trust him with my wallet, my honor, and my life. I know the American public will come to appreciate his qualities that have been extolled by so many of his friends on this most important day of his life. I wish him the best of success in his future job as he leaves this chamber and goes across the Capitol to become the President of the Senate and Vice President of the United States.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio (Mr. MINSHALL).

Mr. MINSHALL of Ohio. Mr. Chairman, I too rise in support of the nomination of GERALD R. FORD for Vice President.

Mr. MINSHALL of Ohio. Mr. Chairman, in these particularly troubled times, I am glad to see a man of such sterling qualities being considered for the high office of Vice President of these United States. Each morning the newspapers announce the crisis of the day, including such threats as the lack of heating fuel, the discovery of another Watergate debacle and possible international situations escalating to world war III. In an effort to appease the people, various public figures announce their grand plans to alleviate our problems. However, we the American people are becoming numb to the threatening shouts and to the promising rhetoric. We seek a quiet and honest man with strength of character and a listening ear. We seek a statesman. My close friend and colleague GERALD R. FORD is such a statesman.

Often described as soft-spoken and kind, JERRY has never given anyone, not even his political opponents, cause to doubt his integrity. As a fellow Midwesterner, I am inclined to attribute this quality to good, old-fashioned midwestern honesty. The number of close relationships that JERRY has made among the Democrats, not to mention his Republican friends, during his 25 years in Congress is extraordinary, especially since he has served as the minority leader for 9 of those 25 years. Just as a good football player knows not to carry his competitive feelings against his opponents off the field, so JERRY knows not to carry partisanship to the point of personal enmity.

The same qualities that earned JERRY Michigan University's Most Valuable Player Award in 1934 and Sport's Illustrated Silver Anniversary All-American Award in 1939 have earned him the leadership of the House Republicans. A superb tactician, he has been a great legislative leader with the ability to provide the unifying thread to the general debate on important issues. For example, he has helped to guide the Republicans toward a wider policy perspective on the environment and revenue sharing. Before becoming minority leader, JERRY had a chance to develop his leadership abilities in his role as the senior Republican on the Appropriations Defense Subcommittee.

His work on the Defense Subcommittee as well as on the Foreign Operations Subcomimttee has also provided him with a good background in both domestic and foreign affairs. His many accolades, such as his honorary doctorate degrees, the U.S. Junior Chamber of Commerce Distinguished Service Award, the American Political Science Association Distinguished Congressional Service Award and the American Good Government Society George Washington Award, plus his training as a lawyer at Yale University Law School attest to his qualifications for this high position. Furthermore, he has the strong support and the comforting hand of his charming wife, Betty, and the backing of his four lovely children, Michael Gerald, John Gardner, Steven Meigs and Susan Elizabeth, to assist him in the role of Vice President. Frannie, my sons and I wish all the Fords the very best in this great new adventure.

Most important to consider is his contacts with the people. Having had his fingers on the pulse of his constituents in the Fifth District of Michigan and his fellow colleagues, he is well aware of the American people's concerns and desires. The knowledge along with his open and consultative nature should guarantee us

that he will always keep in mind that our Government was formed of the people, for the people and by the people.

Mr. HUTCHINSON. Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. MATHIAS).

Mr. MATHIAS of California. Mr. Chairman, I want to take this opportunity to add my support for the confirmation of JERRY FORD as Vice President of the United States.

Our country needs a Vice President who can work with the President and Congress on matters of national interest. We need a person who is qualified to take over the duties and responsibilities of the Presidency if that should become necessary. And we need a Vice President who is a leader, someone who can help give the country strong leadership and a sense of direction through these difficult times.

Because of his experience as a Member of Congress and as minority leader for the past 9 years, JERRY FORD is well qualified to be Vice President. He will bring to the Office of the Vice Presidency the proven ability to lead and to deal with national issues in a constructive and forthright manner. Since he is a person of strong character and integrity, he will continue to serve the American people, as he has done for the past 25 years, with dedication and compassion.

As a man of the Congress, I feel certain that he will continue to maintain close ties with Congress as well as work to develop a closer working relationship between the executive branch and Congress.

From my knowledge and experience of working with JERRY FORD during my 7 years as a Member of this House, I know that he will do everything in his power to serve his country with dedication and honor.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from South Carolina (Mr. DORN).

Mr. DORN. Mr. Chairman, the House of Representatives will be honored today when JERRY FORD is sworn in as Vice President of the United States. The House of Representatives, elected directly by the American people every 2 years, is best acquainted with the character of the American people. This body reflects the strength, hopes, and aspirations of the American people. This is the greatest parliamentary body on this planet today. It is an institution which draws its strength from diverse geographical areas and from citizens in every walk of life. If America, Mr. Chairman, is the melting pot of the world, then this House is the melting pot of America, where we are all brought together in a common bond of freedom.

JERRY FORD for 25 years—a quarter of a century—has served in this, the greatest of the people's representative institutions. While here, he has come to know our country, its various philosophies, ideologies, creeds, and races. There is no better training ground in our Nation for higher office than service in this body. JERRY FORD will step into the Vice-Presidency trained for leadership in the Government arena as thoroughly as he was trained and conditioned in the athletic arena. This is a critical time in the history of our country and indeed the cause of freedom the world over. JERRY FORD could well provide that leadership so needed and so essential to the very survival of our institutions.

Mr. Chairman, JERRY FORD is a man of the highest character, integrity, and ability. I commend the President for the nomination of Mr. FORD as provided in the 25th amendment and I commend my colleagues in the Senate for their overwhelming endorsement of our beloved colleague in the House, JERRY FORD.

Mr. Chairman, I urge this House today, in the interest of unity, in a spirit of bipartisanship and in a love and dedication for our country to give JERRY FORD an overwhelming vote for Vice President of our great Nation. The traditions of the House are American traditions. Our heritage, the great principles and ideals of the American people, are lodged here in the House. His having served here so faithfully and so well, esteemed by his colleagues, elected as minority leader, is the greatest recommendation anyone could have for the high and exalted office of Vice President of the United States.

Mr. RODINO. Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky (Mr. MAZZOLI).

Mr. MAZZOLI. Mr. Chairman, I rise in support of the nomination and confirmation of GERALD R. FORD.

Mr. LANDRUM. Mr. Chairman, for more than 20 years I have known GERALD FORD and enjoyed a very happy and warm relationship with him in the House. His industry, his intelligence, his personal integrity and character, his courage and his candor, have made him a respected and an effective leader in this body. Those same qualities will make him a good Vice President, and if fate should decree that he become our Chief Executive, they will make him a President whom the Nation can address with pride "Mr. President."

Mr. RODINO. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. RYAN).

Mr. RYAN. Mr. Chairman and Members of the Committee, today is an historic day—but over all of those circumstances that would normally make today a festive occasion for both Mr. FORD, his wife, and family, there hangs a pall of gloom, a miasma of doubt, and the faint cast of fear over a nation that is virtually leaderless. If we had the parliamentary system of most countries of the free world, this day would mark the inauguration of a new President, and the beginning of a new administration. Today we simply perpetuate the old administration. We place still another man in a post vacated by still another of Mr. Nixon's choices who have left office under conviction for offenses against this country that normally send the person convicted to prison for a portion of his life.

It is emphatically not enough to say that GERALD FORD is a good man, a good husband, a good father. It is not enough to say that he is a good politician. It is not enough to say that he has many friends here on the floor. All these statements are true, and any man could go to his final resting place happy to have that said about him—but we are here to do something else today.

We are here to take action under the 25th amendment to fill a vacancy in a Presidential administration. Under ordinary circumstances, this might be routine, as was intended when the 25th amendment was passed and ratified. However, today the circumstances are different in at least two ways, both of which spring from the terrible circumstances that have developed in 5 years of this administration and that are without parallel in history.

First, it has become painfully obvious to us all that the constant efforts of this administration to act in a fashion which is reprehensible to the vast majority of Americans with regard to what has come to be called Watergate, has all but destroyed American confidence in the Nixon administration. Many of its members, who have come with smiles and left by various means, hear curses and imprecations flung at them as they depart. As I have already indicated, in most free countries there would long since have been a vote of no confidence in the President by the parliament, and an election would follow, allowing the people to choose new leadership. This election today then is more than a routine replacement of an empty office.

The second reason why this vote today is different is that people throughout this Nation are bitterly and militantly opposed to the domestic policies of this administration, and they have found no way to impress this upon their national leader with any effect. Further, they know that there is the very strong possibility that Republican and Democratic leaders alike may press Mr. Nixon to resign once this nomination is completed and approved. By every indication, Mr. Nixon is appointing a man to succeed him whose views are not in concert with this country, and whose capacity to lead us out of the dismal swamp of despair is doubted by the man who is to be approved today. A sad prospect indeed.

And so, Mr. Chairman, I intend to vote no on this nomination. My own constituency tells me to do so, by a large margin. They do so because they cannot have, under the 25th amendment, what they really want: a new election, so that they can choose for themselves whom they want. Lacking that ability, the national election is held today in this chamber. In spite of Mr. FORD's personal probity, his integrity, and his capacity for hard work, I do not think the people would choose him, and I do not think that I can do so either.

Mr. RODINO. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. LANDRUM).

Mr. MAZZOLI. Mr. Chairman, I rise in support of the nomination to the Vice-Presidency of my distinguished colleague, GERALD FORD.

While JERRY FORD and I are on opposite sides of the fence politically, what is at stake here today transcends political boundaries. What is at stake here today is

whether he possesses the necessary talent, experience, and qualifications to assume the second highest office in the land. I believe that JERRY FORD has those qualities.

A rigorous and unstinting examination of his life and character, an examination more intense than that previously undertaken for any candidate for any government office, has revealed no serious improprieties.

Aside from being a very personable individual, JERRY FORD is a man of high principle and clear integrity—qualities always essential in the fulfillment of the public trust, but particularly so in these troubled times.

In his quarter-century of devoted service to this body, JERRY FORD has developed a lively appreciation of the role of Congress in our tripartite form of government. That JERRY is a "man of the Congress" is—in my judgment—one of the most compelling reasons to support his nomination.

I shall vote for GERALD R. FORD'S confirmation, and I would like to take this opportunity to join my colleagues in wishing him all health, happiness, and success in the years ahead.

Mr. RODINO. Mr. President, I yield 3 minutes to the gentleman from Maryland (Mr. MITCHELL).

Mr. MITCHELL of Maryland. Mr. Chairman, of course, it will be impossible in the 3 minutes given to me to spell out the reasons why I cannot vote for the confirmation of GERALD FORD. Three minutes is not enough.

Despite opinions and statements to the contrary, the key issue here is indeed one of philosophy. Notice I stress the word philosophy rather than referring to partisan political posture. I believe it is possible for Members of both parties to embrace a humanistic philosophy.

As we proceed today I wanted the opportunity to speak to the heir apparent, Representative GERALD R. FORD. I must ask him whether he realizes that 22 million black Americans feel they have been abandoned by this administration and whether he believes this to be a good thing for the country. I must ask him whether he knows that there are indeed people hungry in this Nation today. Does he know that according to the Department of Labor statistics in 1972 a million black Americans slipped back into poverty? Does he know that the overwhelming majority of the poor in this Nation believe themselves to be abandoned by the present administration and if he believes this, does he believe that this is good for America?

My concern must be with the philosophy of the man.

Does indeed Mr. FORD know that America consists of more than giant corporations and corporate interests. Does he understand that the philosophy of America should not be, "spices for the few and fetters for the crew?" That to the contrary the philosophy ought be that all are equal in importance, all deserve equal consideration from their Government and all citizens are necessary for the ongoing of the Nation. Is he cognizant of the fact that the present administration has polarized the Nation along racial lines and that polarization puts fearsome stress on America.

I have raised all of these questions asking whether the nominee knows these facts. His record in the Congress to date strongly suggests to me that even if he knows them he does not understand them. The Congressional Black Caucus several weeks ago issued its position against the confirmation of GERALD R. FORD. We did so not out of any hatred for the nominee, not out of any sense of vendetta and not because of partisan political considerations. We vote against him today out of a sense of commitment to the basic principles of democracy, out of a sense that someday and somehow we will fulfill the potential greatness of this Nation by treating all—rich, poor, black, white, old, young with the same priority because that is what America is all about. I have no choice but to vote against the confirmation of the nominee. My own sense of humanity and my own belief that America will evolve to a plane of humanity demand that I so vote.

Mr. RODINO. Mr. Chairman, I yield 1 minute to the gentleman from Texas (Mr. GONZALEZ).

Mr. GONZALEZ. Mr. Chairman, I rise out of a deep sense of protest and quite a bit of interest to beg and pray to be heard, to get the time on this to be heard, but we have to arrange so that we can meet the TV time instead of giving the Member at least a modicum of the time he is usually and regularly entitled to have. I believe 1 minute is inadequate for me to state what I think I could in 5 in support of my position when I get the right to vote "no."

Mr. Chairman, the House has never before been asked to confirm a nominee to fill a vacancy in the Office of Vice President. There is no precedent for this proceeding and we should therefore go about it with the utmost caution. We have to be mindful not merely of the nominee's suitability; we have to consider whether this proceeding is proper at all.

This confirmation proceeding is rooted in a constitutional amendment of dubious wisdom; it stems from a malodorous series of events that created the vacancy we now presume to fill; and it is being culminated in a proceeding for which there is neither rule nor law to guide us, save the 25th amendment itself.

No matter how we judge the nominee, we are first bound to understand what we are doing, and what precedent we are setting. We must understand that our decision today does not end a historical event. Far from it; we are setting in motion a whole train of events, the end of which we cannot foresee, and the consequences of which we can hardly imagine.

I say this: if the process under which we act is wrong, we cannot rightly confirm any nominee.

The wisdom of the 25th amendment must be considered against the gravest possible stresses. When considered in that light, its weaknesses become apparent.

For example, the 25th amendment provides that a number of Cabinet officers may act to declare the President disabled, with the Vice President's concurrence, the Presidency becomes vacant and the Vice President assumes office as Acting President.

But suppose that there is dispute over the disability. Who is to require that the President submit to examination? How is that term defined? The law is silent on these points.

It is not impossible to have a combination of bold and willful persons act in concert to depose the President, and that is entirely possible under the 25th amendment. After all, the reason for our action here today is that the Vice President was forced out of office as part of a deal to keep him from facing possible imprisonment. We have no way of knowing whether he was in fact guilty of the charges that were about to be brought against him; he was never tried and we have never seen the evidence. We may never know the truth of the matter; and the fact is that this House has made no effort to find out precisely how and why the extraordinary events leading to the resignation of Mr. Agnew took place. We do not, in other words, know whether the vacancy itself is legitimate. All we have is a knowledge that if he had not resigned, he might have been tried on certain criminal charges, and that his resignation assured that he would not face the possibility of imprisonment. But we do not know what the charges would have been, nor do we know what the evidence was. We have made no effort to find out.

It is a grave matter when a duly elected officer of our Government, and certainly the Vice President, leaves office before the term of office has expired. In this case, because of the extraordinary nature of the event, and because of the precedent involved, we should be absolutely certain that the resignation was not the result of some scheme perpetrated by bold and willful persons, for we know from the revelations of these past months that this country is not immune from illegal schemes, plots, and combinations that violate the law, the national conscience, and the rights of the whole Nation. Since we know that such things are not impossible, we should at least take the precaution of being certain that the vacancy we are being asked to fill was not the result of any such plot.

If it should develop that this vacancy was created by foul means, our action today would legitimize that. What is worse, it would set loose forces that in the future could lead to plots against the Presidency itself; it would enable the 25th amendment to be abused and misused, and destroy the very integrity of our Government.

It is certainly unlikely that Mr. Agnew was victimized; but however unlikely that is, our duty is to the Constitution, and we do not serve it well if by any omission we legitimize an illegal action, and thereby set in motion forces that sometime in history might overcome our whole governmental fabric.

These proceedings are brought without the guidance of law or rule, save the 25th amendment itself, and in that sense, the proceedings are improper.

There is no law that defines how the

25th amendment is to be carried out. There is no rule in the House that spells out how we should act; what investigations should be made, what committees appointed, or what rules apply to consideration of issues raised under the amendment. We have no definition of what disability is; we have no guidance for resolving disputes that might arise, and might have arisen in this precedent-setting case. But rather than consider carefully how to go about this proceeding, we have ignored the uncharted legal waters, ignored the possibility of error, and made no effort to ascertain what the effects of our action might be at some future, more troubled time.

We cannot assume that Congress will always be in the hands of wise and dedicated people; we cannot always assume that the Presidency will be filled by a capable and law-loving person. Our Constitution was created by men who had seen government without law; who knew the vanities and failings of humanity; who knew that if their revolution was to succeed it would be because they established a government of laws rather than men. But in our action here, we observe no such regard for law. We assume too much; we act not as a government of laws, but of men.

I do not believe that there is any argument that the nominee fulfills the constitutional qualifications for being Vice President. But that is only part of the issue we must consider. For if the procedure under which he assumes office is invalid, no candidate, however qualified, is legitimately in office. We have that possibility today. We have only considered the qualifications of the nominee. We have not investigated the legitimacy of the actions that created the vacancy. nor have we made any effort to assure that our own actions are legitimate.

Considering the worst possibilities is a part of our duty. The Founders of this country were wise and able, but they did not presume that their successors would be the same as they. Considering the worst possibilities, they established a written Constitution, and gave it to the Nation as a safeguard against the excesses of the willful and wretched characters that might have destroyed their revolution, just as such characters had oppressed the legitimate rights of the people before.

We have good reason to know that our country is not immune from danger. We have good reason to know that dangerous and willful persons, people of small mind and great ambition, and people of wretched ability have on occasion come to positions of great power in this country. And we have seen what such persons can do. We know that there is no defense against political plots and subversions, save our own laws, and our vigilance.

We have not been vigilant enough. This proceeding might well legitimize precedents that in the future would undermine our very liberties. We are setting here a precedent of enormous magnitude, and we have been careless about it. I have high regard and warm personal feeling for the nominee, but that is not the whole issue here. I do not believe that we can properly consider his qualifications and character until we have satisfied ourselves that the whole proceeding is legitimate. Since we have not satisfied that question, I cannot vote for confirmation. With the utmost regret, I state my profound belief that we have not discharged our duties and obligations to protect and preserve the Constitution.

That is what is at stake here—not merely filling a vacancy.

Mr. RODINO. Mr. Chairman, I yield 1 minute to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Chairman, I appeared before the Senate Committee on Rules at that point in time when they were holding the confirmation hearings on JERRY FORD. I said to that committee at that time and I repeat to you now that GERALD FORD is the right man at the right time to be the next Vice President of the United States. He has every quality that any individual has enunciated here today as being necessary to be Vice President of the United States, to lead us at home and to lead us abroad.

We ought to consider our vote for JERRY FORD today as if we stood in JERRY FORD's shoes. There is every reason why JERRY FORD ought to be confirmed as our Vice President and there is absolutely no reason, regardless of the criticisms voiced here today, to deny him that confirmation.

JERRY FORD is going to be a man we Americans are all going to be proud of as our next Vice President. I am proud to call this good and great American my friend. Mr. Chairman, I could go on and on but that is not necessary. Let me conclude by saying to you that I submit for printing in the RECORD the remarks I made to the Senate Committee on Rules in support of JERRY FORD's nomination. These remarks expressed my feelings then and still do. They follow:

Mr. WAGGONNER. Thank you Mr. Chairman, gentlemen of the committee.

I want to take this opportunity to thank you for the privilege of appearing before you on the occasion of your breaking new ground and giving consideration to employment of the 25th amendment for the first time in the history of our great country.

I can say without any reservation at the outset, I appear before you in total support of the confirmation of Gerald Ford to be the next Vice President of the United States.

I would be remiss if I did not thank you, Mr. Chairman, and the other members of your committee and this body for the efforts you are making to expedite this hearing, to hasten Jerry Ford's nomination and confirmation.

I think you are doing it because you feel it is in the best interest of the country. I express my personal appreciation to you for that.

Having talked with Jerry from time to time during these intervening days since his nomination and until his appearance here today before you, I am aware of the fact that he has been investigated in a rather thorough way. I suppose he has had about as many questions asked about him as any man ever did.

As a result of this investigation of Jerry, I am sure you have some information about Jerry that I do not have. I am quite sure, as well, and I would not doubt but that you share the same feeling that you are maybe perhaps happy that they have gone into this detailed investigation of Jerry, rather than of us as individuals. Jerry told me at the outset that he wanted this sort of an investigatiton. He wanted the table tops cleared. He wanted the air to be without odor, because he wanted the people to know and understand what he was.

I think this is a marvelous attitude on his part.

With all of this information which you have had available to you, because of my associations personally and professionally with Jerry in the period of time that I have been in the House of Representatives, our close working relationship, I have gained some insights into this man that I want to talk to you about.

I did not come with a prepared statement today. I did come with rough notes I jotted down in the committee a few minutes ago before I came over here as we attempted in the Ways and Means Committee to tend to some of the affairs of today, as you are doing here.

Now, I am conscious of the fact, having viewed and read the comments of the media, that Jerry at some point in time said to you that he was no saint. Well, who of us is? But this has significance to me, that Jerry would come before you and make a statement like that. It means to me that he knows better than anybody else what his limitations are, and it is his way of saying I am only human, as you are.

He knows with this statement, as he made it to you, that he expresses human frailities as well as we all do. Of course, he was not here to be negative, nor am I. I am not here to talk about Jerry's weaknesses. I do not think he has any real weaknesses. I think he is not just above average, but outstanding in every respect, and I am here to talk to you in a very positive way.

I wish Senator Hatfield was here at this moment to hear what I have to say in view of his question of Senator Bayh about the qualifications a Vice President should possess. I do not say what I say as one expressing just qualifications, but I do believe that I can express some personal reasons why I believe that Jerry Ford should be confirmed as Vice President.

First and foremost, he is a Christian. Secondly, he is qualified in every respect by reason of education and otherwise. He is a proven leader and an able legislator, honest, sincere, a man of integrity and his word is his bond.

He is patient, understanding, practical, a patriot who loves his country, a family man, a man who knows our great system of government, the greatest system of government a man ever enjoyed.

He not only knows this system, he believes in our system. He understands people. In 25 years of representing his district in Michigan, it has kept him close to the people.

Jerry Ford is accessible, not just as a legislator now in the House of Representatives, he will be accessible as Vice President. He is a good listener.

Jerry Ford has something that too many of us in elective office do not have. He has a philosophy and a conviction about government. He knows the relationship of Government to people, what it ought to be, and he is true to that conviction. He practices that conviction. He does not react to political expediency. He is a fair-minded man, and an impartial man. He has lived the life of commendable service. He is a man as you have already gleaned from those representing the House who appear here today, a man popular with his colleagues.

He is a man who, in my personal opinion, is consecrated to the truth and the needs of this country, a man who has that rare delicate sense of everyday courage, courage to do the right thing when the majority insists that you do wrong, calm, cool depths of everyday courage in my personal opinion, a man who knows that right is still right, if nobody does it, and knows that wrong is still

wrong if everybody does it, but a man who practices what he knows to be right.

I have heard, you have heard now, some of these reasons, and these are only partial, concerning Jerry, so I think now it has come time to pose the question: Are there any reasons that Mr. Ford should not be confirmed?

I can only say none that I have any knowledge or any suspicion whatsoever of.

Only occasionally have I ever heard anything of a partisan nature to raise the question as to whether or not Mr. Ford should be confirmed, but I am not a partisan. The only people who appear before you today from the House of Representatives as was the case with Senator Bayh, do not come as partisans, they come believing that Gerald Ford should be next Vice President of the United States.

You know, Mr. Chairman, and the gentlemen of the committee, politics is a dirty word in America today and around the world, too, I suppose, because of some of the things that we Americans have been spotlighted for having done.

It is tough for your committee, but we in politics are in large part responsible for that mirrored view of politics of the world.

Politics, however, can be an honorable profession. But we politicians must make it an honorable profession. Gerald Ford has done his part to this point in time.

I have no doubt, no reservation whatsoever, that when he is confirmed that he will continue to view politics and to serve politics in an honorable way in the future as he has in the past.

Mr. Chairman, I just simply believe that Mr. Ford is the right man at the right time, to serve us as our next Vice President and will provide the leadership demanded of that high office, both here at home, and abroad. The President knows this and is to be commended for an outstanding nomination.

I would close simply by saying there is only one way for those of us with some responsibility in this respect to proceed, and that is with the Christian attitude, that we want to treat Jerry as if we were Jerry, as we proceed to consider his nomination. Were our roles reversed I'm sure he would proceed in this manner.

Thank you, Mr. Chairman.

Mr. RODENO. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia (Mr. YOUNG).

Mr. YOUNG of Georgia. Mr. Chairman, in voting for confirmation of GERALD R. FORD as Vice President of the United States, I am casting a vote of faith and hope that he will be a uniting and stabilizing force in a nation beset by division and crisis.

I believe that a substantial majority of the Congress is giving Mr. FORD a mandate to help unite and represent the entire Nation—not merely one conservative Michigan congressional district.

My decision is based on several considerations. First, the public record of inquiry into this nomination indicates that, whatever one may think of his political views, there was no challenge to his qualifications to hold this office and to succeed to the Presidency, sufficient to convince the majority of the committee.

Second, his accession to the Vice-Presidency will facilitate either the resignation or impeachment of the present occupant of the White House because the Congress will have approved of a duly chosen successor. I believe that the American people would greet Mr. Nixon's resignation with relief, especially in view of the fact that the nominee of his choice, Mr. FORD, has been confirmed by an orderly constitutional process, on a nonpartisan basis.

I believe further that the people would experience much less anxiety over the impeachment process, if that becomes the only recourse left to the House of Representatives.

Third, to those who share my very strong reservations about Mr. FORD's political philosophy and voting record, most notably in the areas of civil rights and human needs, I would point out that anyone selected by Richard Nixon would have that same philosophy, because Mr. Nixon himself established it as a criterion for the appointment.

Finally, Mr. Chairman, I look to our colleague, GERALD R. FORD, to rise to the occasion of assuming this high office, to grow in that position as many have in the past. Out of my own southern experience, I have confidence that people can overcome past parochial views and develop a broader perspective which takes into account the interest of all of the people. Decent men, placed in positions of trust, will serve decently. I believe that Mr. FORD is a decent man.

America today is so divided, so distrustful of the highest office in this land, and so grievously troubled by economic and political crises, that I will accept almost any qualified and decent person who has a chance to pull the country together and begin to solve our national problems.

I am therefore willing to extend this opportunity to Mr. FORD, to give him a mandate to unite an entire Nation. I will be the first to criticize any unwarranted actions and policies coming from him, just as today I oppose in the strongest terms the philosophy reflected in his record of public office. The mandate conferred on the President by the people in 1972 has been so abused that it no longer has any value or credibility. Let us hope that Mr. FORD will respect and abide by his own mandate which we, as representatives of the people, are giving him in one fateful and possibly final act of trust.

Mr. RODINO. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. Mr. Chairman, I appreciate the Chair extending this additional time.

As we proceed to cast this historic vote, I would like to raise this question with my colleagues. Why did the House of Representatives proceed first with the confirmation hearings taking into consideration that there was pending at the time of this nomination in the Judiciary Committee a resolution of impeachment of the President? Since then, 15 additional resolutions calling for the President's impeachment and 2 concurrent resolutions calling for his censure without prejudice to impeachment were introduced and referred to the Judiciary Committee more than 2 weeks prior to the Ford confirmation hearings. It is significant to note that an impeachment resolution was also introduced in the 92d Congress.

I think the decision to proceed with this nomination reflected an utter failure to grasp the real issue before this Nation: Whether it is more detrimental to the country to endure with a blight on the Presidency or to have a vacancy in the Office of Vice President.

In my view, the most important issue confronting us today is the need to resolve the crisis surrounding the Presidency. If this nomination is confirmed, then the Congress would, for the first time in our history, set the stage for the possibility of having both an unelected President and an unelected Vice President. If this occurs, the people will have been effectively disenfranchised by a President who was subsequently impeached for subverting the electoral process and then aided unwittingly by a Congress which failed to guard that electoral process and inadvertently played host to its further subversion. Those who have urged the committee and the Congress to expedite the confirmation process do not perceive that what this country needs most urgently under these circumstances is not an appointed Vice President, both a special election law which would provide us with the necessary authority to give the people an opportunity to elect their President.

This is the most nonpartisan action which the Congress could possibly take at this time, since it would dispel any thoughts that the democratically controlled Congress is deferring consideration of the Vice-Presidential nomination in order to bring into effect the provisions of the Succession Act of 1947.

I think we should observe that a number of legislative proposals have been introduced which would provide for a special election in the event of dual vacancies in the Presidency and the Vice-Presidency. This country has been without a Vice President on 16 occasions amounting to 36 years, or almost 20 percent of our history.

During 155 years of our history, from 1792 until 1947, the laws of the United States provided for a special election in the event of dual vacancies. So, this decision to proceed with this nomination, which I have repeatedly objected to during the hearings in judiciary, was made despite the fact that neither the Constitution nor reason required us to do so.

Mr. BINGHAM. Mr. Chairman, the House will vote today on the confirmation of GERALD FORD as Vice President of the United States. I share the general view that this vote will be favorable and I would like to extend my congratulations in advance to JERRY FORD and his family. The lopsided vote in the Senate and the very decisive vote I anticipate in the House will represent a well-deserved tribute to a man who has served this House and his party well and honorably over a great many years.

I am glad that this important matter will be voted on today by the House so that the issue will be settled and the office of Vice President will be filled. This will remove from the issue of President Nixon's continued tenure in office the question of whether, if he resigns or is removed from office, he should be succeeded by a Democrat, no matter how

distinguished and able that person may be. Those who have been urging President Nixon to resign, and there are many, have been speaking unrealistically so long as Mr. FORD had not been confirmed. Similarly, those who believe that President Nixon should be impeached and removed from office, and there are many, should recognize that the chances of achieving this objective would be greatly reduced so long as the claim could be made that the supporters of impeachment and removal were seeking to replace a Republican President by a Democrat.

I have recently sent out a questionnaire to my constituents. The thousands of returns so far received indicate that a large majority are in agreement with the views I have expressed. Sixty-one per cent of those replying agreed with the proposition that Mr. FORD's confirmation "should be voted on by the Congress as soon as a full investigation of his background is completed."

For all of the above reasons, I was glad to have the opportunity to vote for the rule providing for a debate and a vote on the Ford confirmation today. Thorough investigations have been conducted, especially by the House Committee on the Judiciary. These investigations have turned up nothing substantial that would reflect on the nominee's character, and it is time that the House, as well as the Senate, should make its decision.

There are some who argue that the decision should be delayed until the question of President Nixon's possible impeachment and removal has been settled, on the ground that a President who is under the cloud of possible impeachment and removal should not be permitted to in effect name his successor. I cannot agree with this argument. So long as the President is in office, he not only can but must carry out the responsibilities and powers of his office. The nomination of a Vice President in the event of a vacancy is one of these responsibilities and powers. No President ever knows how long he will be able to serve, so that any President nominating a Vice President under the 25th amendment may be choosing his successor. The fact that a formal impeachment investigation is underway and that President Nixon's impeachment is widely called for does not change the situation. Thus, in my judgment, the House would not be justified in delaying indefinitely a vote on confirmation, once the investigation of the appropriate committee has been completed.

Moving now to the question of Mr. FORD's confirmation, I shall vote no on the resolution.

This vote should not be construed as any reflection on Mr. FORD's character or ability. On the contrary, I have a high regard for our minority leader on both counts. He is a decent, an honorable and a likable man.

But I do not view the responsibility of the Congress under the 25th amendment as being limited to passing upon the nominee's character and ability. In my judgment the nominee's record as a public official and his views on the great issues of the day are also relevant.

The various separate and dissenting views appended to the committee report contains a great deal of information in this respect, and I will not undertake to repeat or summarize what is there set forth.

My position can be stated briefly as follows: The 25th amendment does not give the President sole power to appoint a Vice President; that power is to be shared with the Congress. Under these circumstances, I believe it was incumbent upon the President to nominate a person whose public record and views lay somewhere between his own and those of the majority of both Houses. Instead of doing that, the President chose to name a person who has given him virtually 100-percent support. This applies not only to Mr. Nixon's positions on foreign policies, especially in Southeast Asia, and on the major domestic issues, but also—and even more importantly—to Mr. Nixon's concept of the Presidency itself, which I regard as dangerously inflated.

I am not suggesting that Mr. Nixon should have appointed a Democrat. There are many distinguished Republicans who would not have been, like Mr. FORD, a carbon copy of Mr. Nixon and for whom I would gladly have voted. For obvious reasons, I will not name names.

If Mr. Nixon himself were up for confirmation today, I could not vote for him—entirely apart from his role in Watergate, from his personal financial adventures, and from his repeated deception of the American people, none of which can be charged to Mr. FORD. Accordingly, I cannot vote for Mr. FORD.

In taking this position, I am not following the advice of my constituents as reflected in the answers so far received to my questionnaire; 61 percent of them favored Mr. FORD's confirmation, with 24 percent opposed, and 15 percent indicating no opinion. This is an interesting result, because clearly my constituency would not vote for Mr. FORD for Vice President or for President in a general election. I take it then that this vote reflects the view that the President is entitled to name a person of his own choosing, so long as he is a person of ability and good character. For the reasons stated above, I am constrained to disagree.

Mr. DRINAN. Mr. Chairman, the 25th amendment confers upon Members of the House of Representatives a power unique in all of American history. The Members of the House are mandated to conduct an election in which the House is a virtual partner with the President in the approval of a Vice President. The President's designation of Congressman GERALD FORD as Vice President raises no presumption that the Congress should confirm him. The rights of the House under the 25th amendment are similar to the rights which the House has under the 12th amendment to the Constitution which empowers the House to conduct an election in the event that the electors after a Presidential election do not present a candidate for President with a majority of the votes of the electors.

The 25th amendment by including the House of Representatives among those who will share in the appointment of a Vice President really intends that the Members of the House reflects the viewpoints of their constituencies in their vote for or against confirmation of a President's nominee for the Office of Vice President.

Senator BIRCH BAYH, the principal architect of the 25th amendment, stated well the purpose of this amendment during debate on this question on February 19, 1965. Senator BAYH stated that—

> By combining both Presidential and Congressional action we were doing two things. We were guaranteeing that the President would have a man with whom he could work. *We were also guaranteeing to the people the right to make that decision.* (Italics supplied.)

A CONGRESSMAN IS THE SURROGATE OF HIS CONSTITUENTS

As the surrogate of the 476,000 people of the Fourth Congressional District of Massachusetts I deem it my right and duty to vote against the confirmation of GERALD FORD. Three reasons justify in my judgment this decision: First, the priorities of Mr. FORD are neither mine nor those of my constituents; second, Mr. FORD's attempted impeachment of Mr. Justice Douglas in 1970 leaves unresolved fundamental questions about Congressman FORD's attitudes toward American institution's of government; third, Mr. FORD's ambiguous position with respect to secrecy in government is unacceptable.

I. CONGRESSMAN FORD'S LEGISLATIVE PRIORITIES

Congressman FORD opposed the creation of the food stamp program in 1957, the establishment of the Office of Economic Opportunity's antipoverty program in 1964, and the creation of the medicare program for the elderly in 1965.

Congressman FORD voted against Federal aid to public schools in 1965 and 1969. He voted against rent subsidy programs in 1965, against model cities' funds in 1967 and against the child care conference report in 1971.

Congressman FORD has an equally negative record on environmental issues. He opposed Federal aid to States to prevent water pollution in 1956 and 1960 and opposed efforts to strengthen the Federal Water Pollution Control Act of 1972. The League of Conservation Voters gave Mr. FORD a 23-percent rating in 1972 and a 17-percent rating in 1971.

The only area in which Congressman FORD has consistently supported generous Federal spending is that of the military. He has always opposed even modest efforts to diminish military spending.

In the area of civil rights the legislative priorities of Congressman FORD differ almost totally from everything that I know concerning the way in which my constituents view questions of civil rights. In 1965 Mr. FORD voted to mangle the Voting Rights Act. In 1966 he voted to delete fair housing provisions from a proposed law. If the position of Mr. FORD had been supported by Congress the voting rights law and the fair housing legislation would be substantially ineffective at this time.

Congressman FORD has consistently voted in favor of any proposed law which would prevent pupil transportation to accomplish desegregation or to reduce racial imbalance. On October 10,

1973, Mr. FORD voted to deny the citizens of the largely black District of Columbia the right to vote for their own Mayor.

It would be encouraging to think that Mr. FORD as Vice President or President might alter his position and be more responsive to civil rights. This was, of course, the pattern of Lyndon Johnson who as a Senator from Texas felt politically constrained to vote against civil rights legislation. In Mr. FORD's congressional district, however, the number of blacks through all of his 25 years as a Member of Congress has ranged from 7 to 12 percent. From personal questioning of Mr. FORD on this point in the Judiciary Committee hearings I cannot unfortunately report that there is any indication that he would take a more affirmative attitude toward civil rights legislation if he were not a Congressman from Grand Rapids, Mich.

In the area of civil liberties the priorities of Mr. FORD do not appear to be reconcilable with mine or with those of the citizens of my congressional district. Mr. FORD has frequently criticized antiwar demonstrators and praised Federal law enforcement officials for their handling of the 1971 May Day demonstrators—even though the 12,000 convictions obtained by the police on that occasion were set aside by the Federal courts in Washington. Mr. FORD has voiced support for preventive detention and for legal provisions to cut off Federal aid to any disruptive college student receiving such assistance.

On the right to migrate Congressman FORD is also unsatisfactory. He is opposed to the Jackson-Vanik-Mills amendment which would give to Russia the status of a most-favored-nation only if that country allowed Soviet Jews and other Russian citizens to migrate according to their desires to other nations.

In view of the fact that I vote as a surrogate or a representative of my constituents I feel that it is clear that I cannot cast a ballot for a man with the legislative and political priorities which Congressman FORD has demonstrated with remarkable consistency since he came to the Congress in 1948.

II. CONGRESSMAN FORD'S ATTEMPT TO IMPEACH JUSTICE DOUGLAS

The speech which Congressman FORD gave on April 15, 1970 on the floor of the House seems to be inconsistent with the carefulness and consistency which characterize all his other actions. It seems strange and shocking to have the minority leader of the House of Representatives try to associate Justice Douglas with gamblers and with "revolutionaries." Substantial evidence emerged in the hearings before the Judiciary Committee that it was the Department of Justice that furnished the allegations which Congressman FORD repeated about Justice Douglas. Congressman FORD has conceded that he spoke to the then Attorney General Mr. John Mitchell about his desire to move for impeachment of Justice Douglas. Mr. Mitchell directed Mr. Will Wilson, then Deputy Attorney General, to bring to Congressman FORD allegations about Justice Douglas which Mr. FORD reiterated with little or no critical evaluation.

Some may contend that Congressman FORD may simply have made a mistake of judgment in this matter. Since, however, Mr. FORD in effect assaulted the independence of the judiciary by his attempts at impeachment his conduct with respect to this matter must in my judgment be deemed to be a most serious disqualification for the office to which he has been nominated.

III. SECRECY IN GOVERNMENT

If there is any one reason for the alienation of the American people from those who govern them it is the pervasiveness of secrecy in a Government which has as its most fundamental dogma that it must govern by the people and of the people and for the people.

GERALD FORD was one of the 14 Members of Congress who was informed of the 3,630 B–52 raids conducted clandestinely over Cambodia during the 14-months prior to April 30, 1970. On that day President Nixon announced the ground invasion of Cambodia by U.S. forces. After the super-secret bombing became accidentally known in July 1973, Congressman FORD confirmed that he had been briefed about the bombing. Under questioning by me in the House Judiciary Committee hearing Congressman FORD denied anything wrong in his complicity with the Government in keeping from the Congress and from the people of the United States the fact that the United States had bombed a neutral country without the knowledge or consent of the Congress. I indicated to Mr. FORD in the confirmation hearings that in my judgment what he was defending was in fact an impeachable offense. Mr. FORD sought to justify the clandestine bombing by the assertion that Cambodia was a sanctuary from which supplies were being made available to North Vietnamese troops in South Vietnam.

In my judgment Congressman FORD's defense of this indefensible secret bombing in Cambodia raises the most serious questions about whether he has any commitment to open up the Federal Government to the people of America.

On other related questions Mr. FORD is also unsatisfactory. He would not agree that every Member of Congress has the right to know the amount of the budget of the CIA.

Unfortunately Mr. FORD may properly be accused of playing partisan politics with the issue of secrecy in Government On June 18, 1966, he stated:

> It is President Johnson's war, because the President plays everything too close to the vest. He has an unhealthy passion for secrecy.

On April 3, 1963, Congressman FORD opposed the executive privilege which in recent times he has justified. On that date he stated that—

> To maintain that the executive has the right to keep to itself information specifically sought by the representatives of the very people the executive is supposed to serve is to espouse some power akin to the divine right of kings. . . . Congress cannot help but conclude that executive privilege is most often used in opposition to the public interest.

Senator BIRCH BAYH, in the course of the enactment of the 25th amendment, stated that—

> We are bringing in the House of Representatives as the most populist and most representative power of the Congress. These (members) shall have the final power of election after the President has nominated a Vice President.

I deem it my right and my duty, both because of my own convictions and priorities as well as those of my constituents to cast a "no" vote in the election in the House of Representatives with respect to the nominee named by the President. I do it with reluctance but also with certainty that I have fulfilled my duty in a process under the 25th amendment which then, Congressman, now Senator MATHIAS stated was designed to be the nearest thing to a "full-fledged national election."

I vote against the President's nominee because the people of this country in November 1972 made it clear that they wanted a continuation of the priorities of a democratically controlled Congress. Mr. FORD does not stand for those priorities or objectives. Consequently I vote against his nomination since this is not the man that I want to see as President of the United States. A President can and should shape public policy in a way that no other single American is able to do. I do not want to see America shaped according to the positions on defense policy, domestic problems, civil rights, and governmental secrecy which Congressman FORD has followed over the past 20 years.

Mr. REID. Mr. Chairman, I believe GERALD FORD to be an honorable man; I have always liked him personally; and indeed, he may well in the Vice-Presidential office show a capacity to grow. In any event, I am sure he will shoulder his responsibilities in the best interests of the United States, as he sees them.

Moreover, the 25th amendment and the legislative history thereon clearly states that the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress. It is explicit in this that the Vice President may succeed to the Presidency.

In present circumstances, with impeachment proceedings underway in the House, and with grave doubts throughout the country as to the President's credibility and capacity to govern, the likelihood Mr. FORD may succeed to the Presidency is, indeed, a clear and present possibility, if not a reality.

Continuity in our Government is important, and there have been widespread concerns as to the key importance of proceeding promptly on the nomination of GERALD FORD. With the possible exception of Mr. FORD's role in the secret war in Cambodia, his fitness for the Office of the Presidency has not been seriously put in question.

Nonetheless, these are not ordinary times, and the leadership of our country must in the final analysis set a standard to which all men may repair with confidence in the democratic processes of our Government and the vitality of our free institutions. I believe that leadership less than this will not build the future in practicable terms—nor will it start the very slow process of rebuilding confidence in openness, integrity and accountability of American leaders to the

Constitution, the Congress, and the American people.

Accordingly, and with some sadness, I am constrained to vote against the confirmation of the nomination of GERALD FORD as Vice President of the United States.

Mr. ROBISON of New York. Mr. Chairman, my feelings today are ambivalent, for I share the joy and satisfaction of seeing a friend and colleague assume a new role—important and prestigious—yet, I also feel a sense of tragedy about the circumstances that make this necessary.

Clearly, this is not a time for celebration. As a nation, we have reeled from a succession of crises that at times seemed to overwhelm us. And, if there is any satisfaction to be gained from the ills that have befallen us, it is that our Government still lives.

Though some may not find this remarkable, a cursory view of the history written in this century alone tells us that the stability demonstrated by this Government during the turmoil of this year is somewhat unique. The fact that we have not seen a government topple or even seriously threatened, shows the strength and tenacity of our system.

We are fortunate that, in this instance, we have in place the steps provided for in the 25th amendment. It is unlikely that the framers of the 25th amendment envisaged a situation such as confronted us this fall. I certainly did not when I voted for the amendment.

But the genius of our system, responsible for its durability, has been its adaptabiilty—its capabiilty of handling crisis—confronting it successfully, and emerging stronger as a result.

No doubt, we are in another period of testing. Perhaps not of the magnitude as when Lincoln asked if this Nation "can long endure," but serious, nonetheless.

The act we take today, that of naming a new Vice President, is a stabilizing act. We provide for the important continuation of essential Government functions. We censure the integrity of Presidential succession. We make clear our determination to follow the dictates of the Constitution, when political expediency might have deterred us.

There are those who have, during the debate over the nominee for Vice President, unfairly, in my opinion, attacked him. GERALD R. FORD is a good man—fair, honest, just. His record, subjected to the most thorough inquiry by Congress in our history, is impeccable. I have full confidence in his ability to assume the duties of Vice President, and of the Presidency, itself, should those responsibilities become his.

For those who view the action today as a signal to begin again the pressure on this President to resign, I advise caution. That is a problem that should not dominate our thinking, at least for the present moment.

It seems to me that as we enter the holiday season, it would be a good time for all of us to "catch our breath." If, indeed, the President's Operation Candor is translated from talk into action, then there will be much to discuss and examine. It is important to do so fairly—not threateningly—and not in an atmosphere of hostility.

Let us, then, go on with the people's business. There is much to do. We can not dismiss the problems of credibility and capacity to govern that surround our President, but we can make sure they do not paralyze us. And, really, what we do today shows we are capable of doing just that.

Mr. FLOOD. Mr. Chairman, the Congress has voted wisely in selecting our distinguished colleague from Michigan, Congressman GERALD R. FORD, to be the 40th Vice President of the United States.

I have known JERRY FORD for 25 years and I consider him one of my best friends. We served together for 10 years as members of the Department of Defense Appropriations Subcommittee and, in fact, he sat right next to me on the committee.

I have never known JERRY FORD to take a partisan position on vital issues concerning our national defense posture. I have always found him to be in our long association as trustworthy, courageous, a man of integrity, good to his word, and most cooperative and helpful. I just cannot say enough complimentary things about our new Vice President who, I know, will serve in that capacity with honor and distinction. A gentleman such as JERRY FORD serves to raise the level of public service and adds to the confidence that the American people should have in our Federal Government. This is most vital and necessary at this particular time in our history. We all want better government and JERRY FORD will assist greatly in obtaining it. He has already made an impressive record as the minority leader in the House of Representatives. He has the respect and confidence of Members on both sides of the aisle. I am sure he will gain the respect and confidence of the American people as our new Vice President.

As I previously stated, I have known and served with JERRY FORD for a quarter century and during the course of that time Mrs. Flood and Mrs. Ford have become close friends working together in projects undertaken by the Congressional Wives Club. The Congressional Wives, as we know, have done much charitable work over the years in the Washington area for which we all applaud them.

Mrs. Flood joins me in wishing our new Vice President and his family every success and good health in the years ahead.

Mr. ROSTENKOWSKI. Mr. Chairman, this afternoon as the House of Representatives moves toward completion of its duties in this historic first test of the 25th amendment, I hope that the Members of this body would remain cognizant not only of the historical significance of today's vote, but of its precedential value as well. Not only are we confirming one of our own Members—we are also establishing criteria that will undoubtedly be used to measure other potential Vice Presidents whenever a future vacancy occurs in that high office.

My decision to support the nomination of GERALD R. FORD as Vice President is based not only on my belief that the President should be given the broadest discretion in selecting a nominee under the language of the amendment, but also because I believe that his choice, Mr. FORD, has served, and will continue to serve his country both honorably and with true dedication.

While as a Democrat, I have disagreed often both with the views of this administration and of its chief House spokesman, I firmly believe that it should be the perogative of any President to choose a man of his own party with whom he might best work.

In addition, although GERRY FORD has been a Member of the opposition during all my years in the House, I have come to respect him both as a leader and as an individual. If there has to be an opposition in Congress, I hope that they always have someone as dynamic as GERRY FORD to lead it. For while politically we have our differences, and over the years these differences have often been quite fundamental. I personally have come to know the man and respect him for what he is. He is a man of conviction and of depth. I am sure that he will serve his country well in this, its hour of very great need.

Mr. WHITE. Mr. Chairman, I support the nomination of GERALD FORD to the Vice-Presidency of the United States for one very basic reason, and that is I have confidence in his ability to carry out the duties of the Presidency should circumstances ever require him to do so. It has been my privilege to come to know Mr. FORD well during the 9 years I have served in Congress. He is not flashy as a legislator or as a party minority leader, but he possesses an abundance of the solid qualities which constitute the basic strength of this country. I think the overwhelming votes supporting his nomination in both the Senate and the House are testimony to my convictions about his qualifications to serve as our Vice President, and possibly as our President.

During my first term in the House, GERALD FORD came to my attention as he gained the leadership of his party. Never have I seen him take unfair advantage of any Member, or enjoy the distress of any Member during floor debate. Toward me, he has always been very affable, cordial, and direct.

He is an American, a man, and an able exponent of his party. America will have confidence in him. He will add much stability to the administration. We wish him well, and hope he is treated well as he assumes his new responsibilities and duties.

Mr. BURLESON of Texas. Mr. Chairman, this is, indeed, an historic occasion as has been alluded to by a number of speakers.

The 25th amendment to the Constitution orders, directs, and permits this procedure and existing circumstances cause us to exercise the authority under that amendment by voting on the confirmation of our distinguished colleague, GERALD R. FORD, for Vice President of the United States.

Mr. Chairman, insofar as I have heard and observed, not one responsible voice has been raised against our colleague's character and reputation. Evi-

dently, he has been scrutinized from every possible angle, by the most careful investigation. I know of no man who has had his record and his life laid out before the public in as great detail. In every respect he has met the test and stands today before us for confirmation. Incidentally, I wonder how many of us could have undergone such an examination as has been given JERRY FORD and come out unblemished.

I am aware that some say that here is a man not elected by all the people of the United States, who can conceivably become President. On the other hand, in other constitutional provisions and under certain circumstances, the Congress could select the President. This being the procedure, I think the country will accept the judgment of the Congress in the selection of a man of such high character and dedicated to public service.

Therefore, Mr. Chairman, it is going to be my pleasure to cast my vote for my friend, our able and distinguished colleague, GERALD R. FORD, for the Vice-Presidency of the United States.

I extend my congratulations to you, Mr. Vice President. I am premature in thusly addressing you but by only within the hour. It is my hope that you will find great satisfaction in your high office and no doubt you will serve it with distinction. I have confidence that you will devote your energy and talents to bring respect and trust to your new position and within the rules of the system pledge my cooperation to that end.

Mrs. SULLIVAN. Mr. Chairman, although the Senate of the United States has had the authority from the time the Constitution went into effect to elect a Vice President of the United States under certain circumstances—and has exercised that power in the past—this is the first time in the 93d Congress that a vote of the House of Representatives will occur on the question of a designation of a Vice President. The historic nature of this event is heightened for all of us here by virtue of the fact that the man on whose qualifications we are passing is an admired and respected friend of every Member of the House.

The Honorable GERALD R. FORD, minority leader of the House, has won our friendship and our respect by his trustworthiness, his hard work, his willingness to accept heavy responsibilities and perform them with conscientious dedication, and by making his word his bond. He has been a credit to the minority which he leads, and he has engaged in the sometimes acrimonious and partisan debates in the House in a manner which never left scars or led to bitter animosities. Considering the years he has spent in a position of party leadership in an area of monumental political controversies, the standing he enjoys here as a man of decency and good will is truly amazing.

Now we are called upon to decide if this leader of partisan forces in the House should be elevated to the role of Vice President of all of the people of the United States. I think the response of the House to his nomination will be overwhelmingly favorable. We know GERRY FORD as an American who believes in the principles of representative government and we have every reason to have confidence in his complete dedication to the Constitution of the United States.

If he were called upon to serve as President of the United States as a result of action of the House of Representatives in confirming him as Vice President, none of us can know how he would perform in that office. We know he is a man of character and integrity, as his political career has clearly demonstrated. Under the 25th amendment to the Constitution, we do not have a free choice in selecting a Vice President who might eventually become President; we can only ratify or reject a nomination made by the President. But of all of the men in his party from among whom President Nixon could have made a designation, it is unlikely that anyone could have been nominated whom the Members of the House respect more than GERRY FORD.

As a Vice President, he will, I am sure, conduct his office with dignity and with honest devotion to his country above all other considerations.

I shall vote for his confirmation as Vice President. I wish him the best of good luck in this new assignment.

Mr. O'HARA. Mr. Chairman, I intend to vote today for the confirmation of Mr. GERALD R. FORD to fill the Office of Vice President of the United States.

During the years in which I have been privileged to serve in this body, Mr. FORD and I have been on the opposite sides of the aisle and on the opposite sides of many philosophical issues. There have also been occasions, most notably those concerning issues with particular impact on our great State of Michigan, when Mr. FORD and I have been allies.

The issue before us, however, is not whether we share Mr. FORD's partisan or philosophical views. I fail to see, in my reading of the 25th amendment, any requirement that the Congress withhold its consent to the nomination of a Vice President because his views are at variance with those of the majority of the Congress. I submit that to allow ourselves to be caught up in measuring Mr. FORD's qualifications for office against the subjective yardstick of our own philosophies would be to disserve the American people who expect Congress, at this critical moment in history, to rise above partisanship.

I concede to any President—whether of my party or the other—the right to select for his official family, men and women whose political views conform to the President's own. Historically, except for a few isolated instances, the other body of the Congress has regularly confirmed Cabinet members, heads of agencies, and the like, who have represented the administration's political coloration, not that of the majority party in the Congress. I submit that the same situation holds true today, on the nomination to fill the vacancy in the Office of the Vice President.

I have said that, in the past, Mr. FORD and I have often been in philosophical conflict. But he has been a worthy adversary. I have also said that, on some occasions, we have been on the same side on certain issues, and on those occasions, Mr. FORD has been a most valuable ally. I believe that this will continue to be the case when Mr. FORD leaves the House of Representatives and takes up residency in the executive branch of the Government.

These are grave times for our Nation, Mr. Chairman. We have endured a political trauma of unprecedented proportions. By our action today, in carrying out the mandate of the 25th amendment to the Constitution of the United States, we give witness to America and the world that our political institutions still survive, and that, as a nation, we have resilience enough to weather the crisis through which our Government is now passing.

Mrs. COLLINS of Illinois. I am taking this opportunity to state my reasons for voting against the nomination of GERALD FORD to be the next Vice President of the United States.

Many objections have been raised by Members of Congress about the right of the President to appoint his potential successor while such a cloud of doubt continues to hover over his own credibility. Other objections have been raised regarding the nomination of GERALD FORD for the next Vice President because of his obstructive stand on civil rights. Because there is a very strong possibility that the Congress is today being asked to confirm a person who might be the next President of the United States, I believe that it is encumbent upon Mr. Nixon to appoint a person who would dignify both the office of Vice President and President.

This Nation deserves to have as President or Vice President a person of great compassion for all of its people. I do not believe that GERALD FORD is such a person. His record speaks for itself. He has consistently worked to inhibit the rights and progress of minority groups—and especially those of the black American. Not only do I personally feel stunned by his actions, but so do a vast majority of my constituents. Moving away from the civil rights issue, per se, Congressman FORD has voted repeatedly against social programs such as public housing, increasing funds for hospital construction, and establishing the national food stamp program. He voted against medicare, against creating HUD, against the Child Care Conference report, against increasing education appropriations and against mass transit legislation.

Further, he voted to weaken the minimum wage bill and the occupational health and safety bill, and that is not all. Not only does he seem to be against civil rights, labor and social reform, but he has voted against measures such as the Federal Water Pollution Control Act which will help clean up our environment. Therefore, on the most fundamental issues of what America must do to improve the lives of its poor and near poor, GERALD FORD and I are in absolute disagreement.

The 25th amendment to the Constitution provides that the Congress, in lieu of a national election, shall confirm the next Vice President of the United States.

In this instance, I must be guided by my principles, my conscience, and my constituents. In the 1972 presidential election, the people of the Seventh Congressional District of Illinois voted 2½ to 1 against Richard Nixon and his policies. In my own ward, the 24th ward of Chicago, which for years has been known as the greatest Democratic ward in this country, the people voted against President Nixon and his unsympathetic policies for the poor by over 16 to 1. Not only are my philosophy and conscience opposed to GERALD FORD and his apparent unawareness of the needs of people, but so are the majority of voters of my district. What the American people need today is not just another body to sit as the Vice President, but a person of honesty, competency, and compassion for all Americans, be they poor or rich, white or black. In my view, GERALD FORD is not the man for this job.

Mr. ZABLOCKI. Mr. Chairman, as Members of this Congress we will have an opportunity to participate in an historic decision, vote and event when our esteemed colleague, the gentleman from Michigan. Minority Leader GERALD R. FORD, will undoubtedly receive an overwhelming vote of confidence by this House and the Senate confirming his nomination as the next Vice President of the United States.

It has been my privilege and pleasure to come to the 81st Congress with GERRY FORD in 1949. During the past 25 years, being of opposite political parties, it is expected that there would be disagreement on certain issues, but I have never found our colleague, GERALD FORD, disagreeable.

We all wish him well in his new role in the Federal Government. Undoubtedly he will meet the challenges that will confront him with courage and sincerity. My wife, Blanche, joins me in expressing sincere congratulations and every wish for success in all of his future endeavors.

Mr. GILMAN. Mr. Chairman, today's consideration of the nomination of the Honorable GERALD R. FORD as Vice President of our United States is a welcome task.

There is no question about the immediate need to fill the office of Vice President with an individual who is untainted in both public and private life.

For some time now, Mr. FORD's nomination has been carefully scrutinized by the Judiciary Committees of both the Senate and the House of Representatives. The result of these investigations have ascertained the flawless character and integrity of our next Vice President.

GERALD FORD has amply demonstrated, on both sides of the aisle, his ability to act as an effective legislative leader, bringing together opposing forces. During these critical times, when it is so important to bridge the gap between the executive and legislative branches, many of us look to GERALD FORD to accomplish this goal.

I join my colleagues in urging today's confirmation of Mr. FORD's nomination.

Mr. MACDONALD. Mr. Chairman, I rise in support of the nomination of GERALD FORD to be the 40th Vice President of the United States. I have known JERRY FORD ever since I came to Congress, and, in fact, I remember him as one of the first Members of this body to greet me when I arrived as a freshman.

I remember when JERRY was at Yale University Law School and served as a part-time coach and scout for the college football team. As a member of the Harvard football team in those years, I can recall first-hand the contribution which JERRY FORD made at Yale.

We renewed our acquaintance in this Chamber and my respect for JERRY has continued to this day.

He is one of the hardest working men in the Congress and has made an example of himself through his dedication to his duties. He has served with distinction under five Presidents and has been the minority leader for the past 8 years.

Although JERRY FORD and I have seldom agreed in casting our votes here in the House of Representatives, I have nevertheless developed a great deal of respect for him. He is an individual who is not afraid to stand up for what he believes in or what he feels is in the best interests of his country and his party.

As assistant majority leader, I have had the opportunity to deal with JERRY FORD in discussing many leadership decisions. In this area also, I have gained further respect for his integrity and dedication.

While I am certain all of his colleagues will feel his absence here in the House, I am pleased that JERRY FORD will be continuing to serve the public as he has done so well during his 25 years in the Congress. He will bring an understanding and a working knowledge of the Congress to the White House where these commodities have been sorely lacking in recent years. I look forward to working with him in the future in his new office.

Mr. ROONEY of Pennsylvania. Mr. Chairman, I am pleased to join with what I am confident will be an overwhelming majority of my colleagues in voting to confirm a Member of this body as Vice President of the United States.

Our distinguished colleague, the gentlemen from Michigan and minority leader of the House, Mr. GERALD R. FORD, becomes the first person in history to assume the Vice Presidency under provisions of the 25th amendment to the U.S. Constitution. I am extremely pleased for him, I have confidence in him, and I know he will perform the duties of his office in a manner which will be a credit to himself, to the office and to the Nation.

I do not purport to share many of Mr. FORD's views on matters of politics, nor perhaps on matters of policy or national priorities. But I do believe he is a reasonable man, a man of character and integrity, and I believe that he is fully qualified to assume this high office.

I have high hopes that he will take with him to the executive branch desire to reestablish a strong working relationship between the executive and legislative branches, and an atmosphere of mutual respect and cooperation as we pursue a common objective of resolving the many serious problems which confront our Nation at home and abroad.

I extend to Mr. FORD my warm congratulations and good wishes.

Mr. WHITTEN. Mr. Chairman, I join today in congratulating my friend and colleague, the Honorable GERALD R. FORD on his confirmation as Vice President of the United States. We deplore the circumstances which made this appointment and confirmation necessary; however, I know from my personal acquaintance with JERRY FORD, both as a Member of Congress and for many years as a fellow member of the Appropriations Committee, that he is well qualified for the position.

His service in the Congress, on the Appropriations Committee, and as minority leader of his party on the floor of the House, has been exemplary and has been a credit to him, to the people of his district, and to the country.

I agree with the many nice things that have been said about JERRY FORD. I cannot add to them except to repeat that I sincerely believe we all can look to him to carry on the duties of his new high office in the same sound, practical, and enlightened way he has performed his duties here in the House of Representatives, where we have known him well.

To JERRY and his family, we wish the very best in the years to come.

Mr. ROGERS. Mr. Chairman, I would like to join my colleagues in supporting GERALD FORD for the Office of Vice President of the United States.

I have served with the gentleman from Michigan and know him as a friend and as a colleague. And I have the highest regard for him in both associations.

I have always found GERRY to be honest and straightforward. His word has been his bond. I think he has served honorably and well as the minority leader and has at the same time given the House capable service.

The people of Michigan have had outstanding representation.

I see the House losing a fine Member, but I see the Nation gaining in leadership as the result of GERRY ascending to his new position. I think his leadership and guidance will add to the history and the office of Vice President.

My wife Becky joins with me in congratulating GERRY and his wife at this new juncture of their lives.

Mr. PICKLE. Mr. Chairman, the high regard in which both parties hold Minority Leader GERALD FORD is no accident.

In my 10 years as a Member of the House of Representatives, I have found GERALD FORD to be a man of his word. I have found that if you have an agreement with him, it will be kept.

GERALD FORD has always leveled with me both on points of agreement and on points of disagreement, and he understands how important this is to the workings of a democracy.

He has shown me an understanding of the legislative process and of how our system of government works.

He has shown an understanding of the give-and-take of contrasting points of view and of when to fight and when to compromise or concede.

Mr. FORD and I may not have agreed on all votes in the House, but I have

found that he is an able adversary and a good American. Win or lose on legislative issues, he is a fair and honorable man.

I also believe the President is entitled to have a Republican and a man of his choice as his Vice President. I think Mr. FORD as Vice President will be a stable and steadying influence in the Government.

The Judiciary Committee has given him a thorough investigation and has recommended his confirmation.

I shall vote for his confirmation as Vice President and I hope that my colleagues will be moved to do so also.

Mr. BROYHILL of Virginia. Mr. Chairman, Congressman GERALD FORD has enriched his country, the Congress and the political system which conducts our public affairs by his honesty, integrity and devotion to public service for 25 years.

He will as Vice President help reaffirm the basic validity of that system and the faith the American people have in the strength of our Republic. I believe all Virginians will join me in wishing him well.

I believe the Nation will welcome his addition to the high councils of Government. I believe that his presence in these high councils will add stability, cooperation, and understanding so that the three branches of our Government will be able to meet the true test of our dilemmas in the days ahead.

Congressman FORD by his ascendancy to the Vice-Presidency, honors all Members of Congress of all political faiths. He will bring to his new office an understanding and dedication to good government that has been honed by his years as a minority leader. He now represents all Americans and in doing so he will match, in my opinion, all the expectations from this body which will today overwhelmingly endorse his capacity to serve his country in higher office.

He comes from the heartland of America. His career is a testament to virtues and beliefs which have kept this Nation free and independent. I have known and worked with JERRY FORD for more than two decades. I know of no man serving in this Congress today who has a greater understanding and faith in the future greatness of America than GERALD R. FORD. We are fortunate as a Nation that he has been willing to accept this new responsibility of national leadership. I bid him to counsel his country well as I know he will.

Mr. HANSEN of Idaho. Mr. Chairman, for the first time in history, under provisions of the 25th amendment, a vote of the Congress is being taken in lieu of a popular vote to put in office a new Vice President of the United States.

The great importance of this vote transcends traditional partisan boundaries. It is apparent that GERALD FORD will be confirmed by a strong majority. He will additionally have the vote and support of many who disagree, even strongly in some instances, with his previous votes and positions. Their vote of conscience for the good of the country is a credit to themselves.

In the course of hearings on the nomination, members of the committee who examined GERALD FORD expressed their satisfaction with his openness and candor. He has been subject to perhaps the most thorough examination of any political figure in history.

Members of the House Judiciary Committee who reviewed the extensive FBI investigation into his background have been impressed that almost all of those interviewed were favorable toward him.

I should also point out the enthusiastic support he has from my fellow Idahoans. GERALD FORD has been a frequent visitor to our State, both on vacations—one of his favorite retreats is Sun Valley, Idaho, where he has stayed often with his family—and official visits. He is widely known and highly respected in Idaho.

Because Mr. FORD is a member of my own party, we have a great deal of philosophical ground in common. But it is not because of this that his confirmation has my enthusiastic support.

Primarily I support him because during a quarter century of service in the House of Representatives, GERALD FORD has earned the reputation as an honest, fair, and decent man. I support him because he is eminently qualified to serve the people of the United States, as their Vice President, or as their President, if the need should arise.

I support him because I believe that as a Congressman he has always voted in good faith and because as a Vice President I believe he will act in good faith.

And, I support him because I believe he exemplifies what is now needed to reassure the people of this country of the value and integrity of their Government and to remind them that to serve this country can be, for all who choose to do so, an honorable and a noble profession, and one that can be the means of accomplishing much in the service of others.

Mr. STOKES. Mr. Chairman, I rise to oppose the nomination of GERALD FORD as Vice President. Mr. FORD is a decent and honest man, and the White House, at a time when it is in disgrace, has logically chosen decency and honesty as essential criteria while selecting a man of its own political philosophy. But Congress, empowered by the 25th amendment to confirm that selection, is thereby also bound to consider political and philosophical criteria as well as ethical.

In the election of 1972 the American people used such criteria when voting into office, by overwhelming margins, a President and a Congress of generally opposing political philosophies. The message they sent the Government was: We want both philosophies represented in Washington, not one at the continual expense of the other. In our political system, it is the people, not the government, which is sovereign. The people choose the government, and the legitimacy of any leader is fully dependent upon his proper selection according to accepted rules by the people; or, under the 25th amendment, by the people's representatives.

The procedures in the 25th amendment were designed only to expedite the selection process, not to change the underlying constitutional relationship of a potential President to the electorate. Sovereignty is still in the people, legitimacy still must come from them. The only way a Vice President chosen under the 25th amendment can be considered legitimate is if he has been subjected to the same type of scrutiny and analysis and decisionmaking process by the representatives of the people, as he would have been by the people in an election As Joseph L. Rauh says in the letter below:

> Congress as surrogate for the voters is obligated to use the tests the voters use—*stature, competence, experience,* and *philosophy.*

When choosing a President, or Vice President, voters consider all of the above. If a candidate does not measure up to the standards of a large number of the voters on these points, he will quite properly be defeated. A dozen blue-ribbon panels certifying that he is not corrupt, debased, or insane should not and will not ever overcome basic policy and experience considerations in the minds of voters who strongly disagree with the candidate.

Nonpolicy considerations may be crucial in a race between candidates who basically agree on policy. But under the 25th amendment there is no race, and the country should benefit from not having to make any "lesser-evil" choice. It should be free, then, to reach into its reservoir of eminent men and women and pick one who is able both to assume the Presidency and to convince a majority of the people that he is the best choice to represent their beliefs, and pursue their priorities, as President. This person would, it should go without saying, have a lot more to offer than a lack of major disqualifications.

Congress should vote as if it were the electorate, for it is acting in lieu of an election.

The merits of GERALD FORD aside, it is perfectly clear, by the votes of the Senate and of the House Judiciary Committee, that the standards of judgment employed by many Members have not been the standards implied by the 25th amendment. They are simply the standards used while confirming Cabinet members or judges—nonelected officials.

The Congress and the President are meant to be partners in choosing a Vice President, equals. If the President may use political criteria in selecting his man, so must Congress use political criteria of its own in assessing that selection. The people in 1972 did not give the White House a congressional blank check, and they do not expect Congress to act as if they did.

The proper choice for Vice President should therefore be someone who represents, in politics and policies, a consensus between the President and the majority, as well as the minority, of Congressmen.

This has not happened.

I submit for the consideration of my colleagues the following letter from Mr. Joseph L. Rauh, Jr., to the Washington Post, which was published this morning. It summarizes my personal reservations about the Ford nomination, and eloquently takes us, as U.S. Representatives, to task for failing to deal with this

grave question as incisively as we should have.

The letter follows:

THE LIBERALS, CONGRESS, AND GERALD FORD

The saddest thing about the confirmation of Rep. Gerald Ford is what it says about current American political standards and horizons. When such liberal stalwarts as The Washington Post editorial page and Chalmers Roberts can argue for the proposition that a man ought to be confirmed as Vice President of the United States because he is financially honest, one can only see the flags of progress and the high goals of our nation dragging in the dust. I would never have thought the day would come when old friends would be urging the confirmation of an obviously unqualified nominee for the vice presidency simply because it is unnecessary for him to say "I am not a crook."

Mr. Ford's record, as The Post and Mr. Roberts appear to concede, is abominable. As House Minority Leader he sought to gut the Voting Rights Act of 1965, take the fair housing provisions out of the Civil Rights Act of 1968, delete basic provisions from the extension of the Voting Rights Act in 1969 and cripple the Equal Opportunity Amendments of 1971. Indeed, Mr. Ford's legislative decisions are no less anti-civil-rights than the judicial decision of Judges Haynsworth and Carswell (especially when one compares his Northern surroundings with their Southern background) and one might wonder whether the Senate intends to adopt a resolution apologizing to both Messrs. Haynsworth and Carswell.

But civil rights is only the beginning. Mr. Ford's record shows that he has consistently opposed programs to help the disadvantaged and this includes votes against food stamps, legal services and child care, minimum wages, education, Medicare, OEO, public housing, public works programs, the rat extermination program and rent subsidies. No congressman has sided more consistently with the haves at the expense of the have-nots than Gerald Ford.

Apparently recognizing the negative weight of Mr. Ford's record, The Post seeks support in the Senate Rules Committee hearings and investigation which it calls "notably thorough and serious." Yes, if one means financial peccadillos; no, if one means qualifications to be Vice President. Indeed, The Post itself states that Mr. Ford's effort to impeach Justice Douglas was marked by "reckless statements, innuendo and great carelessness with facts"; yet no member of the Senate Rules Committee ever asked Mr. Ford to explain a single one of those reckless statements or to indicate whether they had come from Attorney General John Mitchell as part of a conspiracy to get rid of Justice Douglas just as Mitchell had previously conspired against Justice Fortas.

Indeed, both Houses can be said to have failed in their duties under the 25th Amendment. That Amendment gives the President the right to nominate a new Vice President, but it gives Congress a responsibility of review and selection in connection with confirmation far different from its obligation in any other confirmation proceeding. The subject of confirmation (a potential President) and the confirmers (the full Congress rather than the Senate) are both unique in our history. And the President and Congress are acting together here not to nominate and confirm an executive or judicial appointee, but rather to choose, *in lieu of the electorate,* a man who must have the qualifications for President of the United States. This would be true in any event since the only significant attribute of the vice presidency is the possibility of succession to the presidency. But it becomes doubly true in the present circumstance where the calls for impeachment of, or resignation by, the present incumbent grow daily.

Congress, as surrogate for the voters, is obligated to use the tests voters use—stature, competence, experience and philosophy. Financial cleanliness is not enough; a vote for Mr. Ford on that ground is a cop-out on the 25th Amendment.

The Tonkin Bay Resolution had everyone's support, too—that is, almost everyone. But the heroes today are those who said "no" to that Resolution and refused to rubber stamp the White House. Maybe a new group of heroes who know how to say "no" are being made today.

JOSEPH L. RAUH Jr.

WASHINGTON.

Mr. LANDGREBE. Mr. Chairman, there is no denying that numerous events of 1973 and the way that they have been reported by the national news media, have severely shaken the American people's confidence in their Government. I feel very strongly that the only way which we public officials can restore that confidence is to seriously concern ourselves with the business of honest and responsible government in order to convince the American people that we are capable of performing well the jobs to which we have been elected. Today we have an excellent opportunity to begin restoring the people's trust in government through our favorable consideration of GERALD FORD'S nomination to the Vice-Presidency of the United States.

I believe that GERALD FORD is one of the most outstanding Congressmen to have served in our body during this century. His record of accomplishments speak for themselves. GERRY FORD is a great leader; just as importantly, he is a great listener and conciliator. By confirming him as Vice President, the Congress can take its first big step in the positive direction of rebuilding the public's faith in government.

In his appearance before the Judiciary Committee, Mr. FORD stated that he would like to serve his country in his new role as a communicator between the legislative and executive branches. We all know that he is ideally suited for this very important task. What is more, we know that GERRY'S pledges of open and responsive government are not idle promises since these tenets have been a way of life for him in his 25 years of service in the House of Representatives.

As I have said, Mr. Chairman, GERRY FORD'S many accomplishments throughout his distinguished career as one of the brightest and best of our number have been amply documented in the hearings and here today. But, if I may make just one personal comment, I would like to use my own experience as an example of the genuine knowledge and concern of this outstanding American. As a freshman Representative, I found him to be extremely willing to help me learn the many intricacies of our job here on Capitol Hill. As I gained more experience in the Halls of Congress, I found GERRY FORD to be anxious to help provide me with opportunities and responsibilities which gave me a chance to enhance my knowledge of the congressional process.

GERRY FORD is not a man who has sought the spotlight, but rather, he is a man whose own unselfish manner, unquestioned integrity and dedicated hard work has thrust him into first, a position of leadership within the Republican Party, and now, a position of national leadership.

Confirming such a distinguished American as GERALD R. FORD to the office of the Vice Presidency will be one action in which all Members of Congress can justifiably take pride. GERRY FORD will be a great Vice President.

Mr. PRICE of Illinois, Mr. Chairman, I take the floor at this time to congratulate our colleague, the Honorable GERALD R. FORD—JERRY to all of us in this Chamber—upon the great honor which will befall on him later this afternoon when he takes the oath as Vice President of the United States.

The fact he now serves with distinction as minority leader of the House of Representatives is indicative of the effectiveness of his work during the 25 years in the House. It has been my privilege to have served with JERRY through those 25 years. On many issues there has been differences of opinions but on matters pertaining to national defense and to many programs that we thought were in the national interest we have consistently stood together.

JERRY FORD, as the investigation of the House Committee on Judiciary indicates, is fit and qualified to hold the high office for which he has been nominated.

Mr. ROYBAL. Mr. Chairman, I rise in opposition to House Resolution 735 appointing GERALD FORD as Vice President. I have no doubt that GERALD FORD is a man of integrity and a man who has served the interests of his own district very well. He is highly qualified for the office of Vice President. In his tenure as House minority leader, he has indicated that he understands and can work with the Members of Congress.

Since the circumstances that surround this appointment indicate that the nominee may sometime in the future assume the office of the President, I feel it my duty, before casting my vote today, to determine whether the nominee would be acceptable to a majority of my constituency. I have thoroughly reviewed the voting record of the nominee and on the crucial issues of civil rights, labor, civil liberties, environment, the war and social problems, he does not reflect the views of a majority of my constituency.

In the area of civil rights, Mr. FORD voted to cripple the Voting Rights Act of 1965, to nullify title VI of the 1964 Civil Rights Act as applied to aid to elementary and secondary education. He supported a motion to gut the EEOC bill in 1971 and opposed the Senate's open housing amendments to the Civil Rights Act of 1968. Each of these bills was important in providing and protecting equal rights for all Americans. The position of Vice President must be filled by a man who represents all the people and it is clear that Mr. FORD has not represented the interests of the oppressed in our country.

In the area of labor legislation, Mr. FORD has voted to kill or weaken minimum wage bills on six separate occasions during his tenure in the House. In 1965

he voted against the repeal of section 14(b) of the Taft-Hartley Act. Last year he supported a proposal to weaken the occupational health and safety bill. Just 6 months ago he voted to deny food stamps to strikers.

A perusal of Mr. FORD's voting record indicates he has voted against a wide spectrum of social legislation. For instance, he has opposed 10 public housing bills, funds for hospital construction, aid to education, medicare, and the model cities program. Also within the past 3 years he voted against providing unemployment compensation to farmworkers, against the legal services bill, against the child care conference report and to reduce this year's Labor HEW appropriation. My constituents favored the establishment and increased funding for each of these programs. Mr. FORD's votes indicate a lack of empathy for the poor and disadvantaged in our country.

The Vice-Presidential nominee's record shows he opposed every attempt to end or limit the war in Vietnam. He has consistently voted for high-priced missile systems such as the Safeguard ABM and has opposed all attempts to cut defense spending.

Finally, Mr. FORD has refused to support a wide range of proposals to protect our environment. He has opposed aid to prevent water pollution, mass transit legislation and a bill to strengthen the Pesticide Control Act. My constituents feel the preservation of our environment is a crucial issue facing this country. Again, Mr. FORD has demonstrated his lack of concern in an area which is of vital significance to the district I represent.

I consider it my public responsibility to reflect in my vote the thinking and common concerns of the majority of the residents of my congressional district. On the basis of past voting patterns for this area, I have come to the conclusion that my constituents, if they had been given the opportunity to vote, would not have elected Mr. FORD today as the Vice President.

Mr. FORD's past voting record does not represent the views of my district and it is because of this reason that I cast my vote in opposition to his appointment.

Mr. CLEVELAND. Mr. Chairman, although it is a pleasure to speak in support of the confirmation of JERRY FORD as Vice President, it seems almost redundant to do so. This being an historic occasion and the first time we've confirmed a Vice President under the 25th amendment, it seems appropriate to look back a bit in time to see what kind of leadership we can expect from JERRY FORD on the national scene. I have some vivid memories in this regard which I would like to share with my colleagues.

Back in 1963, I became embroiled in a bitter fight with the late Congressman Charles Buckley of New York, over a staff problem in the Committee on Public Works. At that time, I distinctly remember JERRY FORD was the only member of the Republican leadership—he was then chairman of our conference—who gave me the slightest bit of encouragement. He did this in his quiet and friendly manner which to me displayed a true quality of leadership.

Thus when, following the Goldwater debacle in 1964, a group of Republican activists persuaded JERRY to run for the leadership, there was no doubt in my mind despite my great respect and friendship for Charlie Halleck. JERRY FORD was my man. I remember a series of meetings we had at that time with the group formed to muster support to change the Republican leadership. Among those whom I remember being particularly active were BOB GRIFFIN, now a U.S. Senator from Michigan, and Charlie Goodell, a former U.S. Senator from New York.

During the 1960's when the great society was high in the saddle, I remember vividly the many times that JERRY would marshal the badly outnumbered ranks of Republicans behind constructive Republican alternatives. To the detriment of the country and at the price of inflation, we were not often successful; but I think the record should show that we did write a good record and a positive one.

Thinking back over some of the tough times when JERRY's leadership was put to the test brings to mind an additional thought. There are some people who are again speaking as if the Republican Party and its principles had come to the end of the line. In the context of my remarks, I think it is appropriate to remind the faint-hearted that this is not the first time, even in recent history, that these thoughts have been expressed. As one who is a devout believer in the two-party system, may I suggest that as long as we have a party that can attract to its ranks and develop as leaders people like JERRY FORD, we still have a future, and a great one, for service to our Nation.

Never before in the political history of the Nation has a public man been subjected to such exhaustive and intense scrutiny by official investigatory agencies and the judgment of the public and his peers. JERRY FORD not merely survived the process; he has emerged strengthened and with his stature enhanced. This reflects credit upon himself, his party, this body and the office upon which he now enters.

I speak of these things today because of some widely publicized but shallow criticisms of JERRY FORD's qualities of leadership. It was during the midsixties that one of many Republican task forces created under the FORD leadership published a book, "We Propose: A Modern Congress." It is a tribute to the FORD leadership that many of the proposals in this book published by my task force have since been enacted into law or adopted by rule.

I commend to objective students of government and historians the introduction of this book by JERRY FORD and the fact that it was under his leadership that this type of constructive and positive activity took place. The following paragraph is representative:

> The world, the nation, and the relations between the U.S. Executive and Congress have undergone great changes in the turbulent twentieth century. "Important principles," Lincoln said, "may and must be inflexible." It is another matter, however, to decide how best to guarantee that the principles will be upheld while government moves swiftly, as it often must, to protect the rights of all citizens, look to the needs of the nation's underprivileged minorities, and combat the "thorns of progress" at home while fighting the Communist menace abroad. "Reform" is a tricky word; change *per se* is not necessarily the same as progress. Each and every proposal for reform of Congress must be weighed against other suggested reforms, and all must be weighed in the balance of power betwen the branches of government.

In conclusion, Mr. Chairman, I would also commend to objective students of government and history a rereading of some of the speeches of JERRY FORD here on the floor of the House. Particularly eloquent have been his remarks at the beginning of each session of the Congress when he would gracefully acknowledge the fact that he was a leader, but leader of a minority. It is regrettable that his distinguished career has never been crowned by his election as Speaker of this House. Those of us who had hoped to see this happen can take much satisfaction in the role that we are all playing in electing him today, and in a bipartisan manner, to serve as Vice President of the United States.

Mr. DERWINSKI. Mr. Chairman, in voting for the confirmation of GERALD FORD as Vice President, I am simply expressing my belief that he possesses the qualities and character to hold that office and to serve our country well. If called upon to assume the Presidency, he possesses the qualities of leadership necessary to fill the highest office of the land.

However, my purpose in taking the floor this afternoon is to express my great personal regard for JERRY. I am aware of the fact that after the induction ceremonies later this afternoon I can no longer refer to him affectionately as "JERRY, Old Boy," but I must yield to protocol and use the proper title of "Mr. Vice President."

JERRY has been a great party leader. But it seems proper at this stage, when he is leaving this position for higher office, to emphasize the reasons for his unusual success. He, after all, is not an overpowering intellectual, he is not an especially dramatic speaker, he is not an exceptionally clever tactician, but he is one heck of a great guy. The personal loyalty that so many Republican Members and good Democrats have given him the past 9 years has been the basis for the very effective and successful legislative record which JERRY achieved as Republican Party floor leader.

I certainly will miss the daily contact with him although the other body and its individual Members will surely benefit from his presence and, perhaps, he can be a positive force for improved legislative procedures in the Senate.

Mr. Chairman, as so many Members have emphasized, this is a historic day. It is also a great day for our Nation, its citizens, and for our Government. We are elevating to the Office of Vice President a dedicated, hard-working, and conscientious public official. A man who is an "all-American" in politics as he was an "all-American" on the football field.

Mr. KOCH. Mr. Chairman, I have read the report of the Judiciary Committee on the confirmation of GERALD R. FORD as Vice President of the United States including each of the separate, supplemental, and dissenting views. I have

stayed on this floor all day listening to the debate because I know that this is one of the most important votes that I will have made in my 5 years in office. And I have discussed this vote with many Members over the last several weeks. I shall vote for GERALD FORD's confirmation. Let me tell you why.

I believe that GERALD FORD is an honest man. I believe he is intellectually able. I believe that his philosophy though diqerent from mine is within the mainstream of the Republican Party of which he is the minority leader in this House.

It may well be that it was an error for this country to have added the 25th amendment to the Constitution of the United States which was certified on February 23, 1967. But it is a fact of life. That section provides as follows:

Whenever there is a vacancy in the Office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both House of Congress.

There are those who will oppose his confirmation. Their reasons vary. Some believe it is in the interest of the Democratic Party to withhold confirmation of any Vice-Presidential nominee because the President may eventually be impeached. This then would open the way for a Democratic successor. There are those who believe that GERALD FORD will run as the Republican nominee in 1976 and that it is not in our partisan interest to give him a platform from which he can expand his following between now and then. There are those who believe that his philosophy is too far to the right and they must vote against him to condemn that philosophy.

I do not believe that any of these reasons are adequate to justify voting against his confirmation. And ironically, I suspect that confirmation of the Vice President may actually be helpful in achieving President Nixon's impeachment. For, with a Republican Vice President, Democrats cannot be accused of the same partisan motivation in creating a Presidential vacancy and Republicans can be assured of a Republican successor. Furthermore, the confirmation of a Vice President removes an impediment to the President's resignation.

But that reason is not why I cast my vote in favor of GERALD FORD's confirmation. I cast it because I believe that he has met the requirements set forth in the 25th amendment and I will not impose additional obligations which are not required by that provision of the Constitution. Each of us could do so and find what for us would be valid reasons for requiring higher standards. But when it is all said and done in my judgment, those standards would be simply euphemisms for partisanship. This is one occasion where I hope all of us will rise above partisanship in the interest of national unity.

Mr. CLAY. Mr. Chairman, as the House of Representatives votes today on the confirmation of GERALD FORD as Vice President, I urge my colleagues to join with me in voting against FORD's confirmation.

When the House Judiciary Committee approved FORD's nomination by a vote of 29 to 8—the 3 black members of the committee voted against FORD. I stand with these members in opposing FORD.

The office of the Vice President is a highly respected office—although you would not know it from the behavior of the last man who held that position. As we all know that office became vacant on the morning of October 10, when Spiro Agnew submitted his resignation and proceeded to a Baltimore courtroom where he was convicted of a felony involving tax evasion.

In his 25 years of service in the House of Representatives, GERALD FORD has not provided that inspirational leadership that befits a Vice-Presidential figure. Indicative of this was his attempt in 1970 to impeach Supreme Court Justice William O. Douglas. Declaring an impeachable offense to be "whatever a majority of the House of Representatives considers it to be at a given moment in history," Representative FORD produced a list of charges attacking the Justice's philosophy, morality, associations, and professional ethics. The Ford attack received virtually unanimous condemnation from the legal and judicial community, and a Special Subcommittee of the House Judiciary Committee.

As a black Member of the House, I would be voting against the best interests of my constituents if I voted for FORD. FORD's civil rights record has been extremely cynical—as viewed by his consistent efforts to support amendments to cripple civil rights legislation. When all efforts to gut these bills failed, he would vote for final passage and thus try to proclaim he was in fact for civil rights. His anti-civil-rights votes demonstrate his insensitivity to minority concerns.

Mr. FORD has served as the President's mouthpiece and rubberstamp in Congress. As Clarence Mitchell, director of the Washington Bureau of the NAACP, noted in his opposition to FORD—in 1969 when the President could not get the ranking Republican member of the House Judiciary Committee to introduce the Nixon proposal to emasculate the Voting Rights Act, FORD came to his rescue by offering a substitute bill during the floor debate.

His extremely partisan and conservative congressional voting record suggest that if elevated to the Presidency he may prove to be a divisive force. His support of the conduct of the tarnished Nixon administration bring into question his judgment, his independence, and his ability to unify and lead the country in the event of a Presidential vacancy.

GERALD FORD represents mediocrity. We could not expect President Nixon to offer us anything better but we certainly do not have to go along with his poor selection. With the domestic political crisis now taking place, the No. 2 man of today may become the President of tomorrow. GERALD FORD does not have the leadership qualities necessary to hold that office or guide this Nation.

I intend to vote against GERALD FORD's confirmation and I urge all House members to do the same.

Mr. REUSS. Mr. Chairman, when the House acts later this afternoon on the nomination of GERALD FORD to be Vice President of the United States, I shall vote aye. I shall do so after full consideration of the questions of political philosophy, personal integrity, and constitutionality involved.

The House minority leader's voting record differs markedly from my own. He has consistently voted against social programs—model cities, rent subsidies, food stamps, unemployment compensation for farmworkers, OEO, legal services — which I strongly support. His stand on civil rights and civil liberties—he has voted repeatedly to weaken the Civil Rights Act, and against open housing,— is antithetical to my own. He has opposed environmental legislation, refusing to strengthen the Pesticide Control Act, to strengthen the Federal Water Pollution Control Act amendments, to open up the highway trust fund for mass transit, to which I am firmly committed. His position in favor of U.S. involvement in Vietnam and against war powers legislation, has been contrary to my own.

But, I consider it unrealistic to expect President Nixon to nominate a Vice President to suit my political beliefs. I do not see how a man of Mr. Nixon's political orientation could nominate a person even somewhat more liberal than GERALD FORD. I therefore will not oppose GERALD FORD because I oppose his voting record.

The House Judiciary Committee hearings and report do not present serious question about GERALD FORD's personal honesty. To be sure, charges regarding his dealings with Robert Winter-Berger could have been laid to rest more thoroughly. Some mystery remains on the subject of Mr. FORD's visit to Dr. Hutschnecker, a New York psychiatrist— although the mystery is primarily why a visit to a psychiatrist should be considered grounds for public controversy at all.

Far more important to me is Mr. FORD's unjustified assault in 1970 on Associate Supreme Court Justice William O. Douglas. In his effort to have Justice Douglas impeached, GERALD FORD energetically spread wildly inaccurate stories. One of Mr. FORD's attempts to discredit the Justice involved the charge that Mr. Douglas permitted excerpts from a book he had written to be printed in Evergreen Review, allegedly a pornographic magazine. In fact, the Judiciary Committee investigation later found, Mr. Douglas had had no knowledge of or authority to prevent the placement of his article, which was arranged by the publisher of the book from which the excerpts were taken. In what was assuredly not his finest hour, GERALD FORD resorted to flipping obscene pictures from the Review in front of television cameras. Incredibly, the flipper was himself reported as wearing an obscene tie at the time. Surely, viewers must have wondered, does not a man have more control over what obscene material appears in proximity to his neck than to his magazine article?

But are these peccadilloes enough to justify voting against him? I think not. GERALD FORD will elevate the moral tone of this administration considerably.

Finally let us look at the constitutional questions.

The 25th amendment was designed to

replace a Vice President, not to appoint a President. But new scandals break almost daily over President Nixon's head. He is even under the initial steps of impeachment proceedings, the House Judiciary Committee investigation. The office of the President may soon be as vacant as the office of Vice President is today.

Are some 550 elected representatives constitutionally authorized to choose a new President without referring the choice to the people? The 1972 elections gave no clear popular mandate—a Republican President and a Democratic Congress. Ideally, what this country needs is a new President selected by a popular election, such as the bill H.R. 11284, and similar proposals, would provide.

But it is far from certain that President Nixon will be impeached. Proceedings are in the very earliest stage as yet. Who can tell what the result will be? I am forced to conclude that the possibility of impeachment is neither strong nor imminent enough to justify delaying GERALD FORD's confirmation on constitutional grounds.

Therefore, despite the three reservations I have just described, I shall vote for GERALD FORD's confirmation.

There have been rumors of a scheme to subvert the 25th amendment—namely, that after GERALD FORD is confirmed, Mr. Nixon will resign, and his nominee, the new Vice President, will replace him as President. We have, however, the solemn assurances of both Mr. Nixon and Mr. FORD that the President has no intention of resigning, with its corresponding gift causa mortis politicae of the highest office in the land.

If Mr. Nixon, promises to the contrary, does resign, I am confident that GERALD FORD would show the same responsible self-denial that Speaker CARL ALBERT has shown—by resigning, so that Congress could then order a new popular election to fill the unexpired terms of the President and Vice President.

I shall vote aye on the motion to confirm Mr. FORD's nomination as Vice President.

Mr. McDADE. Mr. Chairman, I rise in support of House Resolution 735 confirming GERALD R. FORD as the 40th Vice President of the United States.

Mr. Chairman, if you ask anyone who has ever known GERRY FORD for their opinions about him, the same words always recur: honesty, integrity, loyalty, diligence. These high standards have accompanied him throughout his career in public and private life.

Since coming to Congress in 1949, GERRY FORD has worked tirelessly in behalf of his party and our Nation. In his service, first as chairman of the House Republican Conference and then as minority leader he has time and again demonstrated his abilities as a leader. He has the knowledge and the expertise in legislative affairs that will be invaluable in his future executive-legislative relations.

Both the House and Senate Rules Committee have scrutinized the public and private life of GERRY FORD with greater detail than any other vice presidential candidate. Their conclusions about his fitness to serve have only confirmed what we in the House have known for so very long: that by every measuring stick possible, GERRY FORD is eminently qualified to be our next Vice President.

Mr. Chairman, it goes without saying that these are difficult times. The circumstances that have led to GERRY FORD's nomination comprise a sad chapter in American political life. Yet by acting deliberately and positively on this nomination we can show the cynical and the disbelieving that there are still good men in public life. We can prove that there are men and women whose public and private lives can meet the gruelling test of public scrutiny. GERRY FORD is such a man. He brings to the office of Vice President a measure of humility in greatness, a sense of loyalty in time of stress, and an ability to reason with men of good will from both sides of the political spectrum. His record is one of loyalty to the Nation, service to his constituency and leadership to the Congress. While we shall all miss him here in the House, I am pleased to support his nomination as Vice President. I urge my colleagues to do likewise.

Mr. BAUMAN. Mr. Chairman, in a short while, we will be voting to confirm a good friend and respected colleague, GERALD FORD, as the 40th Vice President of the United States.

Since my days as a page in this Chamber back in January 1953, I have known JERRY FORD to be a man of integrity, one who understands the legislative process thoroughly and expertly, and who is immensely proud of his Nation and its institutions. Now, after 25 years of dedicated service here in the House, he is about to take on the duties of the second highest office in the United States, and I am confident that he will do so capably and with equal dedication.

The large margin by which the Senate voted to confirm his nomination, and the equally overwhelming vote which will be taken soon here in the House evidence the confidence which members of both parties have in his abilities and integrity. Even the Washington Post, no philosophical ally, expressed its support for his confirmation, remarking that Representative FORD is "an experienced politician in the classic American sense, a man who understands the democratic system's workings and constraints, who respects public opinion, and who values comity among the branches of Government."

Mr. Chairman, at a time when many Americans are questioning the honesty of public officials and many, with good reason, have lost faith in those who serve in public office, GERALD FORD's greatest attribute is his integrity. He did not apologize for his deeply held conservative beliefs when they came under almost rude questioning before committees of the House and Senate. He did not back down on the principles which he and, I would suspect, the majority of the American people share. This is the kind of leadership that Americans long for, and I hope and pray that Vice President FORD will be able to provide for that need. Most Americans still feel that their Government can be made responsive and responsible to them and the problems that face the Nation. If JERRY FORD can restore that faith, his place in history will be secured far beyond the unusual and historic events which have brought him to the Vice-Presidency.

I believe that our initial experience with the provisions of the 25th amendment to the Constitution has shown that it will work well, and that the first Vice President to be appointed under its provisions will be a credit to the office and to the confidence which the President and the Congress have placed in him.

I, for one, will miss JERRY FORD during the day-to-day deliberations in this Chamber. But I also know that we are fortunate to have him available to assume the office of Vice President at a time when a man with his qualities and ability is needed.

I urge that the House confirm GERALD FORD as Vice President, and I look forward to working with him in that capacity in the years to come, or indeed, in any capacity he may achieve.

Mr. MOSS. Mr. Chairman, we are here today to fulfill our obligation under section 2 of the 25th amendment to the Constitution. I envision my role as serving as surrogate elector for the citizens of the Third Congressional District of California. And in that role, I cast my vote against the confirmation of GERALD R. FORD, as Vice President, not as a personal vendetta, but as a public demonstration of my conviction that the people of my congressional district would not elect Mr. FORD in a free election.

I have known GERALD FORD during the 21 years I have served in the House of Representatives. He is a decent and honorable man and I respect him as an individual and as an elected public official. But Vice President FORD may soon become President FORD—and this too is how he should be judged—as a future President who must unite and lead our country in times of unprecedented crisis.

GERALD FORD's voting record during his 25 years in the House has been partisan and reactionary. His continued opposition to minimum wage bills, his votes against key legislation to advance our Nation's programs in education, civil rights, mass transit, and economic and environmental matters, to name a few, and his futile attempt to impeach Supreme Court Justice William O. Douglas, indicate a lack of compassion for, and understanding of, the basic urban and social problems of our time.

GERALD FORD's role in the House has not been one of innovation, but rather of obstruction to progressive social legislation. From the unconstitutional acts of impoundment, to the scandals of Watergate, GERALD FORD has blindly followed the dictates of President Nixon.

Beset by a myriad of problems and crises, America needs leaders with compassion, innovation, and understanding, not one whose blind loyalty has frozen him into inflexible partisanship and mediocrity.

It is with real regret, Mr. Chairman, that I find I cannot vote to confirm the nomination of Mr. GERALD FORD as Vice

President of the United States. I wish it were possible to act solely in response to my personal respect and affection for Mr. FORD as an individual, but I cannot. The responsibility imposed upon me imposes judgment on a different standard and I therefore cast my vote in opposition to confirmation of Mr. FORD. Notwithstanding the negative action, I wish only the best for Mr. FORD in his new duties and should he succeed to the Presidency, I assure him of my fullest cooperation in any action undertaken for the improvement of the Nation and in furtherance of its significant role as an international leader.

Mr. FREY. Mr. Chairman, I have no hesitancy whatsover in casting my vote for the confirmation of GERALD FORD as Vice President.

Our colleague will take to the White House the integrity and legislative know-how necessary to restore public confidence and effectiveness in the second highest office in the Nation.

Those of us who know JERRY FORD testify to his honesty, his candor, and his sincerity in dealing with day-to-day legislative problems and proposals in the House of Representatives.

And, perhaps more importantly, we can testify that he is a man of his word, a man of integrity.

JERRY FORD, our minority leader, has been in the House of Representatives since 1949 and the contacts and legislative expertise he has developed over the years will be invaluable to the Congress as it aspires to have a closer and more effective working relationship with the White House.

Above all, I know GERALD FORD is ready to take command if the occasion should ever arise and capably, admirably, and honorably serve as the leader of our great Nation.

Mr. JONES of North Carolina. Mr. Chairman, I have the honor of representing a district in the great State of North Carolina that, at the last report, had 168,056 registered Democrats, while there were only 21,094 Republicans. Yet, I am confident that the majority of the voters of both parties will approve of my action today in voting for the confirmation of GERALD FORD as Vice President of the United States.

It is, indeed, an historic hour. One which finds the people of this Nation confronted with problems and crises almost unparalleled in history. And, so, the Nation is indeed fortunate to find the "Man of the Hour" who, in my opinion, can to some degree restore the confidence, the honesty, and integrity of the Government itself. And, should fate decree that he move into the position of President during the next 3 years, I have every confidence that his experience and ability will serve him well.

Mr. CARNEY of Ohio. Mr Chairman, the office of Vice President of the United States has been vacant since October 10, 1973, when Spiro Agnew submitted his resignation.

The procedure for filling that vacancy is set forth in the 25th amendment to the Constitution. The 25th amendment states that the President shall nominate a Vice President who shall be confirmed by a majority vote of both Houses of Congress. President Nixon has nominated Representative GERALD R. FORD of Michigan, the minority leader of the House of Representatives.

After an intensive investigation, the Senate Rules Committee overwhelmingly concluded that Representative FORD is fully qualified to serve in the high office of Vice President, and the Senate, by a vote of 92 to 3, confirmed Representative FORD. The House Judiciary Committee also has conducted a thorough investigation and overwhelmingly concluded that Representative FORD is fully qualified to serve as Vice President.

Mr. Chairman, Congressman GERALD FORD is the leader of the opposition party in this body. He is a Republican Congressman who is succeeding a Republican Vice President I have some fundamental philosophical and political disagreements with GERALD FORD. However, in the years I have served as a Member of this House, I have found him to be a man of honesty, a man of integrity, and a man of principle. He is a man of his word. In addition, I believe that Mr. FORD has the best interests of our country foremost in his heart and in his mind.

I, therefore, will vote to confirm Congressman GERALD R. FORD as the 40th Vice President of the United States.

Mr. FISHER. Mr. Chairman, I shall be pleased today to vote for the confirmation of GERALD FORD to be Vice President of the United States. President Nixon is to be congratulated for his good judgment in choosing Mr FORD. The popularity of that choice was reflected in the 92-to-3 approval of the nomination by the Senate. As would be expected there will be a handfull of dissident votes cast against the nominee in the House.

Many of us in this body have served with GERALD FORD for a quarter of a century. We have seen him measure up to the highest level of integrity and devotion to what is best for our country. By and large, his philosophy as reflected in legislative matters has risen above purely partisan considerations. He has rather consistently put the welfare of the country first. His voting record as monitored by the Americans for Constitutional Action confirms that fact.

Mr. Chairman, above everything else GERALD FORD is a proud patriotic American. His personal integrity has never been questioned. His great ability is universally recognized. His capacity for leadership has been thoroughly demonstrated He commands respect among responsible Democrats just as he does among his Republican colleagues. This Nation is most fortunate to have GERALD FORD as its Vice President during the next 3 years.

Mr. DICKINSON. Mr. Chairman, I rise in support of the confirmation of GERALD R. FORD as Vice President.

When I first came to Congress five terms ago one of the first people I met was GERALD FORD. We became friends and I placed my confidence and trust in him. I have never been shortchanged. There is an old adage that says, "Familiarity breeds contempt." I have seen JERRY FORD daily and my respect and friendship for him have only increased.

JERRY FORD is highly respected by his colleagues on both sides of the aisle for his candor and integrity, his courage and dedication, his hard work and effective leadership in the Congress. He has demonstrated his leadership qualities in his role as minority leader, and he has a unique understanding of the legislative process learned during his 25 years as a Member of the Congress. His understanding of the legislative process should prove most valuable to GERALD FORD in his new position, and also to the Congress.

JERRY FORD knows the Congress and is a friend of the Congress. That friendship will continue to grow when he is sworn in as Vice President of the United States.

Mr. Chairman, JERRY FORD has just undergone one of the most exhaustive and intense examinations any man was ever subjected to and has come out of that examination unscathed. The House Judiciary Committee interviewed more than 100 witnesses and conducted several months of investigation regarding JERRY FORD. This investigation proved that JERRY is an honest man.

The Nation needs an honest man with JERRY FORD's impeccable qualifications. His confirmation will be one of the brightest spots in this turbulent year and will do much to restore faith in the Government.

I urge my colleagues on both sides of the aisle to support GERALD FORD. He has the qualifications, the ability and the integrity to fulfill the office of Vice President in a manner that will bring honor to him and to this country.

Mr. DOWNING. Mr. Chairman, we make history here today and I believe that we make a fine addition to the impressive list of men who have been named to the second highest office of our country.

This historic Chamber has been the training ground for a great number of those men and for a great number who have gone on to serve as our Chief Executive. It has been more than 40 years, however—the date was March 3, 1933, to be exact—since a Member moved directly from the House of Representatives to the Vice-Presidency. That was the day when John Nance Garner resigned the Speakership to preside over the other body.

Great as the tribute to GERALD FORD himself is, it is also a tribute to this House that he has been selected. It is here that the voice of the people is most clearly heard. It is here that the people have their truest representation. It is here that our distinguished minority leader has labored so long, learned so much and performed with such distinction.

His partisanship has been forceful but fair and his friendship firm. He is one whom we admire and one whom we will miss. We send him to the other wing of this historic temple of free government confident that the other body will benefit greatly from our loss. Good luck, JERRY. May God guide you every step of the way.

Mr. SISK. Mr. Chairman, I wish to

rise in honor of my good friend and colleague JERRY FORD. I pray that God watches over him and his family as he assumes the duties of this high office.

I am confident that history will record that the confirmation of this man as Vice President of the United States brought stability to the Nation at a time when it was badly in need of leadership.

Although I endorsed his nomination weeks ago, I wanted and insisted upon a fair and complete investigation—as I know JERRY wanted also—to spare this great Nation of ours of further shocks and heartbreak. That judicious investigation proved JERRY FORD worthy and capable of the Vice-Presidency means we are all the stronger because of it.

I have known JERRY for 19 years, and I am certain he will provide a great service to the country. His knowledge of the Hill and the friendships he has earned while in the House of Representatives will be of significant benefit and value to the Congress as it copes with the trying times ahead.

JERRY FORD is the type of person we so desperately need now in the executive branch to help us find resolutions to the serious and complex problems facing us. He is a man of integrity, honesty, and candor and together we will begin to resolve those issues.

One of my fondest memories in my two decades in Congress is when JERRY FORD and I sat together on the McCormick Space Committee in 1958 which was the primary author of legislation creating the National Aeronautics and Space Administration. I was the junior member on the Democratic side and JERRY the junior Republican member, but never did he allow partisan politics to prevent the adoption of legislation that has meant so much to this Nation.

He brings those same qualities to the Vice Presidency now, and hopefully, he can assist in bringing a divided country together.

Mr. TEAGUE of Texas. Mr. Chairman, I rise in favor of and in full support of this body's approval of the Honorable GERALD FORD becoming Vice President of the United States. If, in the future, this body is ever called upon again to confirm a Vice President under the provisions of the 25th amendment, it will be a most difficult task to find a man with the integrity and respect akin to GERALD FORD'S.

It has been noted by others that this is a precedent setting event that we are making today. I sincerely believe we have set a good example for future Congresses to follow should this amendment ever be exercised.

I have known GERALD FORD since the two of us came to the House of Representatives and I am proud to say that those persons in his district in the State of Michigan chose a fine man to represent them in these Chambers.

I would like to also point out that should the day come that GERALD FORD is forced to become President of these United States, I will still be thankful that I voted in favor of him today.

Mr. BROTZMAN. Mr. Chairman, I rise to urge the approval of our distinguished colleague from Michigan, the Honorable GERALD FORD, to be Vice President of the United States. When the 25th amendment to the Constitution was adopted, it was because of a concern that the United States must not go through long periods of time without a Vice President. I was pleased when the President moved swiftly to send to Congress a nominee when the Office of Vice President became vacant in October.

Between the time of the President's announcement and today, both Houses of Congress have thoroughly examined JERRY FORD'S qualifications to be Vice President. He has been found well qualified on every count, and I have every confidence that he will serve as Vice President with distinction.

JERRY FORD has a long and distinguished career in the House, and he enjoys the respect of both sides of the aisle. Aside from being one of the most knowledgeable men in the Congress, he also knows and is sensitive to the workings of government. He is a man of the highest integrity; committed to the principles upon which our Nation was founded. More important than anything else, however, is the fact that JERRY FORD, should it become necessary, is superbly qualified to assume the responsibilities of the Presidency. He would continue the important initiatives which have been made in foreign policy, and he would guide our ship of state with a firm, but fair hand.

Being from Colorado, I take special pride in JERRY FORD'S nomination. He is an avid fan of our outstanding ski slopes, and he enjoys visiting the Rockies every chance he gets. Mr. Chairman, this Nation has a strong supporter and good friend in JERRY FORD. I urge my colleagues to stand with me in confirming his nomination.

Mr. FULTON. Mr. Chairman, it is a genuine pleasure to join with my colleagues in expressing my congratulations and best wishes to the distinguished minority leader, GERALD R. FORD.

No one has served this body with more loyalty, dedication, and conscientiousness over a 25-year span than he.

For the 12 years I have been privileged to be associated with Mr. FORD as a Member of the House I have learned to know and respect him as an able legislator, a very competent leader, a gentleman, and a very fine human being.

He will be missed but I wish to join his many, many friends in extending my congratulations.

Mr. NATCHER. Mr. Chairman, I was elected a Member of Congress in a special election on August 1, 1953. Since Congress was in adjournment I was not sworn in as a Member until January 6, 1954. One of the first men that I met after being sworn in as a Member was my friend, GERALD R. FORD.

After serving 1 year as a Member of the House I was elected as a member of the Committee on Appropriations. I have served on this committee for a period of 19 years. One of the nice things that has happened to me since I have been a member of the Committee on Appropriations was my service on this committee with JERRY FORD. He served with us for a period of some 12 years and then resigned upon being elected minority leader of the House of Representatives. During my service with JERRY FORD I always found him to be fair, loyal, and considerate. His concept of public trust was without parallel and never did he hesitate to speak out against any proposal which he felt was not sound and not to the best interests of our people. His service on our committee was marked by a high sense of conscience and duty. As a Member of the House and as a member of the Committee on Appropriations he possessed at all times those qualities that are essential for leadership—sound judgment, patience, and perseverance.

As minority leader of the House of Representatives he has become an inspiration to all of those Members on his side of the aisle. His character, his achievements, and his faithful service will be an inspiration to generations yet to come.

Mr. Chairman, I will cast the vote of my people for the confirmation of my friend, GERALD R. FORD, to the office of Vice President of the United States.

Mr. McCOLLISTER. Mr. Chairman, the prime ingredients of leadership are integrity and character, and these are the qualities embodied in the man we will vote to confirm today as Vice President of the United States.

Since his nomination by the President, JERRY has been subjected to the most intensive scrutiny ever faced by a public official, and he has passed the test with flying colors. I know of no man serving in the Congress who is held in higher esteem by his colleagues on both sides of the aisle.

Today is a proud day for JERRY and his family, and it is indeed a proud day for the House of Representatives as we meet with the Senate later today for JERRY'S swearing-in. And I am proud to call him a friend and be able to share this day with him.

As Vice President, JERRY will carry on with those qualities that have made him so highly respected throughout his years in Congress—he has character and integrity, he is an achiever, he has always done his job and done it well, his record is untarnished, he has the ability to inspire confidence and bring people together, and he has shown patience and good judgment when crucial matters hang in the balance.

JERRY was born in Omaha, Nebr., which I now have the great honor to represent. Omaha is extremely proud of JERRY today, and I am proud to express my strong support for a fellow Nebraskan, JERRY FORD, to be the next Vice President of the United States.

Mr. BROWN of Ohio. Mr. Chairman, it is with mixed emotions in this Chamber today that I urge the Members of the House to confirm the distinguished minority leader, the Honorable GERALD R. FORD of Michigan, as the Nation's next Vice President.

It will, of course, be a very deeply felt loss to this body to have JERRY leave our ranks for the Vice-Presidency. But it is more than that. It is a personal loss to each of us who has enjoyed the warmth of his friendship over the years.

Over the 25 years of outstanding service JERRY has given to the House of Representatives, he has earned the greatest respect from his colleagues for his fairness, sincerity, integrity, and ability. I am confident that historians will

record the FORD era of service and leadership in the House in the most positive terms.

On the other hand, it is extremely satisfying to me—and to the vast majority of us in this Chamber—that JERRY has been selected to assume new responsibilities as the Nation's 40th Vice President at a time when America needs the very best man capable of doing the job.

As Vice President, JERRY FORD will bring to the administration a new depth of understanding of the process of government that should be invaluable in increasing the understanding and cooperation between the executive and legislative branches.

And, as a person who understands the process of our free political system from more than a quarter century of day-to-day public political service, he will add to the administration a responsiveness to the public needs and wishes that government and the political process must serve.

From a personal standpoint, Mr. Chairman, my bond with JERRY FORD goes back further than my service with him in the House of Representatives over the past 8 years.

My late father, who served with JERRY in this body from the time JERRY was first elected in 1948 until 1965—when Dad died—was a strong admirer of JERRY. And JERRY's encouragement to me to "take the plunge" and run for Congress to fill the seat of my late father is a good part of the reason I am in Congress today. It would be impossible for me to describe in this short time the help to me that JERRY FORD has been since I have been a Member of the House. Suffice it to say that whatever success I have enjoyed dealing with legislation and other aspects of congressional service I owe in part to JERRY FORD.

So, today, Mr. Chairman, as our distinguished minority leader stands on the threshold of a new career of service to America, I join with my colleagues and all Americans in wishing him the sincerest best wishes for the future. Our prayers are with him, his wife Betty and his fine family for his continued good health and safety. We know that should higher responsibility be laid upon him, by whatever circumstances, JERRY FORD will be ready and capable of carrying out with honor and integrity whatever responsibilities may be his.

Mr. LOTT. Mr. Chairman, I join my many colleagues here today in expression of my great pleasure in seeing the imminent confirmation of our good friend and colleague, GERALD R. FORD, as the next Vice President of the United States.

I have admired JERRY FORD for a period of some 5 years; first, in my position as administrative assistant to my predecessor and now as a Member of Congress. Congressman Bill Colmer admired and respected JERRY FORD and I have grown to understand and share that feeling because he is truly an outstanding man with unusual traits of nonpartisan leadership and genuine decency.

I do not think at this time in history there could have been a better choice for Vice President. JERRY FORD epitomizes the basic honesty and integrity that this country is looking for in government. And perhaps more important, to me at least, JERRY FORD will not represent a region, but a philosophy that will make him a Vice President for all the country.

I have reviewed his record as a private citizen, as an elected official, and as a leader of Congress and find him most capable of assuming this high obligation in government.

In conclusion then, I wish him continued success in leading us toward a better America.

Mr. GOODLING. Mr. Chairman, I consider it a high honor and a great privilege to extend congratulations to the Honorable GERALD R. FORD, the 40th Vice President of the United States.

In a manner of speaking, in view of the vacancy that has existed in the office of the Vice President of the United States, our country has been "less than whole." Now that this office has been filled by a man of strong character, great competence, and vast experience, we can feel whole again.

During the six terms that I have had the privilege of serving in the House of Representatives, I have had the opportunity of knowing GERRY FORD. I can say without any reservation whatsoever that he is eminently qualified to hold the high office he now holds.

One outstanding quality about GERALD FORD is that he stands tall among his colleagues in Government, being respected for his honesty, forthrightness and integrity by all of his colleagues in Government. He is known as a man of his word and a person who keeps his promise.

Anyone who knows Mr. FORD readily recognizes that he is a hard worker, the type of individual who believes in getting the job done. A large part of his energy is concentrated on his official duties, for he is constantly conscious of the responsibilities that are his in public office.

He is a man who has a facility for working with people, and he is a willing party to compromise when there are contrasting views. He ardently believes that legislating is the art of compromise, and this belief has enabled him to work with Members on both sides of the aisle toward the end of resolving legislative complications and making the work of the Congress go forward.

GERALD FORD is a person of deep understanding, being able to see the other person's side of the issue. He has a wonderful capacity for disagreeing with some one in an agreeable way, and this quality has won him a host of friends throughout the total range of Government.

I have always found him to be a very serious sort of person, not prone to taking any of his official responsibilities lightly. He is a profound patriot, and anyone that encounters him quickly gets the impression that there is a man who has a deep love and respect for his country.

That Mr. FORD has leadership qualities is evidenced by the fact that he has served with a high degree of competence as minority leader in the House of Representatives for an extended period of time. Every Member of this House of Representatives is keenly conscious that a leadership role in this body made up of a broad range of personalities and intellectual and emotional temperaments is no easy assignment. An ability to assume leadership in this Chamber qualifies a man for leadership in other demanding capacities.

GERALD FORD's vast experience in legislative work eminently qualifies him for coping with the intricacies and complications of government. Because he has held high legislative positions, he has been constantly informed with respect to domestic problems and international complications. He has, through this exposure, gained a valuable insight into the complications that will confront him domestically and internationally in his new office.

Summing it all up, GERALD R. FORD is a Rock of Gibraltar type of person, the kind of individual who will stand solid in the face of any kind of storm. He will, I feel confident, bring great credit and strength to the Office of his new assignment.

I extend my hearty congratulations and best wishes to Vice President GERALD R. FORD. I am certain that his service in the second highest office in the land will be highly meaningful and significant.

Mr. HANLEY. Mr. Chairman, I want to join my colleagues today in congratulating Mr. FORD and in wishing him well as he assumes the heavy burdens of the Vice Presidency. These are not easy times, as we all know, and the road that lies ahead for him will be rather bumpy at times. But he is a strong man, and we have confidence that his experience, his temperament, his dedication, and his mettle will serve him in good stead.

I know that I speak for the whole House when I tell him that our prayers are with him.

Mr. FRASER. Mr. Chairman, I must cast my vote against the confirmation of GERALD FORD as Vice President of the United States.

I take this stand having known the gentleman from Michigan as a direct and forceful adversary on the floor of the House for the last 10 years. Off the floor, I have come to know him as a man of warmth and sincerity.

Today we are being asked to make a decision that no Member of this body has made before in his capacity as a Member of the House of Representatives. We are being asked to help determine whether one of our colleagues will stand next in line for the Presidency.

In a statement to the Senate Rules Committee last month, Joseph Rauh, speaking on behalf of the Americans for Democratic Action, outlined the standards I feel we should use in judging whether this or any other Vice Presidential nominee shall be confirmed under the terms of the 25th amendment:

> The central question before this Committee and the Congress can be simply stated: Putting aside all partisan considerations, is Mr. FORD qualified to be President of the United States? Or, stated another way . . . is Mr. FORD among the group of people that a majority of the Members of both Houses want to see as President of the United States?

Mr. Rauh went on to tell the Senate Committee:

> Congress, as surrogate for the voters, is obligated to use the tests the voters use—

stature, competence, experience and philosophy. Congress must exercise its independent judgment unaffected by any presumption in favor of a presidential nomination. As the legislative history (of the 25th Amendment) makes clear, Congress must weigh every factor except partisan considerations. To determine whether a nominee is of Presidential stature is an awesome task, but as the constitutionally-designated surrogate for the people, the 93rd Congress can do no less.

Using these standards as a guide, I must reject the current nominee. I know that as President he could shape public policy in a way that no other single American is able to do.

On the larger issues facing us—the issues of war and peace, the role of government in promoting the common welfare, the civil rights and civil liberties of the individuals—on all these issues the nominee and I differ sharply.

As Chief Executive, he would not move this country in the direction I feel we must go if America is to achieve its basic goals. I would not vote for him as President. I cannot vote for him as Vice President.

Because his votes are a part of the public record, we need not carry forward a full-scale debate over GERALD FORD's political philosophy. It may be helpful, nevertheless, to place that voting record in the CONGRESSIONAL RECORD.

Thus, I am including with my remarks a voting analysis prepared by the Americans for Democratic Action, an organization I currently serve as chairman. While a Member's voting record falls short of a full, qualitative description of his policy orientation, it is the best indication now available for judging the direction he would follow if he becomes President.

The voting analysis follows:

VOTING RECORD OF GERALD R. FORD

CIVIL RIGHTS

Voted to weaken Fair Employment Practices bill, February 22, 1950.

Voted to cripple Voting Rights Act of 1965, July 9, 1965.

Voted against bringing 1968 Civil Rights Act to floor, July 25, 1966.

Voted to recommit 1966 Civil Rights Act to delete fair housing provision, August 9, 1966.

Voted to nullify Title VI of 1964 Civil Rights Act as applied to aid to elementary and secondary education, October 6, 1966.

Led fight to gut Voting Rights Act of 1965, December 11, 1969.

Voted against accepting Senate's open housing amendments to Civil Rights Act of 1968, April 10, 1968.

Voted to gut EEOC bill, September 16, 1971.

Voted for all anti-busing amendments including April 7, 1971; November 4, 1971; March 8, 1972; August 17, 1972. Supports "freedom-of-choice" school desegregation plans and constitutional amendment to ban school busing.

Voted to weaken D.C. Home Rule bill, October 10, 1973.

SOCIAL PROGRAMS

Voted against public housing, June 29, 1949; May 10, 1950; May 4, 1951; March 21, 1952; July 21, 1953; April 2, 1954; July 29, 1955; May 21, 1959; June 22, 1960.

Voted against increasing funds for hospital construction, May 26, 1953; June 25, 1970.

Voted against establishing national food stamp program, August 21, 1957.

Voted to weaken unemployment compensation law, August 16, 1950; May 1, 1958.

Voted against aid-to-education bill, August 30, 1960.

Voted against public works programs, May 4, 1960; August 29, 1962; April 10, 1963; April 22, 1971; July 19, 1972; March 15, 1973.

Voted to cripple food stamp legislation, April 8, 1964; June 8, 1967; December 30, 1970.

Voted against final passage of Economic Opportunity Act of 1964, August 8, 1964.

Voted against funds for elementary and secondary education, March 26, 1965; July 31, 1969.

Voted against Medicare, April 8, 1965.

Voted against creating HUD, June 16, 1965.

Voted to kill rent subsidy program, June 30, 1965; May 10, 1966.

Voted to reduce OEO funds, July 22, 1965; November 15, 1967.

Voted to delete Model Cities funds, May 17, 1967.

Voted to turn OEO over to states, December 12, 1969.

Voted against providing unemployment compensation to farm workers, July 23, 1970.

Voted against child care conference report, December 7, 1971.

Voted against increasing education appropriation, April 7, 1971, June 15, 1972.

Voted to cripple Legal Services bill, June 21, 1973.

Voted to reduce Labor-HEW appropriation, June 26, 1973.

LABOR

Voted for Wood (D-Ga.) bill containing worst features of Taft-Hartley, May 4, 1949.

Voted to weaken Minimum Wage bills, August 10, 1949; June 30, 1960; March 24, 1961; May 26, 1966; May 11, 1972; June 6, 1973.

Voted to use Taft-Hartley injunction to end steel dispute, June 26, 1952.

Voted for Landrum-Griffin over bill limited to internal union reform, August 13, 1959.

Voted against repeal of Sec. 14(b) of Taft-Hartley Act ("right-to-work" laws), July 28, 1965.

Voted to weaken Occupational Health and Safety bill, November 24, 1970; June 15, 1972.

Voted to deny food stamps to strikers, July 19, 1973.

CIVIL LIBERTIES

Voted for Anti-Subversive bill, August 29, 1950.

Voted against requiring prior court approval for wiretaps, April 8, 1954.

Voted to upset the Supreme Court's Mallory Decision regarding admissible evidence, July 2, 1958.

Voted funds for HISC, April 29, 1971; March 1, 1972; March 22, 1973.

Voted for constitutional amendment allowing school prayers, November 8, 1971.

ENVIRONMENTAL

Voted against federal aid to states for prevention of water pollution, June 13, 1956; February 25, 1960.

Voted to kill mass transit legislation, June 25, 1964.

Voted against AEC funds to fight water pollution, October 8, 1969.

Voted for SST, March 18, 1971.

Voted against deleting funds for Cannikan nuclear test, July 29, 1971.

Voted against strengthening Pesticide Control Act, November 9, 1971.

Voted against strengthening Federal Water Pollution Control Act amendments of 1972, March 28, 1972.

Voted against allowing Highway Trust funds for mass transit, October 5, 1972; April 19, 1973.

INDOCHINA, DEFENSE AND FOREIGN POLICY

Voted against all attempts to limit or end U.S. involvement in Indochina, including the Cooper-Church amendment (July 9, 1970), the Nedzi-Whalen measure (June 17, 1971), the Hamilton-Whalen measure (August 10, 1972) and the Addabbo amendment (May 10, 1973).

Voted for the Safeguard ABM program, October 3, 1969.

Voted against all attempts to lower military spending, voting against cutbacks amendments October 3, 1969; June 16, 1971; November 17, 1971; September 14, 1972; and July 31, 1973 (the Aspin ceiling amendment).

Voted to override Presidential veto of McCarran bill making immigration more difficult, June 26, 1952.

Voted to bar U.S. sale of surplus goods to Poland and Yugoslavia (Sept. 3, 1964) and to kill wheat sales to USSR and Hungary by barring credits (Dec. 16, 1963).

Voted against war powers legislation, July 18, 1973.

Mr. TALCOTT. Mr. Chairman, the gentleman from Michigan (Mr. GERALD R. FORD) is a decent, compassionate, and honorable man; a great American; qualified in every respect to be Vice President of our Nation; and qualified to serve as President if necessary.

I wish that his nomination could have been duly confirmed sooner.

I extend the best wishes of Mrs. Talcott and myself to JERRY and Betty for every success and personal satisfaction in their new responsibilities and endeavors. God bless them both.

Mr. BROYHILL of North Carolina. Mr. Chairman, it is with real pleasure today that I rise to voice my happy and wholehearted support for our good friend, GERALD R. FORD for confirmation as the Nation's 40th Vice President.

No man in the history of our Republic has undergone such an extensive public search of a private and public life for the purpose of holding office. This investigation has shown Congressman FORD to be entirely capable of filling the high office to which he has been nominated and to which he will be confirmed today. He has demonstrated that he is indeed worthy of the trust and faith that we all place in him.

I was very pleased with the nomination of GERRY FORD. I had strongly recommended to the President that he be nominated to the post of Vice President of the United States. His broad support from Members of both parties in the House and Senate and the respect with which his leadership is regarded will be a great asset to the executive office, Congress and the Nation.

GERALD FORD is also a good friend of North Carolina. He went to Naval Flight School at the University of North Carolina in Chapel Hill during World War II. His eldest son graduated from Wake Forest University. Congressman FORD has often remarked that over the years he has spent more time in North Carolina than anywhere else except his homes in Washington and Michigan.

GERALD R. FORD has earned the position which he will assume today. I know that he will justify the confidence we have in him. I am just proud to have this occasion to pay my personal tribute to our good friend and colleague, by casting a resounding aye for confirmation of GERRY FORD as the next Vice President of the United States.

Mr. MONTGOMERY. Mr. Chairman, I am pleased that at long last and following unnecessary delay we are being given the opportunity to vote for the confirmation of our esteemed colleague GERALD FORD as Vice President of the United States. There are few Members of Congress who can command and de-

serve the respect and admiration we have for GERRY FORD.

There is no doubt in my mind that GERRY is fully qualified to serve as Vice President and should the occasion arise, he could also fill the highest office in our Nation. I have always been impressed by his honesty in dealing with other members. Even though we might not always agree on matters, I always know where GERALD FORD stands and appreciate the fact that he respects my right to hold different views.

Mr. Chairman, based on GERRY FORD's record as minority leader, I feel sure he will prove himself to be one of the hardest working Vice Presidents in the history of America. He has never shirked from duty and responsibility and I feel sure his new service to the American people will be no different.

I value highly my friendship with GERRY FORD. But my vote today will be based on more than just friendship. It will be based on my very firm belief that he has the qualities of leadership, intellectual capacity, and dedication to duty that are necessary for any man or woman to serve as Vice President. I urge my colleagues to give GERALD R. FORD the overwhelming vote of approval he deserves.

Mr. FUQUA. Mr. Chairman, this is a historic occasion. The Members of the U.S. House of Representatives will vote on the confirmation of one of its Members to be the Vice President of the United States.

The President has submitted the name of Congressman GERALD R. FORD of Michigan to fill that office.

This nomination not only has my support, but my enthusiastic support.

GERALD FORD has proven himself to be an able and effective leader of the Republican Party in the House. Being on the other side of the aisle, I can say that I have learned to respect him for his integrity and admire him for his courage.

Being in a position of leadership on either side of the aisle is not an easy task. The Members of the U.S. House of Representatives are strong-minded individuals. There are strong convictions and varying viewpoints throughout both parties.

GERALD FORD has accepted the challenge of being the opposition on many occasions, but the significant thing about Congressman FORD is that his has been constructive opposition.

Another quality about the man that is his trademark is his word. His word is his bond and all of the Members of the House know this to be true.

As I cast my one vote, I do not do so lightly. I know that the man I am voting to confirm may, in a stroke of fate, be called upon to assume the awesome duties of the Presidency of the United States.

I could not, therefore, cast that one vote lightly. I do so with the firm conviction that GERALD FORD will fulfill the duties of the Vice President with dignity and honor. And I know full well that if he is called upon to lead this Nation, he is fully qualified and a man with the capability to make a great President.

I believe this view is shared by my colleagues.

Mr. ANNUNZIO. Mr. Chairman, in the 10 years that I have been a Member of the Congress, I have watched GERALD FORD's actions as the minority leader.

He has been precise, thorough, and a good legislative craftsman for his side of the aisle.

He has represented his party and the philosophy of his party with all of the vigor and strength of a man determined to lead his team in battle.

Never once has there been a whisper about his personal conduct, his honesty, or his integrity.

As a partisan Democrat, I am not asked to vote today for GERALD FORD for public office, but instead, what I am asked to do is to confirm his nomination as Vice President.

I am delighted over the report compiled by the Judiciary Committee which spent countless hours, under the leadership of Chairman PETER RODINO, working with the Federal Bureau of Investigation and all of the other Government agencies on the investigation. The report is indicative of the fact that no man has been more carefully scrutinized for public office than GERALD FORD.

The majority of the Committee on the Judiciary has recommended GERALD FORD's confirmation, and I, too, vote "aye" in confirmation of his nomination to the Vice-Presidency.

Mr. ESHLEMAN. Mr. Chairman, I join my colleagues in expressing hearty congratulations to our new Vice President, JERRY FORD.

Today, we will confirm for the second highest office in the land a man of preeminent qualifications. He has been a leader throughout his life from his days as a hard-driving University of Michigan lineman to his position as the respected minority leader of the House of Representatives.

I have known JERRY FORD to be a man of resolve. But his strength has been his willingness to temper resolve with compromise.

I have known him, too, as a man of the people. In his visits to the 16th District of Pennsylvania, he has displayed a warmth and receptivity so essential to the job ahead.

JERRY FORD is an able public servant of impeccable integrity, unfailing mettle, and a wise choice for our Vice President. I count it a distinct and historic honor to be able to cast my vote for his confirmation.

Mr. SCHNEEBELI. Mr. Chairman, JERRY FORD's 25 years' service in the U.S. House of Representatives has produced many constructive and positive actions which have been of great benefit to all the people of this country. Increasingly, during his tenure as minority leader, most all of the Members of the House, on both sides of the aisle, looked to him for his positive and sound advice and guidance. JERRY is motivated mainly by what is good for the country, not just his political party.

There is no question as to his physical and mental capabilities to handle the job as Vice President. The terrific pace he maintains attests to his keeping in good physical condition, and there are few men from Capitol Hill who could maintain the pace that he has set for himself. Shortly after becoming Republican House leader, in 1965–66, JERRY traveled 285,000 miles, making speeches in behalf of his colleagues. This is almost 3,000 miles per week, and during these same 2 years, he still maintained an attendance record of better than 90 percent.

His encouragement and strong loyal support to his colleagues has resulted in a strong Republican bloc in many of the votes on the important issues and he won many victories despite the Republicans being outnumbered by more than 50 Members.

JERRY's rise to the Vice-Presidency is strongly supported by the American public, since a recent Gallup poll showed public approval at 66 percent with a negative reaction of only 7 percent. This ratio of better than 9 to 1 is a proper compliment to JERRY's strong endorsement from the American people for his capacity to handle this job.

Probably his highest commendation springs from the genuine, bipartisan affection and respect which both Democrat and Republican Senators and Representatives have for JERRY. As a Michigan Democrat told me recently: "JERRY is the most decent guy in the House and a fine leader and great gentleman."

I join JERRY's many friends and colleagues in the House and Senate who are delighted with his rise to the Vice-Presidency—and we wish him well. We need his great capacity for leadership.

Mr. HAMMERSCHMIDT. Mr. Chairman, this is a historic occasion, and I view it as a great privilege to rise in support of the nomination of my distinguished colleague and friend as Vice President of the United States. The action of the House today is, indeed, a landmark in legislative history, as we assemble to cast the first vote of this body under the 25th amendment of the Constitution.

GERALD FORD is uniquely qualified to serve our Nation in the high position of Vice President, but his nomination as our 40th Vice President sets another precedent in the thoroughness of the investigations which preceded our opportunity today to vote on the resolution.

I was honored to be at the White House on October 12, the evening President Nixon nominated him as Vice-President-designate. Subsequently the Senate Committee on Rules and the House Judiciary Committee conducted an extensive inquiry marking the first time a prospective Vice President has been subject to this degree of scrutiny. A full FBI field investigation was conducted, and the services of the Internal Revenue Service were utilized as well as investigators borrowed from the General Accounting Office. All sources, including a complete discussion and review of personal finances, were called into play to dispel any questions of JERRY FORD's qualifications and integrity.

The Senate Committee on Rules acted unanimously to approve his nomination and the House Judiciary Committee favorably reported the nomination on a vote of 29 to 8. The full Senate on November 27 approved his nomination with 92 yeas and 3 nays. It is my sincere hope that the House of Representatives will join the Senate with an overwhelming vote for GERALD R. FORD as Vice President.

During my tenure in Congress I have worked closely with JERRY and through this personal experience I have come to hold him in highest regard. While he is one of the best qualified men in America for the Vice Presidential office, capable, and nationally respected, he is also humble and likable. He has been minority leader of the House during my years of service in Congress, and I explicitly trust his judgment and sound leadership ability.

I think it is important to point out the fact that he can work effectively with members of both major political parties. He has led the House minority membership under both a Democratic and a Republican President and has worked continually to assure passage of legislation in the national interest. In working on both sides of the aisle his style of leadership has been genuinely open and consultive, exhibiting personal warmth and a unique understanding of the process of compromise in formulating legislative programs.

In addition to a 25-year tenure in Congress, he holds a law degree from Yale University and many honorary doctorate degrees. He served our Nation for 4 years in the Navy during World War II and, of course, holds awards from many societies. In conclusion, I am confident that JERRY FORD will continue his outstanding contributions to his country as our Vice President, and I urge my colleagues to support his nomination.

Mr. NIX. Mr. Chairman, after a great deal of thought, I have decided to vote against the confirmation of our colleague, GERALD FORD, as Vice President of the United States. Let me make it clear that my vote is not based on any doubt as to the personal character of Mr. FORD. He is a decent and honorable man. But our responsibility in this case goes far beyond examining the nominee for possible character flaws.

The 25th amendment lays a heavy burden on each Member of Congress. We are now participating in the selection of the man who may be the next President of the United States. It is our duty to examine fully the fitness of Mr. FORD to hold the highest office in the Nation.

After examining the record of the nominee, I have concluded that I cannot vote to confirm his nomination. Mr. FORD'S record in Congress demonstrates an insensitivity to the needs and problems of the less fortunate members of our society. His voting record on civil rights shows a lack of commitment to insuring first-class citizenship to all Americans. He has consistently voted to cripple government efforts to help the poor, the aged, the unemployed, and the ill. The record shows that Mr. FORD has favored the interests of big business and the wealthy at the expense of working people.

In short, Mr. Chairman, when I compare the nominee's record with the pressing domestic problems facing our Nation, I can only conclude that Mr. FORD is not the man for the job.

Mr. ERLENBORN. Mr. Chairman, in 1965, when Republican numbers in the House of Representatives were at their lowest level in a quarter century, we elected a new minority leader, GERALD FORD of Michigan.

It was a good choice.

We, Republicans, can be just as divergent in our views as members of any other party. Minority Leader FORD has known that, and he has kept us working together without demanding that any of us surrender our divergent points of view.

He has been at once kindly and stern, industrious and affable, partisan and civil. He is a conservative who is respected by liberals, and a Republican who is respected by Democrats. In Republican councils, he has been an advocate of good compromise, believing as he does that compromise is the essence of the legislative process.

President Nixon made the best possible selection when he nominated JERRY FORD for Vice President. He has the experience, the wisdom, and the understanding to serve our Nation well in the second highest office.

This House should vote overwhelmingly to confirm him.

Mr. PODELL. Mr. Chairman, today this body will confirm GERALD R. FORD as the Vice President of the United States. This occasion takes on even greater significance when viewed against the backdrop of the times; with increasingly tense situations both at home and abroad, it is important for us to show strength and unity and an absolute dedication to making our system work.

Since the resignation of Vice President Agnew the country has faced the possibility of a double vacancy in the Vice-Presidency and the Presidency. I am gratified that Congress has so quickly achieved an intelligent and rational solution to this dangerous situation.

This confirmation will help restore the confidence of the people in our system of government, a confidence which has been sorely shaken by the Watergate affair and the accompanying scandals.

As well as restoring our sense of security, the confirmation will insure the continuity of our foreign policy. It will demonstrate, the stability of our Government, which is so crucial at this time of conflict in the Middle East, and present the picture of firmness to the rest of the world necessary to achieve our objectives of peace and the protection of Israel, our long-time friend and ally.

GERALD R. FORD has proved, through his 25 years of service in the House of Representatives and by his forthright and honest answers before the House Judiciary Committee, that he is a capable and dependable leader. He has shown consistence in his views and strength in his convictions. The thorough investigation by the Judiciary Committee has confirmed our trust in him. Although I am personally in disagreement with him on almost all issues, particularly in the area of domestic affairs, it is necessary to approve a nominee whose basic philosophies are in close harmony with the President. This insures a workable and cooperative relationship between the President and Vice President and guards against radical changes in the policies approved by the voters in the last election in the event of the impeachment and conviction or resignation of the President.

I am confident that GERALD FORD will continue our long tradition of strong and intelligent leadership and service as Vice President, and if necessary, as the President.

Mr. BUCHANAN. Mr. Chairman, I rise in support of the confirmation of the Honorable GERALD R. FORD as Vice President of the United States.

During the years it has been my privilege to serve with him in this Chamber, I have come to recognize in him those qualities of manhood and statesmanship most to be desired in the leadership of our great Republic.

In a time when there seems to be some confusion on the subject, it may be well to point out that the distinguished minority leader represents what the people of the Republican Party truly are.

As one of the lesser lights of the Republican National Committee's Speakers' Bureau, it has been my privilege to become acquainted with working Republicans across our land. I have found them to be honest, moral, God-fearing American citizens who work, pay taxes, obey the law, honor the flag and deeply love our country. GERALD R. FORD is a leader who is and has been worthy of their trust and confidence.

He has consistently given gifted and aggressive leadership to the minority side of the House.

As the President's key man in Congress, he has shown a rare gift for putting the votes together, issue by issue, to turn a minority position into a majority vote. Such leadership can serve our country well in the months and years ahead.

Mr. Chairman, GERRY FORD'S colleagues on both sides of the aisle can vote with conviction and without equivocation for his confirmation. Every man who loves this House and who understands its basic importance to our beloved country has reason to support the elevation of this one of its leaders to the second highest office in the land.

For 25 years GERRY FORD has been a part of the people's House of the greatest legislative body the world has ever known. He is one of us. He will be our missionary to the other body and to the powers that be downtown.

It has been my privilege, Mr. Chairman, to speak in Grand Rapids, Mich., and to congratulate the distinguished minority leader's constituents for the great service they have rendered our country in sending him to Congress. We can follow their good example this day by elevating him to the Vice-Presidency of the United States.

I urge all Members to join in casting a vote for our country in voting for his confirmation.

Mr. RANDALL. Mr. Chairman, I support the confirmation of GERALD as we make use for the first time of the provisions of the 25th amendment. I thank the gentleman from New Jersey (Mr. RODINO), the chairman of the Judiciary Committee for yielding me some time earlier in the debate. But the few minutes allotted then were simply not enough to say all of the things that should be said about JERRY FORD and to provide additional reasons why he should be confirmed.

Mr. Chairman, not since its infancy

has this country felt the uncertainties and known the divisiveness we have experienced in the past few months. These conditions have arisen at a time when many crises face us here at home and changing conditions elsewhere in the world daily call for skillful and reliable management if our Government is to retain its prestige and position of world leadership. Only in the darkest days of this country's military involvements has there been so great a need as we have today for unity; unity in our government, unity among our people, and unity among nations.

Today is an historic occasion. Today the House of Representatives takes the final step in a constitutionally prescribed method that has never before been followed for selecting a Vice President of the United States. I have no doubt as to the outcome of today's deliberations: GERALD FORD will be confirmed, and well he should be. It is my hope that in the spirit of goodwill and mutual love of country that this body will demonstrate a quality of unity that so much needs to be restored to this Nation.

According to public opinion polls more than half of the people in this country today are demanding a vacancy in the office of President of the United States, either by impeachment or by the present incumbent's resignation. More clearly than at any other time in our history we can foresee the possibility of a President leaving office in midterm for a reason other than death. For the first time in our history the Congress has an opportunity to name his successor. After exhaustive hearings two committees of Congress have thoroughly combed the background of a Vice-Presidential nominee whose chances of becoming President are great. The other body of Congress, by a vote of 92 to 3, approved that nominee. That is a 97.9-percent majority. It is my hope that in the House of Representatives, that majority will be equally great because the public needs the confidence that such an expression of trust would generate.

The only arguments against confirmation of GERRY FORD that have come to my attention have been political or goose-political in nature. But as far as I know, there is no universally popular political philosophy. Obviously I am of a political persuasion different from Mr. FORD's; I am a Democrat and he is a Republican. But there is no way that any reasonable person can isolate a few of the votes out of the thousands he has cast in 25 years of distinguished service in this House, or even a pattern of voting in a narrow range of issues over so long a period of time, and use them as grounds for defeating or even voting against his confirmation. GERRY FORD'S well-deserved reputation for solid integrity, straightforwardness, reliability and honesty of character are much more greatly needed today than the recall of any one vote or any class of votes he has cast since coming to Congress.

Only arbitrary standards are available for measuring the professional qualifications for an individual to hold the office of President of the United States. Because of the potential for his succeeding to the Presidency these standards should apply equally in choosing a Vice President. Eight times in our history the Vice President has been elevated to the Presidency due to the President's death.

By any standards presently available, GERRY FORD makes high marks. In addition to his formal education, which included graduation from the University of Michigan and Yale Law School, 10 other schools have bestowed honorary degrees upon GERRY FORD. As an athlete, he was good enough to be named to play in the Shrine's annual East-West classic game and was a University of Michigan football star.

His military credentials are excellent, having served in the Navy for 4 years during World War II, 2 of which were aboard the aircraft carrier U.S.S. *Monterey*. He is an active member of the American Legion, Veterans of Foreign Wars, and AMVETS.

The Jaycees in his native Grand Rapids, Mich., gave him their Distinguished Service Award for his work in many community projects; he was selected by the U.S. Junior Chamber of Commerce as one of the 10 outstanding young men in the United States.

The American Political Science Association called GERRY FORD "a Congressman's Congressman," and gave him their Distinguished Congressional Service Award. The American Academy of Achievement, in 1971, named GERRY FORD "one of the 50 giants of achievement."

Not long ago one of his associates, who has worked closely with him as minority leader and attended White House leadership conferences with GERRY FORD, said of him:

> He has never been cavalier about his responsibilities, never callous in dealing with his colleagues, never scornful of his adversaries.

GERRY FORD has never been involved in any unsavory political intrigue. Those who have known him best and longest know he has never deliberately misled his colleagues or the public. Those who have known him best know he is capable of serving as Vice President; and, if the events of the next 3 years so dictate, as President until such time as the people of the United States can, in a regular election, name his successor. These are the reasons why I shall vote to confirm GERRY FORD.

Mr. GIAIMO. Mr. Chairman, for the first time in the history of this Nation, the House of Representatives is acting under the provisions of the 25th amendment to confirm the President's nomination to fill a vacancy in the office of the Vice President of the United States.

I am pleased that the nominee is a colleague and a respected friend to many in this body as well as to me; but that in itself is not sufficient grounds on which to base a vote for a man who could be the next President of the United States.

While the 25th amendment is silent on the point, it seems apparent that the amendment intends that any person who becomes Vice President under its provisions would be of the President's own party and political philosophy. This should not be a partisan issue, nor should it be a question of whether one agrees or disagrees with the nominee's political philosophy. Rather, it is a question of whether the nominee himself is qualified by virtue of his background, experience and, above all, his character to hold the highest office in this country.

I support the nomination of GERALD FORD to be Vice President of the United States.

As I mentioned earlier, he is an old friend. I have known him for 15 years and regard him as an honest and decent man whose integrity I have never had reason to question. His basic integrity, of course, is a quality that is of paramount importance in these troubled times.

The Congress and the American people have known for almost 8 weeks that GERALD FORD was the President's choice to fill the vacancy that has existed in the office of Vice President since October 10. During that time, every detail of GERRY FORD's background has been examined minutely. He has undergone closer scrutiny than any other Vice-Presidential candidate in history. The reports of those who questioned him during the hearings in both the House and Senate committees support my conclusion that there is nothing adverse in his background that would bar him from the Vice-Presidency.

For 25 years, the voters of Michigan's Fifth Congressional District have shown their confidence in Representative FORD by reelecting him to Congress every time since his first election in 1948. In the House, his Republican colleagues have demonstrated their respect for his ability by selecting him first to be the chairman of the House Republican Conference and then by elevating him to the role of House minority leader, a position of leadership and responsibility that he has occupied with distinction for almost 9 years.

Since the nomination of Mr. FORD, the Congress has moved with as much speed as is consistent with both its responsibilities under the 25th amendment and the pressing necessity to assure stability in our Government by filling the Vice-Presidential vacancy.

I am voting for GERALD FORD with the firm conviction that he has the basic characteristics of decency, honesty, and integrity that are so absolutely necessary to help restore confidence in the executive branch of our Government.

I feel assured that if GERALD FORD were to become President, the United States would be in safe and responsible hands. I am confident the House will vote to confirm the nominee, as the Senate has already done; therefore, I would like to take this opportunity to wish my friend and colleague well in the new responsibilities he is about to undertake.

Mr. BRINKLEY. Mr. Chairman, I take this opportunity to say that my feeling on GERALD FORD to be Vice President of the United States has remained completely unchanged since his nomination by President Nixon on the evening of October 12, 1973. Most of us were vitally interested and excited over the possibilities, and it was with a feeling of appreciation and assurance to learn that the choice was GERALD FORD.

The next day a reporter from the Columbus, Ga., press called me for a comment which subsequently appeared in the Sunday Ledger-Enquirer of October 14, 1973:

FORD NOMINATION LAUDED

Rep. Jack Brinkley had this to say about Ford: "I'm ready to confirm Gerry Ford tomorrow. He's a good friend of mine and a good friend of the country. He's already won the confidence of the Congress and will win the confidence of the nation as soon as he's in office. He won't be a caretaker vice president in one sense of the word since he's active and vigorous and will continue these attributes while in office, whether he seeks the presidency in 1976 or not."

Mr. Chairman, I feel exactly the same today as I felt then. May the vote today be an overwhelming vote of confidence.

Mr. DICKINSON. Mr. Chairman, as you know, Vice President GERALD R. FORD was subjected to one of the most extensive and exhaustive examinations that any man has ever undergone. This investigation proved that he is an honorable man.

Even so, certain Members of the House did not support Mr. FORD's nomination and confirmation because they felt he was not strong enough on minority rights.

Dr. Maurice A. Dawkins, national director, Government and legislative relations, research and education, testified before the House Judiciary Committee on November 19, 1973, in support of the confirmation of GERALD R. FORD as Vice President of the United States.

Dr. Dawkins' testimony shows that GERALD FORD is concerned about minority rights and I would like to place that testimony at this point in the RECORD in hopes that any misunderstanding of his position on this issue might be cleared up:

TESTIMONY OF DR. MAURICE DAWKINS

Mr. Chairman: My name is Maurice Dawkins. I am presently serving as Director of the National Government Relations and Legislative Research and Education Service that services OIC of America.

I have requested an opportunity to submit for the record those positive elements in the history of the relationship of the OIC of Grand Rapids, Michigan and the OIC movement in 112 cities in 41 states, with the Honorable Mr. Gerald Ford, in his role as minority Leader of the House of Representatives, and the Congressman from the district in the city of Grand Rapids, Michigan.

I have also in this testimony, gone on record as an individual and as a clergyman who has participated in almost all stages of the civil rights movement in America in the 1940's, 50's, and 60's, although I have been primarily involved with the OIC movement since 1970.

It is the conclusion of this testimony that his record shows him to be a friend and supporter of OIC, a national manpower training and delivery system which we regard as a pragmatic way of securing economic opportunities, economic security, and economic empowerment for minorities and the poor. It is further the position of this testimony that national economic policy will determine the destiny of our constituents in the decade of the 1970's more than any other factor and Mr. Ford's indication that he believes in equal economic opportunities for all Americans might quite possibly make his term of Vice President one which contributes to progress for minorities and poor people as well as the majority and the middle class Americans, as much as did the Vice Presidency of the late Lyndon Baines Johnson.

To be more specific, looking back in history to the 1960 Democratic Convention, I can never forget the late Adam Clayton Powell, Jr., a member of this august body for a quarter of a century, supporting the late Senator Lyndon Baines Johnson for nomination as President. Texas L.B.J. was being denounced by the civil rights organizations and the Black community and the liberal white and labor organizations. Powell had announced as early as 1958 that he would support this Southerner whom he had come to know as a person and who he believed would be fair and just in his decisions if he went to the White House.

The AFL–CIO had endorsed Senator Symington, many of the ADA were supporting Governor Stevenson, NAACP people heavily favored Senator Humphrey and divided up after Senator Kennedy defeated him in the primary of West Virginia. I was personally in the Kennedy faction of the California Democrats. Congressman Powell, who was on the House Education and Labor Committee, through which the bulk of domestic legislation had to pass, put his chips down on L.B.J. when it was not popular to do so. Later, when it became popular to regard the Democratic President as a man who had risen above southwestern sectionalism and southern parochialism, Mr. Powell's prophecies came true.

It is my firm belief from a position of faith rather than fear, that God moves in mysterious ways through history and that the job of President or Vice President can make a man grow once he is freed from constraints of political expediency dictated by local political realities. I see indications in the past record and the present personal actions of Congressman Gerald Ford that make me believe that a Vice President Ford, like a Vice President Johnson, with God's help, will grow into the advocacy of equity and justice in terms of the national interest above and beyond purely partisan interests. I believe that as Supreme Court Justice Black moved beyond southeastern prejudices and political strategies and President Harry Truman moved to a broader view of race relations than was traditional in midwestern Missouri, that Minority Leader Gerald Ford will move in his new role to put his thumb on the scale whenever possible in favor of policies that facilitate cooperation between the Congress and the White House and cooperation between the government, industry, labor, and the general public, to work for national goals of economic justice, political equality, and moral and ethical values.

I also remember that Mr. Johnson did not immediately begin singing "We shall overcome". The good will and persuasive logic and historical facts of life were brought convincingly to him by Congressmen such as Powell, Dawson, Nix, Hawkins, Diggs, and Conyers, who were Black. He was influenced by men in the House like Speaker McCormack, Majority Leader Boggs, Congressmen Emanuel Celler and William McCullough, Harrison Williams, and many of the founders of ADA and supporters of civil rights and organized labor who would be too numerous to mention. Moreover he had an open door to representatives of the public interest such as Clarence Mitchell, Dorothy Height, Louis Martin, Roy Wilkins, Martin Luther King, Whitney Young, Walter Reuther, Joe Rauh, Evelyn Dubrow, Lucy Benson and a host of community leaders that it would take all day to name.

I cite this historical background to emphasize the fact that in Mr. Gerald Ford we have a man who is as zealously partisan as a Republican as Lyndon Johnson was as a Democrat. As Johnson worked while Senate Majority Leader in a conciliatory, mediating and expediting role with a Republican President, so we see in Mr. Ford a similar role between a Republican President and a Democrat-controlled Congress. As Johnson was a superbly pragmatic politician adjusting to the realities he faced, so the Ford record is one of pragmatic politics. As Johnson came out of an era and emotional atmosphere of second-class citizenship, southern prejudices and negative public policies of a racial nature, we see Mr. Ford in the midst of an era and emotional atmosphere of a second post-reconstruction fostered primarily by northern prejudices and negative policies of a class nature.

I submit, Mr. Chairman and members of the Committee that this man as a pragmatist who believes in the democratic process, sees the need for industry and business and the Chambers of Commerce to assume some share of responsibility for the public interest because it's good business and fosters healthy profit making.

I hope and believe that this same pragmatic approach when applied in the arena of human relations will find him recognizing the need for government and its agencies to assume its share of responsibility for enforcing the law of the land in the area of human rights because human relations accountability is as necessary as fiscal accountability.

I hope and believe that in an era of polarization and the incredible spectre of a Northern Ireland, the pragmatic imperative and historical necessity for reconciliation between classes and races in this nation will lead this man who stands for an open door and listening to all sides, will work to facilitate policy decisions in both the Executive and Legislative branches of government that will help us reach the national goal of economic security and equal opportunity in our lifetime. He might conceivably help to foster a record in domestic peace-making by this and future administrations to match the impressive efforts in international peace-making of the current President.

It is clear to me that his support of 112 community-based Boards of Directors of OIC's working for economic rights in urban and rural America with Spanish-speaking, White, Indian, and Black constituencies, is only one indication of a great potentiality that he will be a great Vice President.

Despite the vestiges of hypocrisy that still pervade our legislative processes they are still better than those in any other nation in the world. Mr. Ford has mastered those processes and knows how to make them work for the good of all Americans. I think we should help him do just that, and I join with the OIC supporters in Grand Rapids, Michigan and Mayor Lyman Parks, the immediate past Chairman of the Grand Rapids OIC, in supporting Mr. Ford's nomination for Vice President.

I am submitting under separate cover, as an appendix to my testimony, an analysis of Mr. Ford's voting record which I feel supplements these remarks.

ANALYSIS OF GERALD FORD'S RECORD AS REPORTED

I. These are negative votes by Mr. Ford according to NAACP.

A. The record of the NAACP shows what the NAACP describes accurately as maneuvering tactics to demean the judiciary for upholding the rights of minorities.

B. The record shows voting consistently to uphold the Administration anti-busing positions in 1971, 1972, and 1973.

C. The record shows a pattern in some but not all instances, of voting on a partisan basis to gut a bill following up by voting for final passage.

D. The record shows votes: (1) against the Powell FEPC Bill in 1950; (2) against the McCarran Immigration Bill in 1952; (3) against Public Housing in 1953 and 1955; (4) against Powell Amendment to halt segregation in National Guard in 1956; (5) for passage of Bill to use federal funds in segregated schools in 1956; (6) for States Rights Bill in 1958 versus the Federal Aid School Bill with the Powell Amendment; (7) against the Ray Madden Resolution which would prevent Fair Housing Bill from going to Conference where it could be emasculated in 1968; (8) against the Rule on a key vote in 1970 (supporting the Nixon proposal to kill the provision for automatic application of a

ban on literacy tests in areas of racial discrimination in voting); (9) the record shows votes versus the Extension of OEO and for cutbacks in OEO funds; (10) 1965—voted to support Congressman Collier's (R) motion to recommit the Voting Rights Bill to the Judiciary Committee and report back a Republican substitute.

The above votes, when broken down, show that Mr. Ford voted six times on anti-busing issues which accurately reflect the point of view of the very conservative community that he represents. That he voted twice against public housing which again represents a partisan and a local political point of view. That he voted twice on segregated school issues which again reflects the same posture as the anti-busing issue. That he voted twice on a strictly partisan basis to support an Erlenborn substitute on the Hawkins bill on equal employment re: government employees. That he combined a negative prefinal passage vote with a positive final passage vote on Voting Rights in 1970, on Powell Amendment for segregated schools in 1960, and on so-called States Rights bill to curb "a liberal supreme court".

II. These are positive votes by Mr. Ford from the civil rights point of view:

1949—Voted for prohibiting discrimination in Coast Guard.

1949—Voted to abolish poll tax.

1950—Voted versus Rankin of Mississippi Jim Crow Hospital Bill.

1953—Voted for Hawaii Statehood.

1955—Voted for broadening coverage on social security benefits.

1955—Voted for Hawaii-Alaska statehood.

1955—Voted for minimum wage increase.

1956—Voted for Powell Amendment prohibiting use of federal funds for segregated schools.

1956—Signed Roosevelt petition to discharge civil rights bill out of Committee.

1956—Voted versus the Southern Bloc attempt to send civil rights bill H.R. 627 back to Committee.

1956—Voted for passage of Civil Rights Bill 627.

1957—Voted against Jury Trial Amendment to Civil Rights Bill supported by Civil Rights opponents.

1957—Voted for Civil Rights Bill when it came up for passage.

1958—Voted for Rabout Amendment to the Appropriations Bill when Appropriations Committee failed to include money for the Civil Rights Commission operations.

1958—Voted for Alaska Statehood.

1959—Voted to discharge the Civil Rights Bill from the Rules Committee—thus supporting Emanuel Celler.

1959—Voted to extend life of Civil Rights Commission for two years.

1960—Voted for Civil Rights Bill of 1960, H.R. 8601, as amended to include the Voting Referee Plan.

1960—Voted for the Powell anti-segregation amendment to the Federal School Aid Bill.

1960—Voted for the Kennedy reorganization plan to create a Department of H.U.D., naming Robert Weaver to head it with cabinet status.

1961—Voted to extend life of Civil Rights Commission for two years.

1964—Voted for the Civil Rights Act of 1964 which the NAACP says: ". . . was the most sweeping civil rights legislation considered by the Congress since the passage of the 13th and 14th amendments. Its passage fulfilled many of the legislative objectives that the NAACP has pursued for over 50 years.

"Although Congress had passed Civil Rights laws in 1957 and 1960, the passage of the 1964 law marked the first time since the post Civil War period that it had acted comprehensively to protect civil rights.

"On July 2, 1964, by a vote of 289 to 126, the House adopted a Resolution providing for House approval of the Bill as amended by the Senate."

1965—Voted for the Voting Rights Act of 1965 which the NAACP characterizes as: ". . . a strong proposal when sent by Administration—but most civil rights groups felt it needed strengthening. Civil Rights groups succeeded in adding language which was incorporated into the final bill, the final version of the bill banned literacy tests for 5 years, established a system of Federal Examiners to aid in voter registration, branded the poll tax as discriminatory and instructed the Attorney General to institute court action to eliminate the tax."

1968—Voted for Administration Civil Rights package to reform the Federal jury system by prohibiting discrimination in the selection of juries.

1968—Voted for passage of Open Housing provisions.

1968—Voted for extension of Civil Rights Commission for 5 years.

1968—Voted for passage NAACP had sought for years to pass—making it a federal crime to use force or threats to interfere with the exercise of civil rights.

1970—Voted for passage of Voting Rights Act as amended including vote to 18 year olds.

1973—Voted for passage of Legal Services legislation.

The above 28 votes, as reported by NAACP when taken together with his record of integrity and fair play and a willingness to listen to all sides—supports my position that any Congressman who votes this way has a real potential for positive leadership in Human Relations Accountability.

Mr. MOSHER. Mr. Chairman, the Members of this House have taken occasion to voice their admiration for GERALD FORD and their confidence in him in his new role as Vice President, and rightly so. I certainly associate myself with the many sincere tributes to his integrity, his many other virtues and accomplishments. Along with most other Members, I am enthusiastically confident that he will be an outstanding Vice President.

But I also suggest that in addition to these accolades from the Members, it is very appropriate that one of our minority party "hired hands"—to use a phrase that Joe Bartlett himself uses—should be heard from in tribute to the new Vice President.

Therefore, I am providing for the RECORD an interesting interview with Joe Bartlett, published in the Cleveland Press of Thursday, October 18, 1973.

Few Members of Congress have known and worked with GERALD FORD more closely than has our own minority Clerk, and therefore it is good to include in our record of tributes to the Vice President these observations by my highly respected fellow Ohioan:

GERALD FORD'S OFFICEMATE IS OUR CHAGRIN NEIGHBOR

(By Tom Skoch)

Joe Bartlett, who hails from Chagrin Falls, knows vice presidential nominee Gerald Ford better than most people in Washington. He says Ford is tops.

As minority clerk of the U.S. House of Representatives, Bartlett is chief of the House Republican administrative staff and floor assistant to Ford, 60, currently the House Republican leader.

"His greatest asset and qualification for the vice presidency is his ability to bring together people with divergent views," Bartlett said of Ford.

Bartlett has known Ford for 25 years. They work together "constantly" and even share an office on the House floor, he said.

He described Ford as "a solid citizen, attentive father, great family man and scrupulously loyal to the President."

Ford has sided with President Nixon on the Vietnam War, for preservation of a strong national defense posture, against busing of school children and for the controversial nominations of G. Harrold Carswell and Clement F. Haynsworth Jr. to the Supreme Court.

Ford is "immensely popular" in Congress with Republicans and Democrats, Bartlett said. "People know where he stands, but he is not obnoxious about his point of view.

"He was the choice of all Ohio delegates in Congress."

Ford would be a visible vice president, Bartlett said: "I look to see him do more presiding in the Senate than any other vice president in recent years, and that will be a nice change."

In private life, Ford was a successful lawyer, Bartlett said. He smokes a pipe, swims often in his pool at home, and enjoys ski trips to Colorado with his four children. Despite his busy schedule, he even finds time to attend parent-teacher nights at his children's schools.

"His wife Betty is a lovely woman, a former model," Bartlett said. "I don't know of any couple in Washington, except the President and Pat Nixon, who are more devoted."

Despite his close association with Ford, Bartlett said he would "definitely not" leave his House job to join Ford's staff in the White House. "After 33 years here, this is my life," he said.

Bartlett is the son-in-law of the late U.S. Senator George H. Bender.

Mr. HUDNUT. Mr. Chairman, I rise today in pride and gratitude to join with my colleagues in giving my heartiest support to the confirmation of our distinguished colleague, the Honorable GERALD FORD, as Vice President of the United States.

I want to say that as a freshman Congressman, who came to Washington with very little knowledge of life on Capitol Hill last January, the friendship and encouragement of our minority leader meant a very great deal to me during the "breaking-in" experience. Whenever I needed advice, JERRY was willing to give it if asked; whenever I needed encouragement, he gave it unstintingly. He showed great sympathy and concern whenever I went to him to discuss personal problems or business pertaining to the Congress. For all this thoughtfulness and generosity on his part, I am deeply grateful.

Now he comes to the most important point in his career, and I can only say that I rejoice with him in the opportunity that is unfolding before him. I feel that he is exceptionally well qualified for this job with his 25 years of experience on Capitol Hill; and I dare say that with his quarter-century participation in the legislative branch of Government, he will move to the executive branch with a due appreciation of the necessity for balancing the powers between the different branches and doing what can be done to restore to Congress some of its lost power and influence. This commitment on his part is symbolized, it seems to me, by the plan to have him sworn in here in this Chamber rather than anywhere else.

I think JERRY'S confirmation will be

good for America. He comes out of the heartland of America and embodies in his own person the virtues that America in her heart is yearning for today. His candor and honesty, his loyalty and patriotism, his ability to reconcile differences and rise above partisanship, his dedication and willingness to work hard, his warmth and openness toward people, his sincerity and integrity—all these and many more attributes that he possesses—will serve our country well as they are put into practice by this new occupant of the second highest office in the land.

Everyone is speculating about what his new duties will be and how he will carry out his responsibilities. All I can say is that I feel confident that he will be very helpful to the President who nominated him and the Congress who confirmed him in building constructive bridges of dialog and partnership between the White House and Capitol Hill, just as I am confident that when he speaks for the administration in his work here in Washington and his tours around the country, he will bring a helpful word to the American people that will go a long way toward instilling in them something of faith where they are in doubt, something of hope where they are discouraged, and something of commitment where they feel paralyzed.

As the mantle of the Vice-Presidency is draped around his shoulders, I hark back to the day—October 13—when the Chaplain opened our special Saturday meeting of the House of Representatives to receive his nomination with a prayer that included the words "God Bless JERRY FORD." And now I call to mind the words of the great Phillips Brooks, which would be my words for JERRY this day:

Do not pray for easy lives. Pray to be stronger men. Do not pray for tasks equal to your powers. Pray for powers equal to your tasks. Then the doing of your work will be no miracle; but you will be the miracle. And every day you will wonder at yourself, at the richness of life which has come to you by the Grace of God.

Mr. SYMINGTON. Mr. Chairman, we act today on faith, faith in our colleague and his quarter century of honorable service in this House; faith, too, in the constitutional processes by which he comes before us for confirmation—affirmation, in fact, of the trust we have in his personal and professional integrity. Past differences in the search for solutions to the Nation's problems must not, and, indeed, should not be allowed to blur our estimate of the man himself. It seems clear to me that our friend and colleague, GERALD FORD, meets even the rough inspection of partisanship, because partisanship, at its best, is itself but a vehicle for searching out truth. It recedes of its own volition in the presence of questions that relate more to virtue than to opinion. Many of our opinions will differ from those of the next Vice President, whoever he may be. But with today's vote we are given the opportunity to establish in that high office a man who enjoys our tested respect regardless of past or future differences.

It will also be of no small importance to place a presiding officer over the Senate who may be expected to bring that body that sense of order and parliamentary understanding which distinguishes ours. For these and other good and valid reasons, I urge my colleagues to indicate their faith, trust, and respect in GERRY FORD by voting for his confirmation.

Mr. JOHNSON of Pennsylvania. Mr. Chairman, for the past 7 weeks, GERALD R. FORD's integrity has been proven through exhaustive hearings in the House and Senate. We Americans realize that at this point in history, we can feel a sense of pride and personal triumph in confirming a truly great man to be our Vice President.

On October 12, I was invited to the White House at which time the President was scheduled to announce his nomination for Vice President. Pursuant to his request for my nomination recommendation, I had suggested GERALD R. FORD, the minority leader of the House with whom I have worked very closely for the past several years. What a thrilling and exciting moment it was when the President announced JERRY FORD as his choice. Since that day, JERRY has undergone the closest scrutiny and investigation of his record without parallel in history. Some 300 Federal agents were assigned to the job.

On Thursday, December 6, the House debated the nomination for 6 hours, and all Members were given the opportunity on the floor to express their approval or disapproval of the choice. The galleries were filled to capacity all day. Finally, at the end of the long debate the Speaker called for a vote and Mr. FORD was approved by a vote of 387 to 35.

On the announcement of the results, pandemonium broke loose. The House and the galleries stood and cheered as the new Vice President entered the hall and ascended the rostrum to acknowledge the cheers.

And at 6 o'clock that evening he was sworn in by the Chief Justice, Warren Burger, in an impressive ceremony with Mrs. Ford holding the family bible and with President Nixon looking on. What a great day in the history of our country.

Mr. FORD made a speech which was well received. He stated that he was proud to be the 40th Vice President, but he was more proud to be one of over 200 million Americans.

As you know the election of Mr. FORD to the Vice-Presidency resulted from the provisions of the recent 25th amendment to our Constitution. Between 1787 and 1965 the Office of Vice President has been vacant eight times. As a result of these occurrences, the Nation has been without a Vice President more than 20 percent of the time during its short history. So the 25th amendment was wisely adopted and provides that whenever there is a vacancy in the Office of the Vice President, that the President must nominate a Vice President who must be confirmed by a majority vote of both Houses of Congress. That is the vote which the House took last week.

Since Mr. FORD's nomination, I have been asked what kind of a person is GERALD R. FORD and would he make a good President. I have answered that from my long acquaintance and relations with Mr. FORD that he is a very fine and able person, and by reason of his 25 years' experience in the Congress and 9 years as the minority leader, and his fine education and training that he would be able to handle the difficult job of the Presidency both capably and well.

The filling of the vacancy in the Office of Vice President could not have been more opportune, what with our President now under fire and the House Judiciary Committee studying and considering seven impeachment resolutions.

As minority leader, JERRY was a loyal supporter of the administration program, and as the new Vice President he has publicly stated that his support of the President will continue. This is only natural and he is living up to his promise. Many of you heard him on various media programs over last weekend and noted his positive position. It would appear that this support is coming at a time when the President certainly is in need of friends.

The 25th amendment provides a solution to the situation when the President resigns, or is removed from Office. It forever makes certain that the Vice President would become President. Also it permits the Vice President to act as President in the event of serious illness or incapacity of the President. The amendment was very wise and timely.

That is one thing about our form of government. It is flexible enough to adjust itself to almost any situation. I know that the whole Nation is now at ease with the knowledge that we have a well-qualified Vice President—all made possible by the provisions of the 25th amendment to our Constitution.

Mr. RONCALLO of New York. Mr. Chairman, I rise in enthusiastic support of the confirmation of my good friend and colleague, GERALD R. FORD, as the next Vice President of the United States. When I first came to Congress last January, I was immediately struck by the friendliness and egalitarianism which he demonstrated to me and other freshmen, taking time out of his busy schedule to get to know us as individuals and help us through those first awesome days.

It is precisely this attitude that eminently qualifies JERRY to serve as Vice President. He sees his primary responsibility as being the bridge between the executive and legislative branches of Government. He will be an excellent one. He is liked and respected on both sides of the aisle. In his 25 years on the Hill he has gotten to know hundreds of Congressmen and has served with some 34 Senators during their prior membership in this body.

Last week, JERRY was kind enough to appear as my guest on my new TV show, Mainstream: The View From Washington, over Long Island's channel 21. We discussed what he saw as the major international and domestic problems facing America today.

Internationally, he pointed to the Middle East and I was glad to hear him say that he felt our commitment there was not only to support Israel but to

help find a permanent solution to the problems there.

Domestically, he felt energy and inflation were the principal areas of concern. I asked him if he thought we were headed for a recession largely as a result of the energy crisis. He said that if we distributed the energy available on an equitable basis we could avoid severe economic repercussions. However, the key to the energy crunch he said was twofold—individuals must conserve and Congress must vote on legislation pending before it—to see that our economy remains healthy.

I asked him what effects Watergate had had on young people's participation in politics. He said that whenever he spoke to young people he encouraged them not to be turned off but to get into politics and bring their ideas and ideals to their own party in their own area.

Finally, we discussed the extreme scrutiny which his nomination has received in both the Senate and the House. I asked him if he thought all national officeholders should have to undergo the same once-over. He replied that his situation was a result of the 25th amendment and even though it was undesirable to have one's personal and public life laid open—it was necessary since he had not been through the scrutiny of a national convention and campaign. However, he said that in general he did not feel that such in-depth scrutiny was practical at a national convention level and therefore probably only appropriate under the 25th amendment in a situation such as his.

I complimented him on the way he had come through all the Senate and House investigations as clean as a hound's tooth. We have got a good man for our next Vice President and I was honored to have him with me as my guest for the show.

I am even more honored to be a Congressman on this historic day and to cast my vote for the confirmation of GERALD R. FORD. I urge every Member of the House to put partisanship aside and do the same.

Mr. RODINO. Mr. Chairman, I have no further requests for time.

Mr. HUTCHINSON. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PATMAN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the resolution (H. Res. 735) confirming the nomination of GERALD R. FORD, of the State of Michigan, to be Vice President of the United States, pursuant to House Resolution 738, he reported the resolution back to the House.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the resolution.

Mr. HUTCHINSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 387, nays 35, not voting 11, as follows:

[Roll No. 634]

YEAS—387

Abdnor	Denholm	Iehord
Adams	Dennis	Jarman
Addabbo	Dent	Johnson, Calif.
Alexander	Derwinski	Johnson, Colo.
Anderson, Ill.	Devine	Johnson, Pa.
Andrews, N.C.	Dickinson	Jones, Ala.
Andrews, N. Dak.	Dingell	Jones, N.C.
Annunzio	Donohue	Jones, Okla.
Archer	Dorn	Jones, Tenn.
Arends	Downing	Karth
Armstrong	Dulski	Kazen
Ashbrook	Duncan	Keating
Ashley	du Pont	Kemp
Aspin	Edwards, Ala.	Ketchum
Bafalis	Eilberg	King
Baker	Erlenborn	Kluczynski
Barrett	Esch	Koch
Bauman	Eshleman	Kuykendall
Beard	Evans, Colo.	Kyros
Bell	Evins, Tenn.	Landgrebe
Bennett	Fascell	Landrum
Bergland	Findley	Latta
Bevill	Fish	Leggett
Biaggi	Fisher	Lehman
Biester	Flood	Lent
Blatnik	Flowers	Litton
Boggs	Flynt	Long, La.
Boland	Foley	Long, Md.
Bolling	Ford, William D.	Lott
Bowen	Forsythe	Lujan
Brademas	Fountain	McClory
Brasco	Frelinghuysen	McCloskey
Bray	Frenzel	McCollister
Breaux	Frey	McCormack
Breckinridge	Froehlich	McDade
Brinkley	Fulton	McEwen
Brooks	Fuqua	McFall
Broomfield	Gaydos	McKay
Brotzman	Gettys	McKinney
Brown, Calif.	Giaimo	McSpadden
Brown, Mich.	Gibbons	Macdonald
Brown, Ohio	Gilman	Madden
Broyhill, N.C.	Ginn	Madigan
Broyhill, Va.	Goldwater	Mahon
Buchanan	Goodling	Mailliard
Burgener	Grasso	Mallary
Burke, Fla.	Gray	Mann
Burke, Mass.	Green, Oreg.	Maraziti
Burleson, Tex.	Green, Pa.	Martin, Nebr.
Burlison, Mo.	Griffiths	Martin, N.C.
Butler	Gross	Mathias, Calif.
Byron	Grover	Mathis, Ga.
Camp	Gubser	Matsunaga
Carey, N.Y.	Gude	Mayne
Carney, Ohio	Gunter	Mazzoli
Carter	Guyer	Meeds
Casey, Tex.	Haley	Melcher
Cederberg	Hamilton	Mezvinsky
Chamberlain	Hammer-schmidt	Michel
Chappell	Hanley	Milford
Clancy	Hanna	Miller
Clark	Hanrahan	Mills, Ark.
Clausen, Don H.	Hansen, Idaho	Minish
Cleveland	Hansen, Wash.	Mink
Cochran	Harsha	Minshall, Ohio
Cohen	Harvey	Mitchell, N.Y.
Collier	Hastings	Mizell
Collins, Tex.	Hays	Mollohan
Conable	Hébert	Montgomery
Conte	Hechler, W. Va.	Moorhead, Calif.
Corman	Heckler, Mass.	Moorhead, Pa.
Cotter	Heinz	Morgan
Coughlin	Helstoski	Mosher
Crane	Henderson	Murphy, Ill.
Cronin	Hicks	Murphy, N.Y.
Culver	Hillis	Myers
Daniel, Dan	Hinshaw	Natcher
Daniel, Robert W., Jr.	Hogan	Nedzi
Daniels, Dominick V.	Holifield	Nelsen
Danielson	Holt	Nichols
Davis, Ga.	Horton	Obey
Davis, S.C.	Hosmer	O'Brien
Davis, Wis.	Howard	O'Hara
de la Garza	Huber	O'Neill
Delaney	Hudnut	Owens
Dellenback	Hungate	Parris
	Hunt	Passman
	Hutchinson	Patman
	Pepper	Patten
	Perkins	Satterfield
	Pettis	Scherle
	Peyser	Schneebeli
	Pickle	Sebelius
	Pike	Shipley
	Poage	Shoup
	Podell	Shriver
	Powell, Ohio	Shuster
	Preyer	Sikes
	Price, Ill.	Sisk
	Price, Tex.	Skubitz
	Pritchard	Slack
	Quie	Smith, Iowa
	Quillen	Smith, N.Y.
	Railsback	Snyder
	Randall	Spence
	Rarick	Staggers
	Rees	Stanton, J. William
	Regula	Stanton, James V.
	Reuss	Steed
	Rhodes	Steele
	Riegle	Steelman
	Rinaldo	Steiger, Ariz.
	Roberts	Steiger, Wis.
	Robinson, Va.	Stephens
	Robison, N.Y.	Stratton
	Roe	Stubblefield
	Rogers	Stuckey
	Roncalio, Wyo.	Studds
	Roncallo, N.Y.	Sullivan
	Rooney, Pa.	Symington
	Rose	Symms
	Rostenkowski	Talcott
	Roush	Taylor, Mo.
	Rousselot	Taylor, N.C.
	Roy	Teague, Calif.
	Ruppe	Teague, Tex.
	Ruth	Thompson, N.J.
	St Germain	Thomson, Wis.
	Sandman	Thone
	Sarasin	Thornton
	Sarbanes	Tiernan
		Towell, Nev.
		Treen
		Udall
		Ullman
		Van Deerlin
		Vander Jagt
		Vanik
		Veysey
		Vigorito
		Waggonner
		Wampler
		Ware
		Whalen
		White
		Whitehurst
		Whitten
		Widnall
		Wiggins
		Williams
		Wilson, Bob
		Wilson, Charles, Tex.
		Winn
		Wolff
		Wright
		Wyatt
		Wydler
		Wylie
		Wyman
		Yates
		Yatron
		Young, Alaska
		Young, Fla.
		Young, Ga.
		Young, Ill.
		Young, S.C.
		Young, Tex.
		Zablocki
		Zion
		Zwach

NAYS—35

Abzug	Edwards, Calif.	Reid
Anderson, Calif.	Fraser	Rodino
Badillo	Gonzalez	Rosenthal
Bingham	Harrington	Roybal
Burton	Hawkins	Ryan
Chisholm	Holtzman	Schroeder
Clay	Kastenmeier	Seiberling
Collins, Ill.	Metcalfe	Stark
Conyers	Mitchell, Md.	Waldie
Dellums	Moakley	Wilson, Charles H., Calif.
Drinan	Moss	
Eckhardt	Nix	
	Rangel	

NOT VOTING—11

Blackburn	Diggs	Runnels
Burke, Calif.	Ford, Gerald R.	Stokes
Clawson, Del	Jordan	Walsh
Conlan	Rooney, N.Y.	

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Rooney of New York for, with Miss Jordan against.

Mr. Diggs for, with Mr. Stokes against.

Until further notice:

Mr. Runnels with Mrs. Burke of California.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. RODINO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on the confirmation of GERALD R. FORD.

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

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Arrington, one of its clerks, announced that the Senate did, on November 27, 1973, pursuant to section 2 of the 25th amendment to the Constitution of the United States, confirm the nomination of the Honorable GERALD R. FORD of Michigan to be Vice President of the United States.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8877) entitled "An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1974, and for other purposes."

The message also announced that the Senate agreed to the amendments of the House to the amendments of the Senate numbered 1, 11, 16, 32, 51, 62, and 79 to the foregoing bill.

RESIGNATION OF WILLIAM J. KEATING AS A MEMBER OF THE HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following communication:

WASHINGTON, D.C.
December 5, 1973.

Hon. CARL ALBERT,
Speaker of the House,
Washington, D.C.

DEAR MR. SPEAKER: I beg leave to inform you that I have this day transmitted to the Governor of Ohio my resignation effective at noon, January 3, 1974, as a Representative in the Congress of the United States from the First District of Ohio.

Yours very truly,
WILLIAM J. KEATING,
Member of Congress.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

PERMISSION FOR THE COMMITTEE ON RULES TO HAVE UNTIL MIDNIGHT, FRIDAY, DECEMBER 7, 1973, TO FILE A REPORT

Mr. MADDEN. Mr. Speaker, I ask unanimous consent that the Committee on Rules may have until midnight tomorrow, Friday, December 7, 1973, to file a special report.

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

There was no objection.

CONFERENCE REPORT ON S. 1435, A HOME RULE BILL FOR THE DISTRICT OF COLUMBIA

Mr. FRASER submitted the following conference report and statement on the bill (S. 1435) to provide an elected Mayor and City Council for the District of Columbia, and for other purposes.

CONFERENCE REPORT (H. REPT. No. 93-703)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1435) to provide an elected Mayor and City Council for the District of Columbia, 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 Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the House amendment insert the following:

TABLE OF CONTENTS

TITLE I—SHORT TITLE, PURPOSES, AND DEFINITIONS
Sec. 101. Short title.
Sec. 102. Statement of purposes.
Sec. 103. Definitions.
TITLE II—GOVERNMENTAL REORGANIZATION
Sec. 201. Redevelopment Land Agency.
Sec. 202. National Capital Housing Authority.
Sec. 203. National Capital Planning Commission and municipal planning.
Sec. 204. District of Columbia Manpower Administration.
TITLE III—DISTRICT CHARTER PREAMBLE, LEGISLATIVE POWER, AND CHARTER AMENDING PROCEDURE
Sec. 301. District Charter preamble.
Sec. 302. Legislative power.
Sec. 303. Charter amending procedure.
TITLE IV—THE DISTRICT CHARTER
PART A—THE COUNCIL
Subpart 1—Creation of the Council
Sec. 401. Creation and membership.
Sec. 402. Qualifications for holding office.
Sec. 403. Compensation.
Sec. 404. Powers of the Council.
Subpart 2—Organization and Procedure of the Council
Sec. 411. The Chairman.
Sec. 412. Acts, resolutions, and requirements for quorum.
Sec. 413. Investigations by the Council.
PART B—THE MAYOR
Sec. 421. Election, qualifications, vacancy and compensation.
Sec. 422. Powers and duties.
Sec. 423. Municipal planning.
PART C—THE JUDICIARY
Sec. 431. Judicial powers.
Sec 432. Removal, suspension, and involuntary retirement.
Sec. 433. Nomination and appointment of judges.
Sec. 434. District of Columbia Judicial Nomination Commission.
PART D—DISTRICT BUDGET AND FINANCIAL MANAGEMENT
Subpart 1—Budget and Financial Management
Sec. 441. Fiscal year.
Sec. 442. Submission of annual budget.
Sec. 443. Multiyear plan.
Sec. 444. Multiyear capital improvements plan.
Sec. 445. District of Columbia courts' budget.
Sec. 446. Enactment of appropriations by Congress.
Sec. 447. Consistency of budget, accounting, and personnel systems.
Sec. 448. Financial duties of the Mayor.
Sec. 449. Accounting supervision and control.
Sec. 450. General and special funds.
Sec. 451. Contracts extending beyond one year.
Sec. 452. Annual budget for the Board of Education.
Subpart 2—Audit
Sec. 455. District of Columbia Auditor.
PART E—BORROWING
Subpart 1—Borrowing
Sec. 461. District's authority to issue and redeem general obligation bonds for capital projects.
Sec. 462. Contents of borrowing legislation.
Sec. 463. Publication of borrowing legislation.
Sec. 464. Short period of limitation.
Sec. 465. Acts for issuance of general obligation bonds.
Sec. 466. Public sale.
Subpart 2—Short-Term Borrowing
Sec. 471. Borrowing to meet appropriations.
Sec. 472. Borrowing in anticipation of revenues.
Sec. 473. Notes redeemable prior to maturity.
Sec. 474. Sales of notes.
Subpart 3—Payments of Bonds and Notes
Sec. 481. Special tax.
Subpart 4—Tax Exemption; Legal Investment; Water Pollution; Reservoirs; Metro Contributions; and Revenue Bonds
Sec. 485. Tax exemption.
Sec. 486. Legal investment.
Sec. 487. Water pollution.
Sec. 488. Cost of reservoirs on Potomac River.
Sec. 489. District's contributions to the Washington Metropolitan Area Transit Authority.
Sec. 490. Revenue bonds and other obligations.
PART F—INDEPENDENT AGENCIES
Sec. 491. Board of Elections.
Sec. 492. Zoning Commission.
Sec. 493. Public Service Commission.
Sec. 494. Armory Board.
Sec. 495. Board of Education.
TITLE V—FEDERAL PAYMENT
Sec. 501. Duties of the Mayor, Council, and Federal Office of Management and Budget.
Sec. 502. Authorization of appropriations.
TITLE VI—RESERVATION OF CONGRESSIONAL AUTHORITY
Sec. 601. Retention of constitutional authority.
Sec. 602. Limitations on the Council.
Sec. 603. Budget process; limitations on borrowing and spending.
Sec. 604. Congressional action on certain District matters.
TITLE VII—REFERENDUM; SUCCESSION IN GOVERNMENT; TEMPORARY PROVISIONS; MISCELLANEOUS; AMENDMENTS TO DISTRICT OF COLUMBIA ELECTION ACT; RULES OF CONSTRUCTION; AND EFFECTIVE DATES
PART A—CHARTER REFERENDUM
Sec. 701. Referendum.
Sec. 702. Board of Elections authority.
Sec. 703. Referendum ballot and notice of voting.
Sec. 704. Acceptance or nonacceptance of Charter.
PART B—SUCCESSION IN GOVERNMENT
Sec. 711. Abolishment of existing government and transfer of functions.
Sec. 712. Certain delegated functions and functions of certain agencies.
Sec. 713. Transfer of personnel, property, and funds.
Sec. 714. Existing statutes, regulations, and other actions.
Sec. 715. Pending actions and proceedings.
Sec. 716. Vacancies resulting from abolishment of offices of Commissioner and Assistant to the Commissioner.
Sec. 717. Status of the District.

Sec. 718. Continuation of District of Columbia court system.
Sec. 719. Continuation of the Board of Education.

PART C—TEMPORARY PROVISIONS

Sec. 721. Powers of the President during transitional period.
Sec. 722. Reimbursable appropriations for the District.
Sec. 723. Interim loan authority.

PART D—MISCELLANEOUS

Sec. 731. Agreements with United States.
Sec. 732. Personal interest in contracts or transactions.
Sec. 733. Compensation from more than one source.
Sec. 734. Assistance of the United States Civil Service Commission in development of District merit system.
Sec. 735. Revenue sharing restrictions.
Sec. 736. Independent audit.
Sec. 737. Adjustments.
Sec. 738. Advisory neighborhood councils.
Sec. 739. National Capital Service Area.
Sec. 740. Emergency control of police.
Sec. 741. Holding office in the District.
Sec. 742. Open meetings.
Sec. 743. Termination of the District's authority to borrow from the Treasury.

PART E—AMENDMENTS TO THE DISTRICT OF COLUMBIA ELECTION ACT

Sec. 751. Amendments.
Sec. 752. District Council authority over elections.

PART F—RULES OF CONSTRUCTION

Sec. 761. Construction.

PART G—EFFECTIVE DATES

Sec. 771. Effective dates.

TITLE I—SHORT TITLE, PURPOSES, AND DEFINITIONS

SHORT TITLE

SEC. 101. This Act may be cited as the "District of Columbia Self-Government and Governmental Reorganization Act".

STATEMENT OF PURPOSES

SEC. 102. (a) Subject to the retention by Congress of the ultimate legislative authority over the Nation's Capital granted by article I, section 8, of the Constitution, the intent of Congress is to delegate certain legislative powers to the government of the District of Columbia; authorize the election of certain local officials by the registered qualified electors in the District of Columbia; grant to the inhabitants of the District of Columbia powers of local self-government; to modernize, reorganize, and otherwise improve the governmental structure of the District of Columbia; and, to the greatest extent possible, consistent with the constitutional mandate, relieve Congress of the burden of legislating upon essentially local District matters.

(b) Congress further intends to implement certain recommendations of the Commission on the Organization of the Government of the District of Columbia and take certain other actions irrespective of whether the charter for greater self-government provided for in title IV of this Act is accepted or rejected by the registered qualified electors of the District of Columbia.

DEFINITIONS

SEC. 103. For the purposes of this Act—

(1) The term "District" means the District of Columbia.

(2) The term "Council" means the Council of the District of Columbia provided for by part A of title IV.

(3) The term "Commissioner" means the Commissioner of the District of Columbia established under Reorganization Plan Numbered 3 of 1967.

(4) The term "District of Columbia Council" means the Council of the District of Columbia established under Reorganization Plan Numbered 3 of 1967.

(5) The term "Chairman" means, unless otherwise provided in this Act, the Chairman of the Council provided for by part A of title IV.

(6) The term "Mayor" means the Mayor provided for by part B of title IV.

(7) The term "act" includes any legislation passed by the Council, except where the term "Act" is used to refer to this Act or other Acts of Congress herein specified.

(8) The term "capital project" means (A) any physical public betterment or improvement and any preliminary studies and surveys relative thereto; (B) the acquisition of property of a permanent nature; or (C) the purchase of equipment for any public betterment or improvement when first erected or acquired.

(9) The term "pending", when applied to any capital project, means authorized but not yet completed.

(10) The term "District revenues" means all funds derived from taxes, fees, charges, and miscellaneous receipts, including all annual Federal payments to the District authorized by law, and from the sale of bonds.

(11) The term "election", unless the context otherwise provides, means an election held pursuant to the provisions of this Act.

(12) The terms "publish" and "publication", unless otherwise specifically provided herein, mean publication in a newspaper of general circulation in the District.

(13) The term "District of Columbia courts" means the Superior Court of the District of Columbia and the District of Columbia Court of Appeals.

(14) The term "resources" means revenues, balances, revolving funds, funds realized from borrowing, and the District share of Federal grant programs.

(15) The term "budget" means the entire request for appropriations and loan or spending authority for all activities of all agencies of the District financed from all existing or proposed resources and shall include both operating and capital expenditures.

TITLE II—GOVERNMENTAL REORGANIZATION

REDEVELOPMENT LAND AGENCY

SEC. 201. The District of Columbia Redevelopment Act of 1945 (D.C. Code, secs. 5–701—5–719) is amended as follows:

(a) Subsection (a) of section 4 of such Act (D.C. Code, sec. 5–703(a)) is amended to read as follows:

"(a) The District of Columbia Redevelopment Land Agency is hereby established as an instrumentality of the District of Columbia government, and shall be composed of five members appointed by the Commissioner of the District of Columbia (hereinafter referred to as the 'Commissioner'), with the advice and consent of the Council of the District of Columbia (hereinafter referred to as the 'Council').

The Commissioner shall name one member as chairman. No more than two members may be officers of the District of Columbia government. Each member shall serve for a term of five years except that of the members first appointed under this section, one shall serve for a term of one year, one shall serve for a term of two years, one shall serve for a term of three years, one shall serve for a term of four years, and one shall serve for a term of five years, as desigated by the Commissioner. The terms of the members first appointed under this section shall begin on or after January 2, 1975. Should any member who is an officer of the District of Columbia government cease to be such an officer, then his term as a member shall end on the day he ceases to be such an officer. Any person appointed to fill a vacancy in the Agency shall be appointed to serve for the remainder of the term during which such vacancy arose. Any member who holds no other salaried public position shall receive compensation at the rate of $100 for each day such member is engaged in the actual performance of duties vested in the agency."

(b) Subsection (b) of section 4 of such Act (D.C. Code, sec. 5–703(b)) is amended—

(1) by inserting after "forth" at the end of the first sentence of such section ", except that nothing in this section shall prohibit the District of Columbia government from dissolving the corporation, eliminating the board of directors, or taking such other action with respect to the powers and duties of such Agency, including those actions specified in subsection (c), as is deemed necessary and appropriate", and

(2) by striking out in the second sentence "including the selection of its chairman and other officers," and inserting in lieu thereof "including the selection of officers other than its chairman,".

(c) Section 4 of such Act is amended by adding at the end thereof the following new subsection:

"(c) The Council is authorized, by act, to adopt legislation—

"(1) establishing, for the purpose of assuring uniform procedures relating to the disposition of complaints and other claims involving the Redevelopment Land Agency (or its successor) and other administrative units of the District of Columbia government, a factfinding board to receive, hear, and act on such complaints and claims arising out of or in connection with administrative and other actions of such Agency or units in carrying out their powers and functions;

"(2) providing that all planning, designing, construction, and supervision of public facilities which are to be contributed to any redevelopment area as the local non-cash grant-in-aid to the project under title I of the Housing Act of 1949 shall, to the extent practicable, be carried out by an appropriate District of Columbia department or agency on the basis of a contractual or other arrangement with the Redevelopment Land Agency or its sucessor;

"(3) providing that any occupied rental property owned by the Agency shall be maintained by such Agency (or its successor) in a safe and sanitary condition; or

"(4) providing that the Commissioner shall have authority to waive all or any part of any special assessments levied against abutting property owners for the cost of sewers, streets, curbs, gutters, sidewalks, utilities, and other supporting facilities or project improvements where the costs therefor to the District of Columbia can be applied as a non-cash local grant-in-aid, as defined by the Secretary of the Department of Housing and Urban Development.".

(d) The first sentence of subsection (b) of section 5 of such Act (D.C. Code, sec. 5–704(b)) is amended to read as follows "Condemnation proceedings for the acquisition of real property for said purposes shall be conducted in accordance with subchapter II of chapter 13 of title 16 of the District of Columbia Code.".

(e) None of the amendments contained in this section shall be construed to affect the eligibility of the District of Columbia Redevelopment Land Agency to continue participation in the small business procurement programs under section 8(a) of the Small Business Act (67 Stat. 547).

(f) For the purposes of subsection 713(d), employees in the District of Columbia Redevelopment Land Agency shall be deemed to be transferred to the District of Columbia as of the effective date of this title without a break in service.

NATIONAL CAPITAL HOUSING AUTHORITY

SEC. 202. (a) The National Capital Housing Authority (hereinafter referred to as the "Authority") established under the District of Columbia Alley Dwelling Act (D.C. Code, secs. 5–103—5–116) shall be an agency of the District of Columbia government sub-

ject to the organizational and reorganizational powers specified in sections 404(b) and 422(12) of this Act.

(b) All functions, powers, and duties of the President under the District of Columbia Alley Dwelling Act shall be vested in and exercised by the Commissioner. All employees, property (real and personal), and unexpended balances (available or to be made available) of appropriations, allocations, and all other funds, and assets and liabilities of the Authority are authorized to be transferred to the District of Columbia government.

NATIONAL CAPITAL PLANNING COMMISSION AND MUNICIPAL PLANNING

SEC. 203. (a) Subsections (a) and (b) of section 2 of the Act entitled "An Act providing for a comprehensive development of the park and playground system of the National Capital", approved June 6, 1924 (D.C. Code, sec. 1–1002), are amended to read as follows:

"(a)(1) The National Capital Planning Commission (hereinafter referred to as the 'Commission') is created as the central Federal planning agency for the Federal Government in the National Capital, and to preserve the important historical and natural features thereof except with respect to the United States Capitol buildings and grounds as defined in sections 1 and 16 of the Act of July 31, 1946 (40 U.S.C. 193a, 193m), and to any extension thereof or additions thereto, or to buildings and grounds under the care of the Architect of the Capitol.

"(2) The Commissioner of the District of Columbia (hereinafter referred to as the 'Commissioner') shall be the central planning agency for the government of the District of Columbia (hereinafter referred to as the 'District') in the National Capital. The Commissioner shall be responsible for coordinating the planning activities of the District government and for preparing and implementing the District elements of the comprehensive plan for the National Capital, which may include land use elements, urban renewal and redevelopment elements, a multiyear program of public works for the District, and physical, social, economic, transportation, and population elements. The Commissioner's planning responsibility shall not extend to Federal or international projects and developments in the District, as determined by the Commission, or to the United States Capitol buildings and grounds as defined in sections 1 and 16 of the Act of July 31, 1946 (40 U.S.C. 193a, 193m), or to any extension thereof or additions thereto, or to buildings and grounds under the care of the Architect of the Capitol. In carrying out his responsibility under this section, the Commissioner shall establish procedures for citizen participation in the planning process and for appropriate meaningful consultation with any State or local government or planning agency in the National Capital region affected by any aspect of a comprehensive plan (including amendments thereto) affecting or relating to the District.

"(3) The Commissioner shall submit each District element of the comprehensive plan and any amendment thereto, to the Council for revision or modification, and adoption, by act, following public hearings. Following adoption and prior to implementation, the Council shall submit each such element or amendment to the Commission for review and comment with regard to the impact of such element or amendment on the interests or functions of the Federal Establishment in the National Capital.

"(4)(A) The Commission shall, within sixty days after receipt of such a District element of the comprehensive plan, or amendment thereto, from the Council, certify to the Council whether such element or amendment has a negative impact on the interests or functions of the Federal Establishment in the National Capital. If within such sixty days the Commission takes no action with respect to such element or amendment, such element or amendment shall be deemed to have no such negative impact, and such element or amendment shall be incorporated into the comprehensive plan for the National Capital and shall be implemented.

"(B) If the Commission finds, within such sixty days, such negative impact, it shall certify its findings and recommendations with respect to such negative impact to the Council. Upon receipt of the Commission's findings and recommendations, the Council may—

"(i) reject such findings and recommendations and resubmit such element or amendment, in a modified form, to the Commission for reconsideration; or

"(ii) accept such findings and recommendations and modify such element or amendment accordingly.

If the Council accepts such findings and recommendations and modifies such element or amendment under clause (ii), the Council shall submit such element or amendment to the Commission for it to determine whether such modification has been made in accordance with the Commission's findings and recommendations. If, within thirty days after receipt of the modified element or amendment, the Commission takes no action with respect to such element or amendment, it shall be deemed to have been modified in accordance with such findings or recommendations, and shall be incorporated into the comprehensive plan for the National Capital and shall be implemented. If within such thirty days, the Commission again determines such element or amendment to have a negative impact on the functions or interests of the Federal Establishment in the National Capital such element or amendment shall not be implemented.

"(C) If the Council rejects the findings and recommendations of the Commission and resubmits a modified element or amendment to it under clause (i), the Commission shall, within sixty days after receipt of such modified element or amendment from the Council, determine whether such modified element or amendment has a negative impact on the interests or functions of the Federal Establishment within the National Capital. If the Commission finds such negative impact it shall certify its findings (in sufficient detail that the Council can understand the basis of the objection of the Commission) and recommendations to the Council, and such element or amendment shall not be implemented. If the Commission takes no action with respect to such modified element or amendment within such sixty days, such modified element or amendment shall be deemed to have no such negative impact and shall be incorporated into the comprehensive plan and it shall be implemented. Any element or amendment which the Commission has determined to have a negative impact on the Federal Establishment in the National Capital, and which is submitted again in a modified form not less than one year from the day it was last rejected by the Commission shall be deemed to be a new element or amendment for purposes of the review procedure specified in this section.

"(D) The Commission and the Commissioner shall jointly publish, from time to time as appropriate, a comprehensive plan for the National Capital, consisting of the elements of the comprehensive plan for the Federal activities in the National Capital developed by the Commission, and the District elements developed by the Commissioner and the Council in accordance with the provisions of this section.

"(E) The Council may grant, upon request made to it by the Commission, an extension of any time limitation contained in this section.

"(F) The Commission and the Commissioner shall jointly establish procedures for appropriate meaningful continuing consultation throughout the planning process for the National Capital.

"(b) The National Capital Planning Commission shall be composed of—

"(1) ex officio, the Secretary of the Interior, the Secretary of Defense, the Administrator of the General Services Administration, the Commissioner, the Chairman of the District of Columbia Council, and the chairmen of the Committees on the District of Columbia of the Senate and the House of Representatives, or such alternates as each such person may from time to time designate to serve in his stead, and in addition,

"(2) five citizens with experience in city or regional planning, three of whom shall be appointed by the President and two of whom shall be appointed by the Commissioner. The citizen members appointed by the Commissioner shall be bona fide residents of the District of Columbia and of the three appointed by the President at least one shall be a bona fide resident of Virginia and at least one shall be a bona fide resident of Maryland. The terms of office of members appointed by the President shall be for six years, except that of the members first appointed, the President shall designate one to serve two years and one to serve four years. Members appointed by the Commissioner shall serve for four years. The members first appointed under this section shall assume their office on January 2, 1975. Any person appointed to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The citizen members shall each receive compensation at the rate of $100 for each day such member is engaged in the actual performance of duties vested in the Commission in addition to reimbursement for necessary expenses incurred by them in the performance of such duties.".

(b) Subsection (e) of section 2 of such Act of June 6, 1924 (D.C. Code, sec. 1–1002(e)), is amended by (1) inserting "Federal activities in the" immediately before "National Capital" in clause (1); and (2) striking out "and District Governments," and inserting in lieu thereof "government" in clause (2).

(c) Section 4 of such Act of June 6, 1924 (D.C. Code, sec. 1–1004), is amended as follows:

(1) The first sentence of subsection (a) of such section is amended to read as follows: "The Commission is hereby charged with the duty of preparing and adopting a comprehensive, consistent, and coordinated plan for the National Capital, which plan shall include the Commission's recommendations or proposals for Federal developments or projects in the environs, and those District elements, or amendments thereto, of the comprehensive plan adopted by the Council and with respect to which the Commission has not determined a negative impact to exist, which elements or amendments shall be incorporated into such comprehensive plan without change.".

(2) The third sentence of subsection (a) of such section is amended by striking out "within the District of Columbia" and "or District".

(3) Subsections (b) and (c) of such section are repealed.

(d) Section 5 of such Act of June 6, 1924 (D.C. Code, sec. 1–1005), is amended as follows:

(1) Subsection (c) of such section is amended to read as follows:

"(c) The provisions of section 16 of the Act approved June 20, 1938 (D.C. Code, sec. 5–428), are extended to include public buildings erected by any agency of the Government of the District of Columbia within the boundaries of the central area of the District, as such central area may be defined and from time to time redefined by concurrent action of the Commission and the Council, except that the Commission shall transmit its approval or disapproval respect-

ing any such building within thirty days after the day it was submitted to the Commission.

(2) The first and second sentences of subsection (e) of such section are amended to read as follows: "It is the intent of this section to obtain cooperation and correlation of effort between the various agencies of the Federal Government which are responsible for public developments and projects, including the acquisition of land. These agencies, therefore, shall look to the Commission and utilize it as the central planning agency for the Federal activities in the National Capital region.".

(e) Section 6 of such Act (D.C. Code, sec. 1–1006) is repealed.

(f) Section 7 of such Act (D.C. Code, sec. 1–1007) is amended to read as follows:

"SEC. 7. (a) The Commission shall recommend a six-year program of public works projects for the Federal Government which it shall review annually with the agencies concerned. To this end, each Federal agency shall submit to the Commission in the first quarter of each fiscal year a copy of its advance program of capital improvements within the National Capital and its environs.

"(b) The Commissioner shall submit to the Commission, by February 1 of each year, a copy of the multiyear capital improvements plan for the District developed by him under section 444 of the District of Columbia Self-Government and Governmental Reorganization Act. The Commission shall have thirty days within which to comment upon such plan but shall have no authority to change or disapprove of such plan."

(g) The first sentence of subsection (a) of section 8 of such Act of June 6, 1924 (D.C. Code, sec. 1–1008(a)), is amended to read as follows: "The Commission may make a report and recommendation to the Zoning Commission of the District of Columbia, as provided in section 5 of the Act of March 1, 1920 (D.C. Code, sec. 5–417), on proposed amendments of the zoning regulations and maps as to the relation, conformity, or consistency of such amendments with the comprehensive plan for the National Capital."

DISTRICT OF COLUMBIA MANPOWER ADMINISTRATION

SEC. 204. (a) All functions of the Secretary of Labor (hereafter in this section referred to as the "Secretary") under section 3 of the Act entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (29 U.S.C. 49–49k), with respect to the maintenance of a public employment service for the District, are transferred to the Commissioner. After the effective date of this transfer, the Secretary shall maintain with the District the same relationship with respect to a public employment service in the District, including the financing of such service, as he has with the States (with respect to a public employment service in the States) generally.

(b) The Commissioner is authorized and directed to establish and administer a public employment service in the District and to that end he shall have all necessary powers to cooperate with the Secretary in the same manner as a State under the Act of June 6, 1933, specified in subsection (a).

(c)(1) Section 3(a) of the Act entitled "An Act to provide for the establishment of a national employment system and for cooperation with the States in the promotion of such system, and for other purposes", approved June 6, 1933 (29 U.S.C. 49b(a)), is amended by striking out "to maintain a public employment service for the District of Columbia".

(2) Section 3(b) of such Act (29 U.S.C. 49b(b)) is amended by inserting "the District of Columbia," immediately after "Guam,".

(d) All functions of the Secretary and of the Director of Apprenticeship under the Act entitled "An Act to provide for voluntary apprenticeship in the District of Columbia", approved May 20, 1946 (D.C. Code, secs. 36–121—36–133), are transferred to and shall be exercised by the Commissioner. The office of Director of Apprenticeship provided for in section 3 of such Act (D.C. Code. sec. 36–123) is abolished.

(e) All functions of the Secretary under chapter 81 of title 5 of the United States Code, with respect to the processing of claims filed by employees of the government of the District for compensation for work injuries, are transferred to and shall be exercised by the Commissioner, effective the day after the day on which the District establishes an independent personnel system or systems.

(f) So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, held, used, available, or to be made available in connection with functions transferred to the Commissioner by the provisions of this section, as the Director of the Federal Office of Management and Budget shall determine, are authorized to be transferred from the Secretary to the Commissioner.

(g) Any employee in the competitive service of the United States transferred to the government of the District under the provisions of this section shall retain all the rights, benefits, and privileges pertaining thereto held prior to such transfer. When such an employee vacates the position into which he was transferred, such position shall no longer be a position in such competitive service.

(h) The first section of the Act of August 16, 1937 (29 U.S.C. 50 et seq.) (relating to the welfare of apprentices), is amended by inserting at the end thereof "For the purposes of this Act the term 'State' shall include the District of Columbia.".

TITLE III—DISTRICT CHARTER PREAMBLE, LEGISLATIVE POWER, AND CHARTER AMENDING PROCEDURE

DISTRICT CHARTER PREAMBLE

SEC. 301. The charter for the District of Columbia set forth in title IV shall establish the means of governance of the District following its acceptance by a majority of the registered qualified electors of the District voting thereon in the charter referendum held with respect thereto.

LEGISLATIVE POWER

SEC. 302. Except as provided in sections 601, 602, and 603, the legislative power of the District shall extend to all rightful subjects of legislation within the District consistent with the Constitution of the United States and the provisions of this Act subject to all the restrictions and limitations imposed upon the States by the tenth section of the first article of the Constitution of the United States.

CHARTER AMENDING PROCEDURE

SEC. 303. (a) The charter set forth in title IV (including any provision of law amended by such title), except sections 401(a) and 421(a), and part C of such title, may be amended by an act passed by the Council and ratified by a majority of the registered qualified electors of the District voting in the referendum held for such ratification. The Chairman of the Council shall submit all such acts to the Speaker of the House of Representatives and the President of the Senate on the day the Board of Elections certifies that such act was ratified by a majority of the registered qualified electors voting thereon in such referendum.

(b) An amendment to the charter ratified by the registered qualified electors shall take effect only if within thirty-five calendar days (excluding Saturdays, Sundays, holidays, and days on which either House of Congress is not in session) of the date such amendment was submitted to the Congress both Houses of Congress adopt a concurrent resolution, according to the procedures specified in section 604 of this Act, approving such amendment.

(c) The Board of Elections shall prescribe such rules as are necessary with respect to the distribution and signing of petitions and the holding of elections for ratifying amendments to title IV of this Act according to the procedures specified in subsection (a).

(d) The amending procedure provided in this section may not be used to enact any law or affect any law with respect to which the Council may not enact any act, resolution, or rule under the limitations specified in sections 601, 602, and 603.

TITLE IV—THE DISTRICT CHARTER

PART A—THE COUNCIL

Subpart 1—Creation of the Council

CREATION AND MEMBERSHIP

SEC. 401. (a) There is established a Council of the District of Columbia; and the members of the Council shall be elected by the registered qualified electors of the District.

(b)(1) The Council established under subsection (a) shall consist of thirteen members elected on a partisan basis. The Chairman and four members shall be elected at-large in the District, and eight members shall be elected one each from the eight election wards established, from time to time, under the District of Columbia Election Act. The term of office of the members of the Council shall be four years, except as provided in paragraph (3), and shall begin at noon on January 2 of the year following their election.

(2) In the case of the first election held for the office of member of the Council after the effective date of this title, not more than two of the at-large members (excluding the Chairman) shall be nominated by the same political party. Thereafter, a political party may nominate a number of candidates for the office of at-large member of the Council equal to one less than the total number of at-large members (including the Chairman) to be elected in such election.

(3) Of the members first elected after the effective date of this title, the Chairman and two members elected at-large and four of the members elected from election wards shall serve for four-year terms; and two of the at-large members and four of the members elected from election wards shall serve for two-year terms. The members to serve the four-year terms and the members to serve the two-year terms shall be determined by the Board of Elections by lot, except that not more than one of the at-large members nominated by any one political party shall serve for any such four-year term.

(c) The Council may establish and select such other officers and employees as it deems necessary and appropriate to carry out the functions of the Council.

(d)(1) In the event of a vacancy in the Council of a member elected from a ward, the Board of Elections shall hold a special election in such ward to fill such vacancy on the first Tuesday occurring more than one hundred and fourteen days after the date on which such vacancy occurs, unless the Board of Elections determines that such vacancy could be more practicably filled in a special election held on the same day as the next general election to be held in the District occurring within sixty days of the date on which a special election would otherwise have been held under the provisions of this subsection. The person elected as a member to fill a vacancy on the Council shall take office on the day on which the Board of Elections certifies his election, and shall serve as a member of the Council only for the remain-

der of the term during which such vacancy occurred.

(2) In the event of a vacancy in the office of Mayor, and if the Chairman becomes a candidate for the office of Mayor to fill such vacancy, the office of Chairman shall be deemed vacant as of the date of the filing of his candidacy. In the event of a vacancy in the Council of a member elected at large, other than a vacancy in the office of Chairman, who is affiliated with a political party, the central committee of such political party shall appoint a person to fill such vacancy, until the Board of Elections can hold a special election to fill such vacancy, and such special election shall be held on the first Tuesday occurring more than one hundred and fourteen days after the date on which such vacancy occurs unless the Board of Elections determines that such vacancy could be more practicably filled in a special election held on the same day as the next general election to be held in the District occurring within sixty days of the date on which a special election would otherwise be held under the provision of this subsection. The person appointed to fill such vacancy shall take office on the date of his appointment and shall serve as a member of the Council until the day on which the Board certifies the election of the member elected to fill such vacancy in either a special election or a general election. The person elected as a member to fill such a vacancy on the Council shall take office on the day on which the Board of Elections certifies his election, and shall serve as a member of the Council only for the remainder of the term during which such vacancy occurred. With respect to a vacancy on the Council of a member elected at large who is not affiliated with any political party, the Council shall appoint a similarly nonaffiliated person . . fill such vacancy until such vacancy can be filled in a special election in the manner prescribed in this paragraph. Such person appointed by the Council shall take office and serve as a member at the same time and for the same term as a member appointed by a central committee of a political party.

(3) Notwithstanding any other provision of this section, at no time shall there be more than three members (including the Chairman) serving at large on the Council who are affiliated with the same political party.

QUALIFICATIONS FOR HOLDING OFFICE

SEC. 402. No person shall hold the office of member of the Council, including the office of Chairman, unless he (a) is a qualified elector, (b) is domiciled in the District and if he is nominated for election from a particular ward, resides in the ward from which he is nominated, (c) has resided and been domiciled in the District for one year immediately preceding the day on which the general or special election for such office is to be held, and (d) holds no public office (other than his employment in and position as a member of the Council), for which he is compensated in an amount in excess of his actual expenses in connection therewith, except that nothing in this clause shall prohibit any such person, while a member of the Council, from serving as a delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, or from holding an appointment in a Reserve component of an armed force of the United States other than a member serving on active duty under a call for more than thirty days. A member of the Council shall forfeit his office upon failure to maintain the qualifications required by this section, and, in the case of the chairman, section 403(c).

COMPENSATION

SEC. 403. (a) Each member of the Council shall receive compensation, payable in periodic installments, at a rate equal to the maximum rate as may be established from time to time for grade 12 of the General Schedule under section 5332 of title 5 of the United States Code. On and after the end of the two-year period beginning on the day the members of the Council first elected under this Act take office, the Council may, by act, increase or decrease such rate by compensation. Such change in compensation, upon enactment by the Council in accordance with the provisions of this Act, shall apply with respect to the term of members of the Council beginning after the date of enactment of such change.

(b) All members of the Council shall receive additional allowances for actual and necessary expenses incurred in the performance of their duties of office as may be approved by the Council.

(c) The Chairman shall receive, in addition to the compensation to which he is entitled as a member of the Council, $10,000 per annum, payable in equal installments, for each year he serves as Chairman, but the Chairman shall not engage in any employment (whether as an employee or as a self-employed individual) or hold any position (other than his position as Chairman), for which he is compensated in an amount in excess of his actual expenses in connection therewith.

POWERS OF THE COUNCIL

SEC. 404. (a) Subject to the limitations specified in title VI of this Act, the legislative power granted to the District by this Act is vested in and shall be exercised by the Council in accordance with this Act. In addition, except as otherwise provided in this Act, all functions granted to or imposed upon, or vested in or transferred to the District of Columbia Council, as established by Reorganization Plan Numbered 3 of 1967, shall be carried out by the Council in accordance with the provisions of this Act.

(b) The Council shall have authority to create, abolish, or organize any office, agency, department, or instrumentality of the government of the District and to define the powers, duties, and responsibilities of any such office, agency, department, or instrumentality.

(c) The Council shall adopt and publish rules of procedures which shall include provisions for adequate public notification of intended actions of the Council.

(d) Every act shall be published and codified upon becoming law as the Council may direct.

(e) An act passed by the Council shall be presented by the Chairman of the Council to the Mayor, who shall, within ten calendar days (excluding Saturdays, Sundays, and holidays) after the act is presented to him, either approve or disapprove such act. If the Mayor shall approve such act, he shall indicate the same by affixing his signature thereto, and such act shall become law subject to the provisions of section 602(c). If the Mayor shall disapprove such act, he shall, within ten calendar days (excluding Saturdays, Sundays, and holidays) after it is presented to him, return such act to the Council setting forth in writing his reasons for such disapproval. If any act so passed shall not be returned to the Council by the Mayor within ten calendar days after it shall have been presented to him, the Mayor shall be deemed to have approved it, and such act shall become law subject to the provisions of section 602(c). If, within thirty calendar days after an act has been timely returned by the Mayor to the Council with his disapproval, two-thirds of the members of the Council present and voting vote to reenact such act, the act so reenacted shall be transmitted by the Chairman to the President of the United States. Subject to the provisions of section 602(c), such act, except any act of the Council submitted to the President in accordance with the Budget and Accounting Act, 1921, shall become law at the end of the thirty day period beginning on the date of such transmission, unless during such period the President disapproves such act.

(f) In the case of any budget act adopted by the Council pursuant to section 446 of this Act and submitted to the Mayor in accordance with subsection (e) of this section, the Mayor shall have power to disapprove any items or provisions, or both, of such act and approve the remainder. In any case in which the Mayor so disapproves of any item or provision, he shall append to the act when he signs it a statement of the item or provision which he disapproves, and shall, within such ten-day period, return a copy of the act and statement with his objections to the Council. If, within thirty calendar days after any such item or provision so disapproved has been timely returned by the Mayor to the Council, two-thirds of the members of the Council present and voting vote to reenact any such item or provision, such item or provsion so reenacted shall be transmitted by the Chairman to the President of the United States. In any case in which the Mayor fails to timely return any such item or provision so disapproved to the Council, the Mayor shall be deemed to have approved such item or provision not returned, and such item or provision not returned shall be transmitted by the Chairman to the President of the United States.

Subpart 2—Organization and Procedure of the Council

THE CHAIRMAN

SEC. 411. (a) The Chairman shall be the presiding officer of the Council.

(b) When the Office of Mayor is vacant, the Chairman shall act in his stead. While the Chairman is Acting Mayor he shall not exercise any of his authority as Chairman or member of the Council.

ACTS, RESOLUTIONS, AND REQUIREMENTS FOR QUORUM

SEC. 412. (a) The Council, to discharge the powers and duties imposed herein, shall pass acts and adopt resolutions, upon a vote of a majority of the members of the Council present and voting, unless otherwise provided in this Act or by the Council. The Council shall use acts for all legislative purposes. Each proposed act shall be read twice in substantially the same form, with at least thirteen days intervening between each reading. Upon final adoption by the Council each act shall be made immediately available to the public in a manner which the Council shall determine. If the Council determines, by a vote of two-thirds of the members, that emergency circumstances make it necessary that an act be passed after a single reading, or that it take effect immediately upon enactment, such act shall be effective for a period of not to exceed ninety days. Resolutions shall be used to express simple determinations, decisions, or directions of the Council of a special or temporary character.

(b) A special election may be called by resolution of the Council to present for an advisory referendum vote of the people any proposition upon which the Council desires to take action.

(c) A majority of the Council shall constitute a quorum for the lawful convening of any meeting and for the transaction of business of the Council, except a lesser number may hold hearings.

INVESTIGATIONS BY THE COUNCIL

SEC. 413. (a) The Council, or any committee or person authorized by it, shall have power to investigate any matter relating to the affairs of the District, and for that purpose may require the attendance and testimony of witnesses and the production of books, papers, and other evidence. For such purpose any member of the Council (if the

Council is conducting the inquiry) or any member of the committee may issue subpenas and administer oaths upon resolution adopted by the Council or committee, as appropriate.

(b) In case of contumacy by, or refusal to obey a subpena issued to, any person, the Council by resolution may refer the matter to the Superior Court of the District of Columbia, which may by order require such person to appear and give or produce testimony or books, papers, or other evidence, bearing upon the matter under investigation. Any failure to obey such order may be punished by such Court as a contempt thereof as in the case of failure to obey a subpena issued, or to testify, in a case pending before such Court.

PART B—THE MAYOR

ELECTION, QUALIFICATIONS, VACANCY, AND COMPENSATION

SEC. 421. (a) There is established the Office of Mayor of the District of Columbia; and the Mayor shall be elected by the registered qualified electors of the District.

(b) The Mayor established by subsection (a) shall be elected, on a partisan basis, for a term of four years beginning at noon on January 2 of the year following his election.

(c) (1) No person shall hold the Office of Mayor unless he (A) is a qualified elector, (B) has resided and been domiciled in the District for one year immediately preceding the day on which the general or special election for Mayor is to be held, and (C) is not engaged in any employment (whether as an employee or as a self-employed individual) and holds no public office or position (other than his employment in and position as Mayor), for which he is compensated in an amount in excess of his actual expenses in connection therewith, except that nothing in this clause shall be construed as prohibiting such person, while holding the Office of Mayor, from serving as a delegate or alternate delegate to a convention of a political party nominating candidates for President and Vice President of the United States, or from holding an appointment in a reserve component of an armed force of the United States other than a member serving on active duty under a call for more than thirty days. The Mayor shall forfeit his office upon failure to maintain the qualifications required by this paragraph

(2) To fill a vacancy in the Office of Mayor, the Board of Elections shall hold a special election in the District on the first Tuesday occurring more than one hundred and fourteen days after the date on which such vacancy occurs, unless the Board of Elections determines that such vacancy could be more practicably filled in a special election held on the same day as the next general election to be held in the District occurring within sixty days of the date on which a special election would otherwise have been held under the provisions of this paragraph. The person elected Mayor to fill a vacancy in the Office of Mayor shall take office on the day on which the Board of Elections certifies his election, and shall serve as Mayor only for the remainder of the term during which such vacancy occurred. When the Office of Mayor becomes vacant the Chairman shall become Acting Mayor and shall serve from the date such vacancy occurs until the date on which the Board of Elections certifies the election of the new Mayor at which time he shall again become Chairman. While the Chairman is Acting Mayor, the Chairman shall receive the compensation regularly paid the Mayor, and shall receive no compensation as Chairman or member of the Council. While the Chairman is Acting Mayor, the Council shall select one of the elected at-large members of the Council to serve as Chairman and one to serve as chairman pro tempore, until the return of the regularly elected Chairman.

(d) The Mayor shall receive compensation, payable in equal installments, at a rate equal to the maximum rate, as may be established from time to time, for level III of the Executive Schedule in section 5314 of title 5 of the United States Code. Such rate of compensation may be increased or decreased by act of the Council. Such change in such compensation, upon enactment by the Council in accordance with the provisions of this Act, shall apply with respect to the term of Mayor next beginning after the date of such change. In addition, the Mayor may receive an allowance, in such amount as the Council may from time to time establish, for official, reception, and representation expenses, which he shall certify in reasonable detail to the Council.

POWERS AND DUTIES

SEC. 422. The executive power of the District shall be vested in the Mayor who shall be the chief executive officer of the District government. In addition, except as otherwise provided in this Act, all functions granted to or vested in the Commissioner of the District of Columbia, as established under Reorganization Plan Numbered 3 of 1967, shall be carried out by the Mayor in accordance with this Act. The Mayor shall be responsible for the proper execution of all laws relating to the District, and for the proper administration of the affairs of the District coming under his jurisdiction or control, including but not limited to the following powers, duties, and functions:

(1) The Mayor may designate the officer or officers of the executive department of the District who may, during periods of disability or absence from the District of the Mayor execute and perform the powers and duties of the Mayor.

(2) The Mayor shall administer all laws relating to the appointment, promotion, discipline, separation, and other conditions of employment of personnel in the office of the Mayor, personnel in executive departments of the District, and members of boards, commissions, and other agencies, who, under laws in effect on the date immediately preceding the effective date of section 711(a) of this Act, were subject to appointment and removal by the Commissioner of the District of Columbia. All actions affecting such personnel and such members shall, until such time as legislation is enacted by the Council superseding such laws and establishing a permanent District government merit system pursuant to paragraph (3), continue to be subject to the provisions of Acts of Congress relating to the appointment, promotion, discipline, separation, and other conditions of employment applicable to officers and employees of the District government, to section 713(d) of this Act, and where applicable, to the provisions of the joint agreement between the Commissioners and the Civil Service Commission authorized by Executive Order Numbered 5491 of November 18, 1930, relating to the appointment of District personnel. He shall appoint or assign persons to positions formerly occupied, ex-officio, by the Commissioner of the District of Columbia or by the Assistant to the Commissioner and shall have power to remove such persons from such positions. The officers and employees of each agency with respect to which legislative power is delegated by this Act and which immediately prior to the effective date of section 711(a) of this Act, was not subject to the administrative control of the Commissioner of the District, shall continue to be appointed and removed in accordance with applicable laws until such time as such laws may be superseded by legislation passed by the Council establishing a permanent District government merit system pursuant to paragraph (3).

(3) The Mayor shall administer the personnel functions of the District covering employees of all District departments, boards, commissions, offices and agencies, except as otherwise provided by this Act. Personnel legislation enacted by Congress prior to or after the effective date of this section, including, without limitation, legislation relating to appointments, promotions, discipline, separations, pay, unemployment compensation, health, disability and death benefits, leave, retirement, insurance, and veterans' preference applicable to employees of the District government as set forth in section 714(c), shall continue to be applicable until such time as the Council shall, pursuant to this section, provide for coverage under a District government merit system. The District government merit system shall be established by act of the Council. The system may provide for continued participation in all or part of the Federal Civil Service System and shall provide for persons employed by the District government immediately preceding the effective date of such system personnel benefits, including but not limited to pay, tenure, leave, residence, retirement, health and life insurance, and employee disability and death benefits, all at least equal to those provided by legislation enacted by Congress, or regulation adopted pursuant thereto, and applicable to such officers and employees immediately prior to the effective date of the system established pursuant to this Act. The District government merit system shall take effect not earlier than one year nor later than five years after the effective date of this section.

(4) The Mayor shall, through the heads of administrative boards, offices, and agencies supervise and direct the activities of such boards, offices, and agencies.

(5) The Mayor may submit drafts of acts to the Council.

(6) The Mayor may delegate any of his functions (other than the function of approving or disapproving acts passed by the Council or the function of approving contracts between the District and the Federal Government under section 731) to any officer, employee, or agency of the executive office of the Mayor, or to any director of an executive department who may, with the approval of the Mayor, make a further delegation of all or a part of such functions to subordinates under his jurisdiction.

(7) The Mayor shall appoint a City Administrator, who shall serve at the pleasure of the Mayor. The City Administrator shall be the chief administrative officer of the Mayor, and he shall assist the Mayor in carrying out his functions under this Act, and shall perform such other duties as may be assigned to him by the Mayor. The City Administrator shall be paid at a rate established by the Mayor, not to exceed level IV of the Executive Schedule established under section 5315 of title 5 of the United States Code.

(8) The Mayor may propose to the executive or legislative branch of the United States Government legislation or other action dealing with any subject whether or not falling within the authority of the District government, as defined in this Act.

(9) The Mayor, as custodian thereof, shall use and authenticate the corporate seal of the District in accordance with law.

(10) The Mayor shall have the right, under rules to be adopted by the Council, to be heard by the Council or any of its committees.

(11) The Mayor is authorized to issue and enforce administrative orders, not inconsistent with this or any other Act of the Congress or any act of the Council, as are necessary to carry out his functions and duties.

(12) The Mayor may reorganize the offices, agencies, and other entities within the executive branch of the government of the District by submitting to the Council a detailed plan of such reorganization. Such a reorganization plan shall be valid only if the Council does not adopt, within sixty days (excluding Saturdays, Sundays, and holidays) after such

reorganization plan is submitted to it by the Mayor, a resolution disapproving such reorganization.

MUNICIPAL PLANNING

SEC. 423. (a) The Mayor shall be the central planning agency for the District. He shall be responsible for the coordination of planning activities of the municipal government and the preparation and implementation of the District's elements of the comprehensive plan for the National Capital which may include land use elements, urban renewal and redevelopment elements, a multiyear program of municipal public works for the District, and physical, social, economic, transportation, and population elements. The Mayor's planning responsibility shall not extend to Federal and international projects and developments in the District, as determined by the National Capital Planning Commission, or to the United States Capitol buildings and grounds as defined in sections 1 and 16 of the Act of July 31, 1946 (40 U.S.C. 193a, 193m), or to any extension thereof or addition thereto, or to buildings and grounds under the care of the Architect of the Capitol. In carrying out his responsibilities under this section, the Mayor shall establish procedures for citizen involvement in the planning process and for appropriate meaningful consultation with any State or local government or planning agency in the National Capitol region affected by any aspect of a proposed District element of the comprehensive plan (including amendments thereto) affecting or relating to the District.

(b) The Mayor shall submit the District's elements and amendments thereto, to the Council for revisions or modification, and adoption by act, following public hearings. Following adoption and prior to implementation, the Council shall submit such elements and amendments thereto, to the National Capital Planning Commission for review and comment with regard to the impact of such elements or amendments on the interests and functions of the Federal Establishment, as determined by the Commission.

(c) Such elements and amendments thereto shall be subject to and limited by determinations with respect to the interests and functions of the Federal Establishment as determined in the manner provided by Act of Congress.

PART C—THE JUDICIARY

JUDICIAL POWERS

SEC. 431. (a) The judicial power of the District is vested in the District of Columbia Court of Appeals and the Superior Court of the District of Columbia. The Superior Court has jurisdiction of any civil action or other matter (at law or in equity) brought in the District and of any criminal case under any law applicable exclusively to the District. The Superior Court has no jurisdiction over any civil or criminal matter over which a United States court has exclusive jurisdiction pursuant to an Act of Congress. The Court of Appeals has jurisdiction of appeals from the Superior Court and, to the extent provided by law, to review orders and decisions of the Mayor, the Council, or any agency of the District. The District of Columbia courts shall also have jurisdiction over any other matters granted to the District of Columbia courts by other provisions of law.

(b) The chief judge of a District of Columbia court shall be designated by the District of Columbia Judicial Nominating Commission established by section 434 from among the judges of the court in regular active service, and shall serve as chief judge for a term of four years or until his successor is designated, except that his term as chief judge shall not extend beyond the chief judge's term as a judge of a District of Columbia court. He shall be eligible for redesignation as chief judge.

(c) A judge of a District of Columbia court appointed on or after the date of enactment of the District of Columbia Court Reorganization Act of 1970 shall be appointed for a term of fifteen years subject to mandatory retirement at age seventy or removal, suspension, or involuntary retirement pursuant to section 432 and upon completion of such term, such judge shall continue to serve until reappointed or his successor is appointed and qualifies. A judge may be reappointed as provided in subsection (c) of section 433.

(d)(1) There is established a District of Columbia Commission on Judicial Disabilities and Tenure (hereinafter referred to as the "Tenure Commission"). The Tenure Commission shall consist of seven members selected in accordance with the provisions of subsection (e). Such members shall serve for terms of six years, except that the member selected in accordance with subsection (e)(3)(A) shall serve for five years; of the members first selected in accordance with subsection (e)(3)(B), one member shall serve for three years and one member shall serve for six years; of the members first selected in accordance with subsection (e)(3)(C), one member shall serve for a term of three years and one member shall serve for five years; the member first selected in accordance with subsection (e)(3)(D) shall serve for six years; and the member first appointed in accordance with subsection (e)(3)(E) shall serve for six years. In making the respective first appointments according to subsections (e)(3)(B) and (e)(3)(C), the Mayor and the Board of Governors of the unified District of Columbia Bar shall designate, at the time of such appointments, which member shall serve for the shorter term and which member shall serve for the longer term.

(2) The Tenure Commission shall act only at meetings called by the Chairman or a majority of the Tenure Commission held after notice has been given of such meeting to all Tenure Commission members.

(3) The Tenure Commission shall choose annually, from among its members, a Chairman and such other officers as it may deem necessary. The Tenure Commission may adopt such rules of procedures not inconsistent with this Act as may be necessary to govern the business of the Tenure Commission.

(4) The District government shall furnish to the Tenure Commission, upon the request of the Tenure Commission, such records, information, services, and such other assistance and facilities as may be necessary to enable the Tenure Commission properly to perform its function. Information so furnished shall be treated by the Tenure Commission as privileged and confidential.

(e)(1) No person may be appointed to the Tenure Commission unless he—

(A) is a citizen of the United States;

(B) is a bona fide resident of the District and has maintained an actual place of abode in the District for at least ninety days immediately prior to his appointment; and

(C) is not an officer or employee of the legislative branch or of an executive or military department or agency of the United States (listed in sections 101 and 202 of title 5 of the United States Code); and (except with respect to the person appointed or designated according to subsection (b)(4)(D)) is not an officer or employee of the judicial branch of the United States, or an officer or employee of the District government (including its judicial branch).

(2) Any vacancy on the Tenure Commission shall be filled in the same manner in which the original appointment was made. Any person so appointed to fill a vacancy occurring other than upon the expiration of a prior term shall serve only for the remainder of the unexpired term of his predecessor.

(3) In addition to all other qualifications listed in this section, lawyer members of the Tenure Commission shall have the qualifications prescribed for persons appointed as judges of the District of Columbia courts. Members of the Tenure Commission shall be appointed as follows:

(A) One member shall be appointed by the President of the United States.

(B) Two members shall be appointed by the Board of Governors of the unified District of Columbia Bar, both of whom shall have been engaged in the practice of law in the District for at least five successive years preceding their appointment.

(C) Two members shall be appointed by the Mayor, one of whom shall not be a lawyer.

(D) One member shall be appointed by the Council, and shall not be a lawyer.

(E) One member shall be appointed by the chief judge of the United States District Court for the District of Columbia, and such member shall be an active or retired Federal judge serving in the District.

No person may serve at the same time on both the District of Columbia Judicial Nomination Commission and on the District of Columbia Commission on Judicial Disabilities and Tenure.

(f) Any member of the Tenure Commission who is an active or retired Federal judge shall serve without additional compensation. Other members shall receive the daily equivalent at the rate provided by grade 18 of the General Schedule, established under section 5332 of title 5 of the United States Code, while actually engaged in service for the Commission.

(g) The Tenure Commission shall have the power to suspend, retire, or remove a judge of a District of Columbia court as provided in section 432.

REMOVAL, SUSPENSION, AND INVOLUNTARY RETIREMENT

SEC. 432. (a)(1) A judge of a District of Columbia court shall be removed from office upon the filing in the District of Columbia Court of Appeals by the Tenure Commission of an order of removal certifying the entry, in any court within the United States, of a final judgment of conviction of a crime which is punishable as a felony under Federal law or which would be a felony in the District.

(2) A judge of a District of Columbia court shall also be removed from office upon affirmance of an appeal from an order of removal filed in the District of Columbia Court of Appeals by the Tenure Commission (or upon expiration of the time within which such an appeal may be taken) after a determination by the Tenure Commission of—

(A) willful misconduct in office,

(B) willful and persistent failure to perform judicial duties, or

(C) any other conduct which is prejudicial to the administration of justice or which brings the judicial office into disrepute.

(b) A judge of a District of Columbia court shall be involuntarily retired from office when (1) the Tenure Commission determines that the judge suffers from a mental or physical disability (including habitual intemperance) which is or is likely to become permanent and which prevents, or seriously interferes with, the proper performance of his judicial duties, and (2) the Tenure Commission files in the District of Columbia Court of Appeals an order of involuntary retirement and the order is affirmed on appeal or the time within which an appeal may be taken from the order has expired.

(c)(1) A judge of a District of Columbia court shall be suspended, without salary—

(A) upon—

(i) proof of his conviction of a crime referred to in subsection (a)(1) which has not become final, or

(ii) the filing of an order of removal under

subsection (a)(2) which has not become final; and

(B) upon the filing by the Tenure Commission of an order of suspension in the District of Columbia Court of Appeals.

Suspension under this paragraph shall continue until termination of all appeals. If the conviction is reversed or the order of removal is set aside, the judge shall be reinstated and shall recover his salary and all rights and privileges of his office.

(2) A judge of a District of Columbia court shall be suspended from all judicial duties, with such retirement salary as he may be entitled, upon the filing of the Tenure Commission of an order of involuntary retirement under subsection (b) in the District of Columbia Court of Appeals. Suspension shall continue until termination of all appeals. If the order of involuntary retirement is set aside, the judge shall be reinstated and shall recover his judicial salary less any retirement salary received and shall be entitled to all the rights and privileges of his office.

(3) A judge of a District of Columbia court shall be suspended from all or part of his judicial duties, with salary, if the Tenure Commission, upon concurrence of five members, (A) orders a hearing for the removal or retirement of the judge pursuant to this subchapter and determines that his suspension is in the interest of the administration of justice, and (B) files an order of suspension in the District of Columbia Court of Appeals. The suspension shall terminate as specified in the order (which may be modified, as appropriate, by the Tenure Commission) but in no event later than the termination of all appeals.

NOMINATION AND APPOINTMENT OF JUDGES

SEC. 433. (a) Except as provided in section 434(d)(1), the President shall nominate, from the list of persons recommended to him by the District of Columbia Judicial Nomination Commission established under section 434, and, by and with the advice and consent of the Senate, appoint all judges of the District of Columbia courts.

(b) No person may be nominated or appointed a judge of a District of Columbia court unless he—

(1) is a citizen of the United States;

(2) is an active member of the unified District of Columbia Bar and has been engaged in the active practice of law in the District for the five years immediately preceding his nomination or for such five years has been on the faculty of a law school in the District, or has been employed as a lawyer by the United States or the District of Columbia government;

(3) is a bona fide resident of the District of Columbia and has maintained an actual place of abode in the District for at least ninety days immediately prior to his nomination, and shall retain such residency as long as he serves as such judge, except judges appointed prior to the effective date of this part who retain residency as required by section 1501(a) of title 11 of the District of Columbia Code shall not be required to be residents of the District to be eligible for reappointment or to serve any term to which reappointed;

(4) is recommended to the President, for such nomination and appointment, by the District of Columbia Judicial Nomination Commission; and

(5) has not served, within a period of two years prior to his nomination, as a member of the Tenure Commission or of the District of Columbia Judicial Nomination Commission.

(c) Not less than three months prior to the expiration of his term of office, any judge of the District of Columbia courts may file with the Tenure Commission a declaration of candidacy for reappointment. If a declaration is not so filed by any judge, a vacancy shall result from the expiration of his term of office and shall be filled by appointment as provided in subsections (a) and (b). If a declaration is so filed, the Tenure Commission shall, not less than thirty days prior to the expiration of the declaring candidate's term of office, prepare and submit to the President a written evaluation of the declaring candidate's performance during his present term of office and his fitness for reappointment to another term. If the Tenure Commission determines the declaring candidate to be exceptionally well qualified or well qualified for reappointment to another term, then the term of such declaring candidate shall be automatically extended for another full term, subject to mandatory retirement, suspension, or removal. If the Tenure Commision determines the declaring candidate to be qualified for reappointment to another term, then the President may nominate such candidate, in which case the President shall submit to the Senate for advice and consent the renomination of the declaring candidate as judge. If the President determines not to so nominate such declaring candidate, he shall nominate another candidate for such position only in accordance with the provisions of subsections (a) and (b). If the Tenure Commission determines the declaring candidate to be unqualified for reappointment to another term, then the President shall not submit to the Senate for advice and consent the renomination of the declaring candidate as judge and such judge shall not be eligible for reappointment or appointment as a judge of a District of Columbia court.

DISTRICT OF COLUMBIA JUDICIAL NOMINATION COMMISSION

SEC. 434. (a) There is established for the District of Columbia the District of Columbia Judicial Nomination Commission (hereafter in this section referred to as the "Commission"). The Commission shall consist of seven members selected in accordance with the provisions of subsection (b). Such members shall serve for terms of six years, except that the member selected in accordance with subsection (b)(4)(A) shall serve for five years; of the members first selected in accordance with subsection (b)(4)(B), one member shall serve for three years and one member shall serve for six years; of the members first selected in accordance with subsection (b)(4)(C), one member shall serve for a term of three years and one member shall serve for five years; the member first selected in accordance with subsection (b)(4)(D) shall serve for six years; and the member first appointed in accordance with subsection (b)(4)(E) shall serve for six years. In making the respective first appointments according to subsections (b)(4)(B) and (b)(4)(C), the Mayor and the Board of Governors of the unified District of Columbia Bar shall designate, at the time of such appointments, which member shall serve for the shorter term and which member shall serve for the longer term.

(b)(1) No person may be appointed to the Commission unless he—

(A) is a citizen of the United States;

(B) is a bona fide resident of the District and has maintained an actual place of abode in the District for at least 90 days immediately prior to his appointment; and

(C) is not a member, officer, or employee of the legislative branch or of an executive or military department or agency of the United States (listed in sections 101 and 202 of title 5 of the United States Code); and (except with respect to the person appointed or designated according to subsection (b)(4)(D)) is not an officer or employee of the judicial branch of the United States, or an officer or employee of the District government (including its judicial branch).

(2) Any vacancy on the Commission shall be filled in the same manner in which the original appointment was made. Any person so appointed to fill a vacancy occurring other than upon the expiration of a prior term shall serve only for the remainder of the unexpired term of his predecessor.

(3) It shall be the function of the Commission to submit nominees for appointment to positions as judges of the District of Columbia courts in accordance with section 433 of this Act.

(4) In addition to all other qualifications listed in this section, lawyer members of the Commission shall have the qualifications prescribed for persons appointed as judges for the District of Columbia courts. Members of the Commission shall be appointed as follows:

(A) One member shall be appointed by the President of the United States.

(B) Two members shall be appointed by the Board of Governors of the unified District of Columbia Bar, both of whom shall have been engaged in the practice of law in the District for at least five successive years preceding their appointment.

(C) Two members shall be appointed by the Mayor, one of whom shall not be a lawyer.

(D) One member shall be appointed by the Council, and shall not be a lawyer.

(E) One member shall be appointed by the chief judge of the United States District Court for the District of Columbia, and such member shall be an active or retired Federal judge serving in the District.

(5) Any member of the Commission who is an active or retired Federal judge shall serve without additional compensation. Other members shall receive the daily equivalent at the rate provided by grade 18 of the General Schedule, established under section 5332 of title 5 of the United States Code, while actually engaged in service for the Commission.

(c)(1) The Commission shall act only at meetings called by the Chairman or a majority of the Commission held after notice has been given of such meeting to all Commission members.

(2) The Commission shall choose annually, from among its members, a Chairman, and such other officers as it may deem necessary. The Commission may adopt such rules of procedures not inconsistent with this Act as may be necessary to govern the business of the Commission.

(3) The District government shall furnish to the Commission, upon the request of the Commission, such records, information, services, and such other assistance and facilities as may be necessary to enable the Commission properly to perform its function. Information so furnished shall be treated by the Commission as privileged and confidential.

(d)(1) In the event of a vacancy in any position of the judge of a District of Columbia court, the Commission shall within thirty days following the occurrence of such vacancy, submit to the President, for possible nomination and appointment, a list of three persons for each vacancy. If more than one vacancy exists at one given time, the Commission must submit lists in which no person is named more than once and the President may select more than one nominee from one list. Whenever a vacancy will occur by reason of the expiration of such a judge's term of office, the Commission's list of nominees shall be submitted to the President not less than thirty days prior to the occurrence of such vacancy. In the event the President fails to nominate, for Senate confirmation, one of the persons on the list submitted to him under this section within sixty days after receiving such list, the Commission shall nominate, and with the advice and consent of the Senate, appoint one of those persons to fill the vacancy for which such list was originally submitted to the President.

(2) In the event any person recommended by the Commission to the President requests

that his recommendation be withdrawn, dies, or in any other way becomes disqualified to serve as a judge of the District of Columbia courts, the Commission shall promptly recommend to the President one person to replace the person originally recommended.

(3) In no instance shall the Commission recommend any person, who in the event of timely nomination following a recommendation by the Commission, does not meet, upon such nomination, the qualifications specified in section 433.

PART D—DISTRICT BUDGET AND FINANCIAL MANAGEMENT

Subpart 1—Budget and Financial Management

FISCAL YEAR

SEC. 441. The fiscal year of the District shall begin on the first day of July and shall end on the thirtieth day of June of the succeeding calendar year. Such fiscal year shall also constitute the budget and accounting year.

SUBMISSION OF ANNUAL BUDGET

SEC. 442. (a) At such time as the Council may direct, the Mayor shall prepare and submit to the Council each year, and make available to the public, an annual budget for the District of Columbia government which shall include—

(1) the budget for the forthcoming fiscal year in such detail as the Mayor determines necessary to reflect the actual financial condition of the District government for such fiscal year, and specify the agencies and purposes for which funds are being requested; and which shall be prepared on the assumption that proposed expenditures resulting from financial transactions undertaken on either an obligation or cash-outlay basis, for such fiscal year shall not exceed estimated resources from existing sources and proposed resources;

(2) an annual budget message which shall include supporting financial and statistical information on the budget for the forthcoming fiscal year and information on the approved budgets and expenditures for the immediately preceding three fiscal years;

(3) a multiyear plan for all agencies of the District government as required under section 443;

(4) a multiyear capital improvements plan for all agencies of the District government as required under section 444;

(5) a program performance report comparing actual performance of as many programs as is practicable for the last completed fiscal year against proposed goals for such programs for such year, and, in addition, presenting as many qualitative or quantitative measures of program effectiveness as possible (including results of statistical sampling or other special analyses), and indicating the status of efforts to comply with the reports of the District of Columbia Auditor and the Comptroller General of the United States;

(6) an issue analysis statement consisting of a reasonable number of issues, identified by the Council in its action on the budget in the preceding fiscal year, having significant revenue or budgetary implications, and other similar issues selected by the Mayor, which shall consider the cost and benefits of alternatives and the rationale behind action recommended or adopted; and

(7) a summary of the budget for the forthcoming fiscal year designed for distribution to the general public.

(b) The budget prepared and submitted by the Mayor shall include, but not be limited to, recommended expenditures at a reasonable level for the forthcoming fiscal year for the Council, the District of Columbia Auditor, the District of Columbia Board of Elections, the District of Columbia Judicial Nomination Commission, the Zoning Commission of the District of Columbia, the Public Service Commission, the Armory Board, and the Commission on Judicial Disabilities and Tenure.

(c) The Mayor from time to time may prepare and submit to the Council such proposed supplemental or deficiency budget recommendations as in his judgment are necessary on account of laws enacted after transmission of the budget or are otherwise in the public interest. The Mayor shall submit with such proposals a statement of justifications, including reasons for their omission from the annual budget. Whenever such proposed supplemental or deficiency budget recommendations are in an amount which would result in expenditures in excess of estimated resources, the Mayor shall make such recommendations as are necessary to increase resources to meet such increased expenditures.

MULTIYEAR PLAN

SEC. 443. The Mayor shall prepare and include in the annual budget a multiyear plan for all agencies included in the District budget, for all sources of funding, and for such program categories as the Mayor identifies. Such plan shall be based on the actual experience of the immediately preceding three fiscal years, on the approved current fiscal year budget, and on estimates for at least the four succeeding fiscal years. The plan shall include, but not be limited to, provisions identifying—

(1) future cost implications of maintaining programs at currently authorized levels, including anticipated changes in wage, salary, and benefit levels;

(2) future cost implications of all capital projects for which funds have already been authorized, including identification of the amount of already appropriated but unexpended capital project funds;

(3) future cost implications of new, improved, or expanded programs and capital project commitments proposed for each of the succeeding four fiscal years;

(4) the effects of current and proposed capital projects on future operating budget requirements;

(5) revenues and funds likely to be available from existing revenue sources at current rates or levels;

(6) the specific revenue and tax measures recommended for the forthcoming fiscal year and for the next following fiscal year necessary to balance revenues and expenditures;

(7) the actuarial status and anticipated costs and revenues of retirement systems covering District employees; and

(8) total debt service payments in each fiscal year in which debt service payments must be made for all bonds which have been or will be issued, and all loans from the United States Treasury which have been or will be received, to finance the total cost on a full funding basis of all projects listed in the capital improvements plan prepared under section 444; and for each such fiscal year, the percentage relationship of the total debt service payments (with payments for issued and proposed bonds and loans from the United States Treasury, received or proposed, separately identified) to the bonding limitation for the current and forthcoming fiscal years as specified in section 603(b).

MULTIYEAR CAPITAL IMPROVEMENTS PLAN

SEC. 444. The Mayor shall prepare and include in the annual budget a multiyear capital improvements plan for all agencies of the District which shall be based upon the approved current fiscal year budget and shall include—

(1) the status, estimated period of usefulness, and total cost of each capital project on a full funding basis for which any appropriation is requested or any expenditure will be made in the forthcoming fiscal year and at least four fiscal years thereafter, including an explanation of change in total cost in excess of 5 per centum for any capital project included in the plan of the previous fiscal year;

(2) an analysis of the plan, including its relationship to other programs, proposals, or elements developed by the Mayor as the central planning agency for the District pursuant to section 423 of this Act;

(3) identification of the years and amounts in which bonds would have to be issued, loans made, and costs actually incurred on each capital project identified; and

(4) appropriate maps or other graphics.

DISTRICT OF COLUMBIA COURTS' BUDGET

SEC. 445. The District of Columbia courts shall prepare and annually submit to the Mayor, for inclusion in the annual budget, annual estimates of the expenditures and appropriations necessary for the maintenance and operation of the District of Columbia court system. All such estimates shall be forwarded by the Mayor to the Council, for its action pursuant to sections 446 and 603(c), without revision but subject to his recommendations. Notwithstanding any other provision of this Act, the Council may comment or make recommendations concerning such annual estimates involving the expenditures and appropriations necessary for the maintenance and operation of the District of Columbia court system submitted by such courts but shall have no authority under this Act to revise such estimates. The courts shall submit as part of their budgets both a multiyear plan and a multiyear capital improvements plan and shall submit a statement presenting qualitative and quantitative descriptions of court activities and the status of efforts to comply with reports of the District of Columbia Auditor and the Comptroller General of the United States.

ENACTMENT OF APPROPRIATIONS BY CONGRESS

SEC. 446. The Council, within fifty calendar days after receipt of the budget proposal from the Mayor, and after public hearing, shall by act adopt the annual budget for the District of Columbia government. Any supplements thereto shall also be adopted by Act by the Council after public hearing. Such budget so adopted shall be submitted by the Mayor to the President for transmission by him to the Congress. No amount may be obligated or expended by any officer or employee of the District of Columbia government unless such amount has been approved by Act of Congress, and then only according to such Act. Notwithstanding any other provision of this Act, the Mayor shall not transmit any annual budget or amendments or supplements thereto, to the President of the United States until the completion of the budget procedures contained in this Act.

CONSISTENCY OF BUDGET, ACCOUNTING, AND PERSONNEL SYSTEMS

SEC. 447. The Mayor shall implement appropriate procedures to insure that budget, accounting, and personnel control systems and structures are synchronized for budgeting and control purposes on a continuing basis. No employee shall be hired on a full-time or part-time basis unless such position is authorized by Act of Congress. Employees shall be assigned in accordance with the program, organization, and fund categories specified in the Act of Congress authorizing such position. Hiring of temporary employees and temporary employee transfers among programs shall be consistent with applicable Acts of Congress and reprogramming procedures to insure that costs are accurately associated with programs and sources of funding.

FINANCIAL DUTIES OF THE MAYOR

SEC. 448. Subject to the limitations in section 603, the Mayor shall have charge of the

administration of the financial affairs of the District and to that end he shall—

(1) supervise and be responsible for all financial transactions to insure adequate control of revenues and resources and to insure that appropriations are not exceeded;

(2) maintain systems of accounting and internal control designed to provide—

(A) full disclosure of the financial results of the District government's activities,

(B) adequate financial information needed by the District government for management purposes,

(C) effective control over and accountability for all funds, property, and other assets,

(D) reliable accounting results to serve as the basis for preparing and supporting agency budget requests and controlling the execution of the budget;

(3) submit to the Council a financial statement in any detail and at such times as the Council may specify;

(4) submit to the Council, by November 1 of each fiscal year, a complete financial statement and report for the preceding fiscal year;

(5) supervise and be responsible for the assessment of all property subject to assessment and special assessments within the corporate limits of the District for taxation, prepare tax maps, and give such notice of taxes and special assessments, as may be required by law;

(6) supervise and be responsible for the levying and collection of all taxes, special assessments, license fees, and other revenues of the District, as required by law, and receive all moneys receivable by the District from the Federal Government or from any court, agency, or instrumentality of the District;

(7) have custody of all public funds belonging to or under the control of the District, or any agency of the District government, and deposit all funds coming into his hands, in such depositories as may be designated and under such terms and conditions as may be prescribed by act of the Council;

(8) have custody of all investments and invested funds of the District government, or in possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the District and the receipt and delivery of District bonds and notes for transfer, registration or exchange; and

(9) apportion the total of all appropriations and funds made available during the fiscal year for obligation so as to prevent obligation or expenditure thereof in a manner which would indicate a necessity for deficiency or supplemental appropriations for such fiscal year, and with respect to all appropriations or funds not limited to a definite period, and all authorizations to create obligations by contract in advance of appropriations, apportion the total of such appropriations or funds or authorizations so as to achieve the most effective and economical use thereof.

ACCOUNTING SUPERVISION AND CONTROL

SEC. 449. The Mayor shall—

(a) prescribe the forms of receipts, vouchers, bills and claims to be used by all the agencies, offices, and instrumentalities of the District government;

(b) examine and approve all contracts, orders, and other documents by which the District government incurs financial obligations, having previously ascertained that money has been appropriated and allotted and will be available when the obligations shall become due and payable;

(c) audit and approve before payment all bills, invoices, payrolls, and other evidences of claims, demands, or charges against the District government and with the advice of the legal officials of the District determine the regularity, legality, and correctness of such claims, demands, or charges; and

(d) perform internal audits of accounts and operations and agency records of the District government, including the examination of any accounts or records of financial transactions, giving due consideration to the effectiveness of accounting systems, internal control, and related administrative practices of the respective agencies.

GENERAL AND SPECIAL FUNDS

SEC. 450. The general fund of the District shall be composed of those District revenues which on the effective date of this title are paid into the Treasury of the United States and credited either to the general fund of the District or its miscellaneous receipts, but shall not include any revenues which are applied by law to any special fund existing on the date of enactment of this title. The Council may from time to time establish such additional special funds as may be necessary for the efficient operation of the government of the District. All money received by any agency, officer, or employee of the District in its or his official capacity shall belong to the District government and shall be paid promptly to the Mayor for deposit in the appropriate fund.

CONTRACTS EXTENDING BEYOND ONE YEAR

SEC. 451. No contract involving expenditures out of an appropriation which is available for more than one year shall be made for a period of more than five years unless, with respect to a particular contract, the Council, by a two-thirds vote of its members present and voting, authorizes the extension of such period for such contract. Such contracts shall be made pursuant to criteria established by act of the Council.

ANNUAL BUDGET FOR THE BOARD OF EDUCATION

SEC. 542. With respect to the annual budget for the Board of Education in the District of Columbia, the Mayor and the Council may establish the maximum amount of funds which will be allocated to the Board, but may not specify the purposes for which such funds may be expended or the amount of such funds which may be expended for the various programs under the jurisdiction of the Board of Education.

Subpart 2—Audit

DISTRICT OF COLUMBIA AUDITOR

SEC. 455. (a) There is established for the District of Columbia the Office of District of Columbia Auditor who shall be appointed by the Chairman, subject to the approval of a majority of the Council. The District of Columbia Auditor shall serve for a term of six years and shall be paid at a rate of compensation as may be established from time to time by the Council.

(b) The District of Columbia Auditor shall each year conduct a thorough audit of the accounts and operations of the government of the District in accordance with such principles and procedures and under such rules and regulations as he may prescribe. In the determination of the auditing procedures to be followed and the extent of the examination of vouchers and other documents and records, the District of Columbia Auditor shall give due regard to generally accepted principles of auditing including the effectiveness of the accounting organizations and systems, internal audit and control, and related administrative practices.

(c) The District of Columbia Auditor shall have access to all books, accounts, records, reports, findings and all other papers, things, or property belonging to or in use by any department, agency, or other instrumentality of the District government and necessary to facilitate the audit.

(d) The District of Columbia Auditor shall submit his audit reports to the Congress, the Mayor, and the Council. Such reports shall set forth the scope of the audits conducted by him and shall include such comments and information as the District of Columbia Auditor may deem necessary to keep the Congress, the Mayor, and the Council informed of the operations to which the reports relate, together with such recommendations with respect thereto as he may deem advisable.

(e) The Council shall make such report, together with such other material as it deems pertinent thereto, available for public inspection.

(f) The Mayor shall state in writing to the Council, within an appropriate time, what action he has taken to effectuate the recommendations made by the District of Columbia Auditor in his reports.

PART E—BORROWING

Subpart 1—Borrowing

DISTRICT'S AUTHORITY TO ISSUE AND REDEEM GENERAL OBLIGATION BONDS FOR CAPITAL PROJECTS

SEC. 461. (a) Subject to the limitations in section 603(b), the District may incur indebtedness by issuing general obligation bonds to refund indebtedness of the District at any time outstanding and to provide for the payment of the cost of acquiring or undertaking its various capital projects. Such bonds shall bear interest, payable annually or semi-annually, at such rate and at such maturities as the Mayor, subject to the provisions of section 462 of this Act, may from time to time determine to be necessary to make such bonds marketable.

(b) The District may reserve the right to redeem any or all of its obligations before maturity in such manner and at such price as may be fixed by the Mayor prior to the issuance of such obligations.

CONTENTS OF BORROWING LEGISLATION

SEC. 462. The Council may by act authorize the issuance of general obligation bonds for the purposes specified in section 461. Such an act shall contain, at least, provisions—

(1) briefly describing each such project;

(2) identifying the Act authorizing each such project;

(3) setting forth the maximum amount of the principal of the indebtedness which may be incurred for each such project;

(4) setting forth the maximum rate of interest to be paid on such indebtedness;

(5) setting forth the maximum allowable maturity for the issue and the maximum debt service payable in any year; and

(6) setting forth, in the event that the Council determines in its discretion, to submit the question of issuing such bonds to a vote of the qualified voters of the District, the manner of holding such election, the manner of voting for or against the incurring of such indebtedness, and the form of ballot to be used at such election.

PUBLICATION OF BORROWING LEGISLATION

SEC. 463. The Mayor shall publish any act authorizing the issuance of general obligation bonds at least once within five days after the enactment thereof, together with a notice of the enactment thereof in substantially the following form:

"NOTICE

"The following act (published herewith) authorizing the issuance of general obligation bonds, has become effective. The time within which a suit, action, or proceeding questioning the validity of such bonds can be commenced, will expire twenty days from the date of the first publication of this notice, as provided in the District of Columbia Self-Government and Governmental Reorganization Act.

"_____ _____,

"Mayor."

SHORT PERIOD OF LIMITATION

SEC. 464. At the end of the twenty-day period beginning on the date of publication of the notice of the enactment of an act authorizing the issuance of general obligation

bonds without the submission of the proposition for the issuance thereof to the qualified voters, or upon the expiration of twenty days from the date of publication of the promulgation of the results of an election upon the proposition of issuing bonds, as the case may be—

(1) any recitals or statements of fact contained in such act or in the preambles or the titles thereof or in the results of the election of any proceedings in connection with the calling, holding, or conducting of election upon the issuance of such bonds shall be deemed to be true for the purpose of determining the validity of the bonds thereby authorized, and the District and all others interested shall thereafter be estopped from denying same;

(2) such act and all proceedings in connection with the authorization of the issuance of such bonds shall be conclusively presumed to have been duly and regularly taken, passed, and done by the District and the Board of Elections in full compliance with the provisions of this Act and of all laws applicable thereto; and

(3) the validity of such act and said proceedings shall not thereafter be questioned by either a party plaintiff or a party defendant, and no court shall have jurisdiction in any suit, action, or proceeding questioning the validity of same, except in a suit, action, or proceeding commenced prior to the expiration of such twenty-day period.

ACTS FOR ISSUANCE OF GENERAL OBLIGATION BONDS

SEC. 465. At the end of the twenty-day period specified in section 464, the Council may by act establish an issue of general obligation bonds as authorized pursuant to the provisions of sections 461 to 465 inclusive, hereof. An issue of general obligation bonds is hereby defined to be all or any part of an aggregate principal amount of bonds authorized pursuant to such sections, but no indebtedness shall be deemed to have been incurred within the meaning of this Act until such bonds have been sold, delivered, and paid for, and then only to the extent of the principal amount of such bonds so sold and delivered. The bonds of each issue shall be payable in annual installments beginning not more than three years after the date of such bonds and ending not more than thirty years from such date. The amount of said issues to be payable in each year shall be so fixed that when the annual interest is added to the principal amount payable in each year, the total amount payable either serially or to a sinking fund shall be substantially equal. It shall be an immaterial variance if the difference between the largest and smallest amounts of principal and interest so payable during each fiscal year during the term of the general obligation bonds does not exceed 3 per centum of the total authorized amount of such series. Such bonds and coupons may be executed by the facsimile signatures of the officer designated by the act authorizing such bonds, to sign the bonds, within the exception that at least one signature shall be manual. Such bonds may be issued in coupon form in the denomination of $1,000, or $1,000 and $5,000, registerable as to principal only or as to both principal and interest, and if registered as to both principal and interest may be issuable in denominations of multiples of $1,000. Such bonds and the interest thereon may be payable at such place or places within or without the District as the Council may determine.

PUBLIC SALE

SEC. 466. All general obligation bonds issued under this part shall be sold at public sale upon sealed proposals after publication of a notice of such sale at least once not less than ten days prior to the date fixed for sale in a daily newspaper carrying municipal bond notices and devoted primarily to financial news or to the subject of State and municipal bonds published in the city of New York, New York, and in one or more newspapers of general circulation published in the District. Such notice shall state, among other things, that no proposal shall be considered unless there is deposited with the District as a downpayment a certified check or cashier's check for an amount equal to at least 2 per centum of the par amount of general obligation bonds bid for, and the Council shall reserve the right to reject any and all bids.

Subpart 2—Short-Term Borrowing

BORROWING TO MEET APPROPRIATIONS

SEC. 471. In the absence of unappropriated available revenues to meet appropriations made pursuant to section 446, the Council may by act authorize the issuance of negotiable notes, in a total amount not to exceed 2 per centum of the total appropriations for the current fiscal year, each of which may be renewed from time to time, but all such notes and renewals thereof shall be paid not later than the close of the fiscal year following that in which such act becomes effective.

BORROWING IN ANTICIPATION OF REVENUES

SEC. 472. For any fiscal year, in anticipation of the collection or receipt of revenues of that fiscal year, the Council may by act authorize the borrowing of money by the execution of negotiable notes of the District, not to exceed in the aggregate at any time outstanding 20 per centum of the total anticipated revenue, each of which shall be designated "Revenue Note for the Fiscal Year 19__". Such notes may be renewed from time to time, but all such notes, together with the renewals, shall mature and be paid not later than the end of the fiscal year for which the original notes have been issued.

NOTES REDEEMABLE PRIOR TO MATURITY

SEC. 473. No notes issued pursuant to this part shall be made payable on demand, but any note may be made subject to redemption prior to maturity on such notice and at such time as may be stated in the note.

SALES OF NOTES

SEC. 474. All notes issued pursuant to this part may be sold at not less than par and accrued interest at private sale without previous advertising.

Subpart 3—Payment of Bonds and Notes

SPECIAL TAX

SEC. 481. (a) The act of the Council authorizing the issuance of general obligation bonds pursuant to this title, shall, where necessary, provide for the levy annually of a special tax or charge without limitation as to rate or amount in amounts which, together with other revenues of the District available and applicable for said purposes, will be sufficient to pay the principal of and interest on such bonds and the premium, if any, upon the redemption thereof, as the same respectively become due and payable, which tax shall be levied and collected at the same time and in the same manner as other District taxes are levied and collected and when collected shall be set aside in a sinking fund and irrevocably dedicated to the payment of such principal, interest, and premium.

(b) The full faith and credit of the District shall be and is hereby pledged for the payment of the principal of and the interest on all general obligation bonds and notes of the District hereafter issued pursuant to subparts 1, 2, and 3 of part E of this title whether or not such pledge be stated in such bonds or notes or in the act authorizing the issuance thereof.

(c) (1) As soon as practicable following the beginning of each fiscal year, the Mayor shall review the amounts of District revenues which have been set aside and deposited in a sinking fund as provided in subsection (a). Such review shall be carried out with a view to determining whether the amounts so set aside and deposited are sufficient to pay the principal of and interest on general obligation bonds issued pursuant to this title, and the premium (if any) upon the redemption thereof, as the same respectively become due and payable. To the extent that the Mayor determines that sufficient District revenues have not been so set aside and deposited, the Federal payment made for the fiscal year within which such review is conducted shall be first utilized to make up any deficit in such sinking fund.

(2) The Comptroller General of the United States shall make annual audits of the amounts set aside and deposited in the sinking fund.

Subpart 4—Tax Exemption; Legal Investment: Water Pollution; Reservoir; Metro Contributions; and Revenue Bonds

TAX EXEMPTION

SEC. 485. Bonds and notes issued by the Council pursuant to this title and the interest thereon shall be exempt from all Federal and District taxation except estate, inheritance, and gift taxes.

LEGAL INVESTMENT

SEC. 486. Notwithstanding any restriction on the investment of funds by fiduciaries contained in any other law, all domestic insurance companies, domestic insurance associations, executors, administrators, guardians, trustees, and other fiduciaries within the District may legally invest any sinking funds, moneys, trust funds, or other funds belonging to them or under or within their control in any bonds issued pursuant to this title, it being the purpose of this section to authorize the investment in such bonds or notes of all sinking, insurance, retirement, compensation, pension, and trust funds. National banking associations are authorized to deal in, underwrite, purchase and sell, for their own accounts or for the accounts of customers, bonds and notes issued by the Council to the same extent as national banking associations are authorized by paragraph seven of section 5136 of the Revised Statutes (12 U.S.C. 24), to deal in, underwrite, purchase and sell obligations of the United States, States, or political subdivisions thereof. All Federal building and loan associations and Federal savings and loan associations; and banks, trust companies, building and loan associations, and savings and loan associations, domiciled in the District, may purchase, sell, underwrite, and deal in, for their own account or for the account of others, all bonds or notes issued pursuant to this title. Nothing contained in this section shall be construed as relieving any person, firm, association, or corporation from any duty of exercising due and reasonable care in selecting securities for purchase or investment.

WATER POLLUTION

SEC. 487. (a) The Mayor shall annually estimate the amount of the District's principal and interest expense which is required to service District obligations attributable to the Maryland and Virginia pro rata share of District sanitary sewage water works and other water pollution projects which provide service to the local jurisdictions in those States. Such amounts as determined by the Mayor pursuant to the agreements described in subsection (b) shall be used to exclude the Maryland and Virginia share of pollution projects cost from the limitation on the District's capital project obligations as provided in section 603(b).

(b) The Mayor shall enter into agreements with the States and local jurisdictions concerned for annual payments to the District of rates and charges for waste treatment services in accordance with the use and benefits made and derived from the opera-

tion of the said waste treatment facilities. Each such agreement shall require that the estimated amount of such rates and charges will be paid in advance, subject to adjustment after each year. Such rates and charges shall be sufficient to cover the cost of construction, interest on capital, operation and maintenance, and the necessary replacement of equipment during the useful life of the facility.

COST OF RESERVOIRS ON POTOMAC RIVER

SEC. 488. (a) The Mayor is authorized to contract with the United States, any State in the Potomac River Basin, any agency or political subdivision thereof, and any other competent State or local authority, with respect to the payment by the District to the United States, either directly or indirectly, of the District's equitable share of any part or parts of the non-Federal portion of the costs of any reservoirs authorized by the Congress for construction on the Potomac River or any of its tributaries. Every such contract may contain such provisions as the Mayor may deem necessary or appropriate.

(b) Unless hereafter otherwise provided by legislation enacted by the Council, all payments made by the District and all moneys received by the District pursuant to any contract made under the authority of this Act shall be paid from, or be deposited in, a fund designated by the Mayor. Charges for water delivered from the District water system for use outside the District may be adjusted to reflect the portions of any payments made by the District under contracts authorized by this Act which are equitably attributable to such use outside the District.

DISTRICT'S CONTRIBUTIONS TO THE WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

SEC. 489. Notwithstanding any provision of law to the contrary, beginning with fiscal year 1976 the District share of the cost of the Adopted Regional System described in the National Capital Transportation Act of 1969 (83 Stat. 320), may be payable from the proceeds of the sale of District general obligation bonds issued pursuant to this title.

REVENUE BONDS AND OTHER OBLIGATIONS

SEC. 490. (a) The Council may by act issue revenue bonds, notes, or other obligations (including refunding bonds, notes, or other obligations) to borrow money to finance or assist in the financing of undertakings in the areas of housing, health facilities, transit and utility facilities, recreational facilities, college and university facilities, and industrial and commercial development. Such bonds, notes, or other obligations shall be fully negotiable and payable, as to both principal and interest, solely from and secured solely by a pledge of the revenues realized from the property, facilities, developments, and improvements whose financing is undertaken by the issuance of such bonds, notes, or other obligations, including existing facilities to which such new facilities and improvements are related, which financing may be effected through loans made directly or indirectly (including the purchase of mortgages, in those cases described in subsection (b) of this section, notes, or other securities) to any public, quasi-public, or private corporation, partnership, association, person, or other legal entity.

(b) Except in the case of housing, recreation, commercial and industrial development, the property, facilities, developments, and improvements being financial may not be mortgaged as additional security for bonds, notes, or other obligations, but in no event shall any property owned by the District of Columbia or the United States be mortgaged for the purpose of this section.

(c) Any and all such bonds, notes, or other obligations shall not be general obligations of the District and shall not be a pledge of or involve the faith and credit or the taxing power of the District, shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as contained in section 602(a)(2).

(d) Any and all such bonds, notes, or other obligations shall be issued pursuant to an act of the Council without the necessity of submitting the question of such issuance to the registered qualified electors of the District for approval or disapproval.

(e) Any such act may contain provisions—

(1) briefly describing the purpose for which such bond, note, or other obligation is to be issued;

(2) identifying the Act authorizing such purpose;

(3) prescribing the form, terms, provisions, manner or method of issuing and selling (including negotiated as well as competitive bid sale), and the time of issuance, of such bonds, notes, or other obligations; and

(4) prescribing any and all other details with respect to any such bonds, notes, or other obligations and the issuance and sale thereof,

The act may authorize and empower the Mayor to do any and all things necessary, proper, or expedient in connection with the issuance and sale of such notes, bonds, or other obligations authorized to be issued under the provisions of this section.

PART F—INDEPENDENT AGENCIES

BOARD OF ELECTIONS

SEC. 491. Section 3 of the District of Columbia Elections Act (D.C. Code, sec. 1–1103) is amended to read as follows:

"SEC. 3. (a) There is created a District of Columbia Board of Elections (hereafter in this section referred to as the 'Board'), to be composed of three members, no more than two of whom shall be of the same political party, appointed by the Mayor, with the advice and consent of the Council. Members shall be appointed to serve for terms of three years, except of the members first appointed under this Act, one member shall be appointed to serve for a one-year term, one member shall be appointed to serve for a two-year term, and one member shall be appointed to serve for a three-year term, as designated by the Mayor.

"(b) Any person appointed to fill a vacancy on the Board shall be appointed only for the unexpired term of the member whose vacancy he is filling.

"(c) A member may be reappointed, and, if not reappointed, the member shall serve until his successor has been appointed and qualifies.

"(d) The Mayor shall, from time to time, designate the Chairman of the Board."

ZONING COMMISSION

SEC. 492. (a) The first section of the Act of March 1, 1920 (D.C. Code, sec. 5–412) is amended to read as follows: "That (a) to protect the public health, secure the public safety, and to protect property in the District of Columbia there is created a Zoning Commission for the District of Columbia, which shall consist of the Architect of the Capitol, the Director of the National Park Service, and three members appointed by the Mayor, by and with the advice and consent of the Council. Each member appointed by the Mayor shall serve for a term of four years, except of the members first appointed under this section—

"(1) one member shall serve for a term of two years, as determined by the Mayor;

"(2) one member shall serve for a term of three years, as determined by the Mayor; and

"(3) one member shall serve for a term of four years, as determined by the Mayor.

"(b) Members of the Zoning Commission appointed by the Mayor shall be entitled to receive compensation as determined by the Mayor, with the approval of a majority of the Council. The remaining members shall serve without additional compensation.

"(c) Members of the Zoning Commission appointed by the Mayor may be reappointed. Each member shall serve until his successor has been appointed and qualifies.

"(d) The Chairman of the Zoning Commission shall be selected by the members.

"(e) The Zoning Commission shall exercise all the powers and perform all the duties with respect to zoning in the District as provided by law.".

(b) The Act of June 20, 1938 (D.C. Code, sec. 5–413, et seq.) is amended as follows:

(1) The first sentence of section 2 of such Act (D.C. Code, sec. 5–414) is amended by striking out "Such regulations shall be made in accordance with a comprehensive plan and" and inserting in lieu thereof "Zoning maps and regulations, and amendments thereto, shall not be inconsistent with the comprehensive plan for the National Capital, and zoning regulations shall be".

(2) Section 5 of such Act (D.C. Code, sec. 5–417) is amended to read as follows:

"SEC. 5. (a) No zoning regulation or map, or any amendment thereto, may be adopted by the Zoning Commission until the Zoning Commission—

"(1) has held a public hearing, after notice, on such proposed regulation, map, or amendment; and

"(2) after such public hearing, submitted such proposed regulation, map, or amendment to the National Capital Planning Commission for comment and review.

If the National Capital Planning Commission fails to submit its comments regarding any such regulation, map, or amendment within thirty days after submission of such regulation, map, or amendment to it, then the Zoning Commission may proceed to act upon the proposed regulation, map, or amendment without further comment from the National Capital Planning Commission.

"(b) The notice required by clause (1) of subsection (a) shall be published at least thirty days prior to such public hearing and shall include a statement as to the time and place of the hearing and a summary of all changes in existing zoning regulations which would be made by adoption of the proposed regulation, map, or amendment. The Zoning Commission shall give such additional notice as it deems expedient and practicable. All interested persons shall be given a reasonable opportunity to be head at such public hearing. If the hearing is adjourned from time to time, the time and place of reconvening shall be publicly announced prior to adjournment.

"(c) The Zoning Commission shall deposit with the National Capital Planning Commission all zoning regulations, maps, or amendments thereto, adopted by it."

PUBLIC SERVICE COMMISSION

SEC. 493. (a) There shall be a Public Service Commission whose function shall be to insure that every public utility doing business within the District of Columbia is required to furnish service and facilities reasonably safe and adequate and in all respects just and reasonable. The charge made by any such public utility for any facility or services furnished, or rendered, or to be furnished or rendered, shall be reasonable, just, and nondiscriminatory. Every unjust or unreasonable or discriminatory charge for such facility or service is prohibited and is hereby declared unlawful.

(b) The first sentence of paragraph 97(a) of section 8 of the Act of March 4, 1913 (making appropriations for the government of the District of Columbia) (D.C. Code, sec. 43–201), is amended to read as follows: "The Public Service Commission of the District of Columbia shall be composed of three Commissioners appointed by the Mayor by and with the advice and consent of the Council.".

ARMORY BOARD

SEC. 494. The first sentence of section 2 of the Act of June 4, 1948 (D.C. Code, sec. 2–1702), is amended to read as follows: "There is established an Armory Board, to be composed of the commanding general of the District of Columbia Militia, and two other members appointed by the Mayor of the District of Columbia by and with the advice and consent of the Council of the District of Columbia. The members appointed by the Mayor shall each serve for a term of four years beginning on the date such member qualifies.".

BOARD OF EDUCATION

SEC. 495. The control of the public schools in the District of Columbia is vested in a Board of Education to consist of eleven elected members, three of whom are to be elected at large, and one to be elected from each of the eight school election wards established under the District of Columbia Election Act. The election of the members of the Board of Education shall be conducted on a nonpartisan basis and in accordance with such Act.

TITLE V—FEDERAL PAYMENT

DUTIES OF THE MAYOR, COUNCIL, AND FEDERAL OFFICE OF MANAGEMENT AND BUDGET

SEC. 501. (a) It shall be the duty of the Mayor in preparing an annual budget for the government of the District to develop meaningful intercity expenditure and revenue comparisons based on data supplied by the Bureau of the Census, and to identify elements of cost and benefits to the District which result from the unusual role of the District as the Nation's Capital. The results of the studies conducted by the Mayor under this subsection shall be made available to the Council and to the Federal Office of Management and Budget for their use in reviewing and revising the Mayor's request with respect to the level of the appropriation for the annual Federal payment to the District. Such Federal payments should operate to encourage efforts on the part of the government of the District to maintain and increase its level of revenues and to seek such efficiencies and economies in the management of its programs as are possible.

(b) The Mayor, in studying and identifying the costs and benefits to the District brought about by its role as the Nation's Capital, should to the extent feasible, among other elements, consider—

(1) revenues unobtainable because of the relative lack of taxable commercial and industrial property;

(2) revenues unobtainable because of the relative lack of taxable business income;

(3) potential revenues that would be realized if exemptions from District taxes were eliminated;

(4) net costs, if any, after considering other compensation for tax base deficiencies and direct and indirect taxes paid, of providing services to tax-exempt nonprofit organizations and corporate offices doing business only with the Federal Government;

(5) recurring and nonrecurring costs of unreimbursed services to the Federal Government;

(6) other expenditure requirements placed on the District by the Federal Government which are unique to the District;

(7) benefits of Federal grants-in-aid relative to aid given other States and local governments;

(8) recurring and nonrecurring costs of unreimbursed services rendered the District by the Federal Government; and

(9) relative tax burden on District residents compared to that of residents in other jurisdictions in the Washington, District of Columbia, metropolitan area and in other cities of comparable size.

(c) The Mayor shall submit his request, with respect to the amount of an annual Federal payment, to the Council. The Council shall by act approve, disapprove, or modify the Mayor's request. After the action of the Council, the Mayor shall, by December 1 of each calendar year, in accordance with the provisions in the Budget and Accounting Act, 1921 (31 U.S.C. 2), submit such request to the President for submission to the Congress. Each request regarding an annual Federal payment shall be submitted to the President seven months prior to the beginning of the fiscal year for which such request is made and shall include a request for an annual Federal payment for the next following fiscal year.

AUTHORIZATION OF APPROPRIATIONS

SEC. 502. Notwithstanding any other provision of law, there is authorized to be appropriated as the annual Federal payment to the District of Columbia for the fiscal year ending June 30, 1975, the sum of $230,000,000; for the fiscal year ending June 30, 1976, the sum of $254,000,000; for the fiscal year ending June 30, 1977, the sum of $280,000,000; for the fiscal year ending June 30, 1978, and for each fiscal year thereafter, the sum of $300,000,000.

TITLE VI—RESERVATION OF CONGRESSIONAL AUTHORITY

RETENTION OF CONSTITUTIONAL AUTHORITY

SEC. 601. Notwithstanding any other provision of this Act, the Congress of the United States reserves the right, at any time, to exercise its constitutional authority as legislature for the District, by enacting legislation for the District on any subject, whether within or without the scope of legislative power granted to the Council by this Act, including legislation to amend or repeal any law in force in the District prior to or after enactment of this Act and any act passed by the Council.

LIMITATIONS ON THE COUNCIL

SEC. 602. (a) The Council shall have no authority to pass any act contrary to the provisions of this Act except as specifically provided in this Act, or to—

(1) impose any tax on property of the United States or any of the several States;

(2) lend the public credit for support of any private undertaking;

(3) enact any act, or enact any act to amend or repeal any Act of Congress, which concerns the functions or property of the United States or which is not restricted in its application exclusively in or to the District;

(4) enact any act, resolution, or rule with respect to any provision of title 11 of the District of Columbia Code (relating to organization and jurisdiction of the District of Columbia courts);

(5) impose any tax on the whole or any portion of the personal income, either directly or at the source thereof, of any individual not a resident of the District (the terms "individual" and "resident" to be understood for the purposes of this paragraph as they are defined in section 4 of the Act of July 16, 1974);

(6) enact any act, resolution, or rule which permits the building of any structure within the District of Columbia in excess of the height limitations contained in section 5 of the Act of June 1, 1910 (D.C. Code, sec. 5–405), and in effect on the date of enactment of this Act;

(7) enact any act, resolution, or regulation with respect to the Commission on Mental Health;

(8) enact any act or regulation relating to the United States District Court for the District of Columbia or any other court of the United States in the District other than the District courts, or relating to the duties or powers of the United States attorney or the United States Marshal for the District of Columbia; or

(9) enact any act, resolution, or rule with respect to any provision of title 23 of the District of Columbia Code (relating to criminal procedure), or with respect to any provision of any law codified in title 22 or 24 of the District of Columbia Code (relating to crimes and treatment of prisoners) during the twenty-four full calendar months immediately following the day on which the members of the Council first elected pursuant to this Act take office.

(b) Nothing in this Act shall be construed as vesting in the District government any greater authority over the National Zoological Park, the National Guard of the District of Columbia, the Washington Aqueduct, the National Capital Planning Commission, or, except as otherwise specifically provided in this Act, over any Federal agency, than was vested in the Commissioner prior to the effective date of title IV of this Act.

(c)(1) Except acts of the Council which are submitted to the President in accordance with the Budget and Accounting Act, 1972, any act which the Council determines according to section 412(a), should take effect immediately because of emergency circumstances, and acts proposing amendments to title IV of this Act, the Chairman of the Council shall transmit to the Speaker of the House of Representatives, and the President of the Senate a copy of each act passed by the Council and signed by the Mayor, or vetoed by the Mayor and repassed by two-thirds of the Council present and voting (and with respect to which the President has not sustained the Mayor's veto), and every act passed by the Council and allowed to become effective by the Mayor without his signature. Except as provided in paragraph (2), no such act shall take effect until the end of the 30-day period (excluding Saturdays, Sundays, and holidays, and any day on which either House is not in session) beginning on the day such act is transmitted by the chairman to the Speaker of the House of Representatives and the President of the Senate and then only if during such 30-day period both Houses of Congress do not adopt a concurrent resolution disapproving such act. The provisions of section 604, except subsections (d), (e), and (f) of such section, shall apply with respect to any concurrent resolution disapproving any act pursuant to this paragraph.

(2) In the case of any such act transmitted by the Chairman with respect to any Act codified in titles 22, 23, or 24 of the District of Columbia Code, such act shall take effect at the end of the 30-day period beginning on the day such act is transmitted by the Chairman to the Speaker of the House of Representatives and the President of the Senate only if during such 30-day period one House of Congress does not adopt a resolution disapproving such act. The provisions of section 604, relating to an expedited procedure for consideration of resolutions, shall apply to a simple resolution disapproving such act as specified in this paragraph.

BUDGET PROCESS; LIMITATIONS ON BORROWING AND SPENDING

SEC. 603. (a) Nothing in this Act shall be construed as making any change in existing law, regulation, or basic procedure and practice relating to the respective roles of the Congress, the President, the Federal Office of Management and Budget, and the Comptroller General of the United States in the preparation, review, submission, examination, authorization, and appropriation of the total budget of the District of Columbia government.

(b)(1) No general obligation bonds (other than bonds to refund outstanding indebtedness) or Treasury capital project loans shall be issued during any fiscal year in an amount which would cause the amount of principal and interest required to be paid both serially and into a sinking fund in any fiscal year on the aggregate amounts of all outstanding general obligation bonds and such Treasury

loans, to exceed 14 per centum of the District revenues (less court fees, any fees or revenues directed to servicing revenue bonds, retirement contributions, revenues from retirement systems, and revenues derived from such Treasury loans and the sale of general obligations or revenue bonds) which the Mayor estimates, and the District of Columbia Auditor certifies, will be credited to the District during the fiscal year in which the bonds will be issued. Treasury capital project loans include all borrowings from the United States Treasury, except those funds advanced to the District by the Secretary of the Treasury under the provisions of section 2501, title 47 of the District of Columbia Code, as amended.

(2) Obligations incurred pursuant to the authority contained in the District of Columbia Stadium Act of 1957 (71 Stat. 619; D.C. Code title 2, chapter 17, subchapter II), and obligations incurred by the agencies transferred or established by sections 201 and 202, whether incurred before or after such transfer or establishment, shall not be included in determining the aggregate amount of all outstanding obligations subject to the limitation specified in the preceding subsection.

(3) The 14 per centum limitation specified in paragraph (1) shall be calculated in the following manner:

(A) Determine the dollar amount equivalent to 14 percent of the District revenues (less court fees, any fees or revenues directed to servicing revenue bonds, retirement contributions, revenues from retirement systems, and revenues derived from such Treasury loans and the sale of general obligation or revenue bonds) which the Mayor estimates, and the District of Columbia Auditor certifies, will be credited to the District during the fiscal year for which the bonds will be issued.

(B) Determine the actual total amount of principal and interest to be paid in each fiscal year for all outstanding general obligation bonds and such Treasury loans.

(C) Determine the amount of principal and interest to be paid during each fiscal year over the term of the proposed general obligation bond or such Treasury loan to be issued.

(D) If in any one fiscal year the sum arrived at by adding subparagraphs (B) and (C) exceeds the amount determined under subparagraph (A), then the proposed general obligation bond or such Treasury loan in subparagraph (C) cannot be issued.

(c) The Council shall not approve any budget which would result in expenditures being made by the District Government, during any fiscal year, in excess of all resources which the Mayor estimates will be available from all funds available to the District for such fiscal year. The budget shall identify any tax increases which shall be required in order to balance the budget as submitted. The Council shall be required to adopt such tax increases to the extent its budget is approved. For the purposes of this section, the Council shall use a Federal payment amount not to exceed the amount authorized by Congress. In determining whether any such budget would result in expenditures so being made in excess of such resources, amounts included in the budget estimates of the District of Columbia courts in excess of the recommendations of the Council shall not be applicable.

(d) The Mayor shall not forward to the President for submission to Congress a budget which is not balanced according to the provision of subsection 603(c).

(e) Nothing in this Act shall be construed as affecting the applicability to the District government of the provisions of section 3679 of the Revised Statutes of the United States (31 U.S.C. 665), the so-called Anti-Deficiency Act.

CONGRESSIONAL ACTION ON CERTAIN DISTRICT MATTERS

SEC. 604. (a) This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such these provisions are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by this section; and they supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

(b) For the purpose of this section, "resolution" means only a concurrent resolution, the matter after the resolving clause of which is as follows: "That the ———— approves/disapproves of the action of the District of Columbia Council described as follows: ————.", the blank spaces therein being appropriately filled, and either approval or disapproval being appropriately indicated; but does not include a resolution which specifies more than one action.

(c) A resolution with respect to Council action shall be referred to the Committee on the District of Columbia of the House of Representatives, or the Committee on the District of Columbia of the Senate, by the President of the Senate or the Speaker of the House of Representatives, as the case may be.

(d) If the committee to which a resolution has been referred has not reported it at the end of twenty calendar days after its introduction, it is in order to move to discharge the committee from further consideration of any other resolution with respect to the same Council action which has been referred to the committee.

(e) A motion to discharge may be made only by an individual favoring the resolution, is highly privileged (except that it may not be made after the committee has reported a resolution with respect to the same action), and debate thereon shall be limited to not more than one hour, to be divided equally between those favoring and those opposing the resolution. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(f) If the motion to discharge is agreed to or disagreed to, the motion may not be renewed, nor may another motion to discharge the committee be made with respect to any other resolution with respect to the same action.

(g) When the committee has reported, or has been discharged from further consideration of, a resolution, it is at any time thereafter in order (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

(h) Debate on the resolution shall be limited to not more than ten hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to, or motion to recommit, the resolution is not in order, and it is not in order to move to reconsider the vote by which the resolution is agreed to or disagreed to.

(i) Motions to postpone made with respect to the discharge from committee or the consideration of a resolution, and motions to proceed to the consideration of other business, shall be decided without debate.

(j) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution shall be decided without debate.

TITLE VII—REFERENDUM; SUCCESSION IN GOVERNMENT; TEMPORARY PROVISIONS; MISCELLANEOUS; AMENDMENTS TO DISTRICT OF COLUMBIA ELECTION ACT; RULES OF CONSTRUCTION; AND EFFECTIVE DATES

PART A—CHARTER REFERENDUM

REFERENDUM

SEC. 701. On a date to be fixed by the Board of Elections, not more than five months after the date of enactment of this Act, a referendum (in this part referred to as the "charter referendum") shall be conducted to determine whether the registered qualified electors of the District accept the charter set forth as title IV of this Act.

BOARD OF ELECTIONS AUTHORITY

SEC. 702. (a) The Board of Elections shall conduct the charter referendum and certify the results thereof as provided in this part.

(b) Notwithstanding the fact that such section does not otherwise take effect unless the charter is accepted under this title, the applicable provisions of part E of title VII of this Act shall govern the Board of Elections in the performance of its duties under this Act.

REFERENDUM BALLOT AND NOTICE OF VOTING

SEC. 703. (a) The charter referendum ballot shall contain the following, with a blank space appropriately filled:

"The District of Columbia Self-Government and Governmental Reorganization Act, enacted ————, proposes to establish a charter for the governance of the District of Columbia, but provides that the charter shall take effect only if it is accepted by a majority of the registered qualified voters of the District voting on this issue.

"Indicate in one of the squares provided below whether you are for or against the charter.

"☐ For the charter

"☐ Against the charter.

"In addition, the Act referred to above authorizes the establishment of Advisory Neighborhood Councils if a majority of the registered qualified voters in the District vote for such Councils.

"Indicate in one of the squares provided below whether you are for or against the establishment of Advisory Neighborhood Councils.

"☐ For Advisory Neighborhood Councils

"☐ Against Advisory Neighborhood Councils.".

(b) Voting may be by paper ballot or by voting machine. The Board of Elections may make such changes in the second and fourth paragraphs of the charter referendum ballot as it determines to be necessary to permit the use of voting machines if such machines are used.

(c) Not less than five days before the date of the charter referendum, the Board of Elections shall mail to each registered qualified elector (1) a sample of the charter referendum ballot, and (2) information showing the polling place of such elector and the date and hours of voting.

(d) Not less than one day before the charter referendum, the Board of Elections shall publish, in one or more newspapers of general circulation published in the District, a list of the polling places and the date and hours of voting.

ACCEPTANCE OR NONACCEPTANCE OF CHARTER

SEC. 704. (a) If a majority of the registered qualified electors voting in the charter referendum vote for the charter, the charter shall be considered accepted as of the time the Board of Elections certifies the result of the charter referendum to the President of

the United States, as provided in subsection (b).

(b) The Board of Elections shall, within a reasonable time, but in no event more than thirty days after the date of the charter referendum, certify the results of the charter referendum to the President of the United States and to the Secretary of the Senate and the Clerk of the House of Representatives.

PART B—SUCCESSION IN GOVERNMENT

ABOLISHMENT OF EXISTING GOVERNMENT AND TRANSFER OF FUNCTIONS

SEC. 711. The District of Columbia Council, the offices of Chairman of the District of Columbia Council, Vice Chairman of the District of Columbia Council, and the seven other members of the District of Columbia Council, and the offices of the Commissioner of the District of Columbia and Assistant to the Commissioner of the District of Columbia, as established by Reorganization Plan Numbered 3 of 1967, are abolished as of noon January 2, 1975. This subsection shall not be construed to reinstate any governmental body or office in the District abolished in said plan or otherwise heretofore.

CERTAIN DELEGATED FUNCTIONS AND FUNCTIONS OF CERTAIN AGENCIES

SEC. 712. No function of the District of Columbia Council (established under Reorganization Plan Numbered 3 of 1967) or of the Commissioner of the District of Columbia which such District of Columbia Council or Commissioner has delegated to an officer, employee, or agency (including any body of or under such agency) of the District, nor any function now vested pursuant to section 501 of Reorganization Plan Numbered 3 of 1967 in the District Public Service Commission, Zoning Advisory Council, Board of Zoning Adjustment, Office of the Recorder of Deeds, or Armory Board, or in any officer, employee, or body of or under such agency, shall be considered as a function transferred to the Council pursuant to section 711 of this Act. Each such function is hereby transferred to the officer, employee, or agency (including any body of or under such agency), to whom or to which it was delegated, or in whom or in which it has remained vested, until the Mayor or Council established under this Act, or both, pursuant to the powers herein granted, shall revoke, modify, or transfer such delegation or vesting.

TRANSFER OF PERSONNEL, PROPERTY, AND FUNDS

SEC. 713. (a) In each case of the transfer, by any provision of this Act, of functions to the Council, to the Mayor, or to any agency or officer, there are hereby authorized to be transferred (as of the time of such transfer of functions) to the Council, to the Mayor, to such agency, or to the agency of which such officer is the head, for use in the administration of the functions of the Council or such agency or officer, the personnel (except the Commissioner of the District of Columbia, the Assistant to the Commissioner, the Chairman of the District of Columbia Council, the Vice Chairman of the District of Columbia Council, the other members thereof, all of whose offices are abolished by this Act), property, records, and unexpended balances of appropriations and other funds which relate primarily to the functions so transferred.

(b) If any question arises in connection with the carrying out of subsection (a), such questions shall be decided—

(1) in the case of functions transferred from a Federal officer or agency, by the Director of the Office of Management and Budget; and

(2) in the case of other functions (A) by the Council, or in such manner as the Council shall provide, if such functions are transferred to the Council, and (B) by the Mayor if such functions are transferred to him or to any other officer or agency.

(c) Any of the personnel authorized to be transferred to the Council, the Mayor, or any agency by this section which the Council or the head of such agency shall find to be in excess of the personnel necessary for the administration of its or his functions shall, in accordance with law, be retransferred to other positions in the District or Federal Government or be separated from the service.

(d) No officer or employee shall, by reason of his transfer to the District government under this Act or his separation from service under this Act, be deprived of any civil service rights, benefits and privileges held by him prior to such transfer or any right of appeal or review he may have by reason of his separation from service.

EXISTING STATUTES, REGULATIONS, AND OTHER ACTIONS

SEC. 714. (a) Any statute, regulation, or other action in respect of (and any regulation or other action issued, made, taken, or granted by) any officer or agency from which any function is transferred by this Act shall, except to the extent modified or made inapplicable by or under authority of law, continue in effect as if such transfer had not been made; but after such transfer, references in such statute, regulation, or other action to an officer or agency from which a transfer is made by this Act shall be held and considered to refer to the officer or agency to which the transfer is made.

(b) As used in subsection (a), the term "other action" includes, without limitation, any rule, order, contract, compact, policy, determination, directive, grant, authorization, permit, requirement, or designation.

(c) Unless otherwise specifically provided in this Act, nothing contained in this Act shall be construed as affecting the applicability to the District government of personnel legislation relating to the District government until such time as the Council may otherwise elect to provide equal or equivalent coverage.

PENDING ACTIONS AND PROCEEDINGS

SEC. 715. (a) No suit, action, or other judicial proceeding lawfully commenced by or against any officer or agency in his or its official capacity or in relation to the exercise of his or its official functions, shall abate by reason of the taking effect of any provision of this Act; but the court, unless it determines that the survival of such suit, action, or other proceedings is not necessary for purposes of settlement of the questions involved, shall allow the same to be maintained, with such substitutions as to parties as are appropriate.

(b) No administrative action or proceeding lawfully commenced shall abate solely by reason of the taking effect of any provision of this Act, but such action or proceeding shall be continued with such substitutions as to parties and officers or agencies as are appropriate.

VACANCIES RESULTING FROM ABOLISHMENT OF COMMISSIONER AND ASSISTANT TO THE COMMISSIONER

SEC. 716. Until the 1st day of July next after the first Mayor takes office under this Act no vacancy occurring in any District agency by reason of section 711, abolishing the offices of Commissioner of the District of Columbia and Assistant to the Commissioner, shall affect the power of the remaining members of such agency to exercise its functions; but such agency may take action only if a majority of the members holding office vote in favor of it.

STATUS OF THE DISTRICT

SEC. 717. (a) All of the territory constituting the permanent seat of the Government of the United States shall continue to be designated as the District of Columbia. The District of Columbia shall remain and continue a body corporate, as provided in section 2 of the Revised Statutes relating to the District (D.C. Code, sec. 1–102). Said Corporation shall continue to be charged with all the duties, obligations, responsibilities, and liabilities, and to be vested with all of the powers, rights, privileges, immunities, and assets, respectively, imposed upon and vested in said Corporation or the Commissioner.

(b) No law or regulation which is in force on the effective date of title IV of this Act shall be deemed amended or repealed by this Act except to the extent specifically provided herein or to the extent that such law or regulation is inconsistent with this Act, but any such law or regulation may be amended or repealed by act or resolution as authorized in this Act, or by Act of Congress, except that, notwithstanding the provisions of section 752 of this Act, such authority to repeal shall not be construed as authorizing the Council to repeal or otherwise alter, by amendment or otherwise, any provision of subchapter III of chapter 73 of title 5, United States Code, in whole or in part.

(c) Nothing contained in this section shall affect the boundary line between the District of Columbia and the Commonwealth of Virginia as the same was established or may be subsequently established under the provisions of title I of the Act of October 31, 1945 (59 Stat. 552).

CONTINUATION OF THE DISTRICT OF COLUMBIA COURT SYSTEM

SEC. 718. (a) The District of Columbia Court of Appeals, the Superior Court of the District of Columbia, and the District of Columbia Commission on Judicial Disabilities and Tenure shall continue as provided under the District of Columbia Court Reorganization of 1970 subject to the provisions of part C of title IV of this Act and section 602(a)(4).

(b) The term and qualifications of any judge of any District of Columbia court, and the term and qualifications of any member of the District of Columbia Commission on Judicial Disabilities and Tenure appointed prior to the effective date of title IV of this Act shall not be affected by the provisions of part C of title IV of this Act. No provision of this Act shall be construed to extend the term of any such judge or member of such Commission. Judges of the District of Columbia courts and members of the District of Columbia Commission on Judicial Disabilities and Tenure appointed after the effective date of title IV of this Act shall be appointed according to part C of such title IV.

(c) Nothing in this Act shall be construed to amend, repeal, or diminish the duties, rights, privileges, or benefits accruing under sections 1561 through 1571 of title 11 of the District of Columbia Code, and sections 703 and 904 of such title, dealing with the retirement and compensation of the judges of the District of Columbia courts.

CONTINUATION OF THE BOARD OF EDUCATION

SEC. 719. The term of any member elected to the District of Columbia Board of Education, and the powers and duties of the Board of Education, shall not be affected by the provisions of section 495. No provision of such section shall be construed to extend the term of any such member or to terminate the term of any such member.

PART C—TEMPORARY PROVISIONS

POWERS OF THE PRESIDENT DURING TRANSITIONAL PERIOD

SEC. 721. The President of the United States is hereby authorized and requested to take such action during the period, following the date of the enactment of this Act and ending on the date of the first meeting of the Council, by Executive order or otherwise, with respect to the administration of the functions of the District government, as he deems necessary to enable the Board of Elec-

tions properly to perform its functions under this Act.

REIMBURSABLE APPROPRIATIONS FOR THE DISTRICT

SEC. 722. (a) The Secretary of the Treasury is authorized to advance to the District of Columbia the sum of $750,000, out of any money in the Treasury not otherwise appropriated, for use (1) in paying the expenses of the Board of Elections (including compensation of the members thereof), and (2) in otherwise carrying into effect the provisions of this Act.

(b) The full amount expended out of the money advanced pursuant to this section shall be reimbursed to the United States, without interest, during the second fiscal year which begins after the effective date of title IV, from the general fund of the District.

INTERIM LOAN AUTHORITY

SEC. 723. (a) The Mayor is authorized to accept loans for the District from the Treasury of the United States, and the Secretary is authorized to lend to the Mayor, such sums as the Mayor may determine are required to complete capital projects for which construction and construction services funds have been authorized or appropriated, as the case may be, by Congress prior to the effective date of title IV. In addition, such loans may include funds to pay the District's share of the cost of the adopted regional system specified in the National Capital Transportation Act of 1969.

(b) Loans advanced pursuant to this section during any six-month period shall be at a rate of interest determined by the Secretary as of the beginning of such period, which, in his judgment, would reflect the cost of money to the Treasury for borrowing at a maturity approximately equal to the period of time the loan is outstanding.

(c) Subject to the limitations contained in section 603(b), there are authorized to be appropriated such sums as may be necessary to make loans under this section.

PART D—MISCELLANEOUS

AGREEMENTS WITH UNITED STATES

SEC. 731. (a) For the purpose of preventing duplication of effort or for the purpose of otherwise promoting efficiency and economy, any Federal officer or agency may furnish services to the District government and any District officer or agency may furnish services to the Federal Government. Except where the terms and conditions governing the furnishing of such services are prescribed by other provisions of law, such services shall be furnished pursuant to an agreement (1) negotiated by the Federal and District authorities concerned, and (2) approved by the Director of the Federal Office of Management and Budget and by the Mayor. Each such agreement shall provide that the cost of furnishing such services shall be borne in the manner provided in subsection (c) by the government to which such services are furnished at rates or charges based on the actual cost of furnishing such services.

(b) For the purpose of carrying out any agreement negotiated and approved pursuant to subsection (a), any District officer or agency may in the agreement delegate any of his or its functions to any Federal officer or agency, and any Federal officer or agency may in the agreement delegate any of his or its functions to any District officer or agency. Any functions so delegated may be exercised in accordance with the terms of the delegation.

(c) The cost to each Federal officer and agency in furnishing services to the District pursuant to any such agreements are authorized to be paid, in accordance with the terms of the agreement, out of appropriations available to the District officers and agencies to which such services are furnished. The costs to each District officer and agency in furnishing services to the Federal Government pursuant to any such agreement are authorized to be paid, in accordance with the terms of the agreement, out of appropriations made by the Congress or other funds available to the Federal officers and agencies to which such services are furnished, except that the Chief of the Metropolitan Police shall on a non-reimbursable basis when requested by the Director of the United States Secret Service assist the Secret Service and the Executive Protective Service in the performance of their respective protective duties under section 3056 of title 18 of the United States Code and section 302 of title 3 of the United States Code.

PERSONAL INTEREST IN CONTRACTS OR TRANSACTIONS

SEC. 732. Any officer or employee of the District who is convicted of a violation of section 208 of title 18, United States Code, shall forfeit his office or position.

COMPENSATION FROM MORE THAN ONE SOURCE

SEC. 733. (a) Except as provided in this Act, no person shall be ineligible to serve or to receive compensation as a member of the Board of Elections because he occupies another office or position or because he receives compensation (including retirement compensation) from another source.

(b) The right to another office or position or to compensation from another source otherwise secured to such a person under the laws of the United States shall not be abridged by the fact of his service or receipt of compensation as a member of such Board, if such service does not interfere with the discharge of his duties in such other office or position.

ASSISTANCE OF THE UNITED STATES CIVIL SERVICE COMMISSION IN DEVELOPMENT OF DISTRICT MERIT SYSTEM

SEC. 734. The United States Civil Service Commission is hereby authorized to advise and assist the Mayor and the Council in the further development of the merit system or systems required by section 422(3) and the said Commission is authorized to enter into agreements with the District government to make available its registers of eligibles as a recruiting source to fill District positions as needed. The costs of any specific services furnished by the Civil Service Commission may be compensated for under the provisions of section 731 of this Act.

REVENUE SHARING RESTRICTIONS

SEC. 735. Section 141(c) of the State and Local Fiscal Assistance Act of 1972 (86 Stat. 919) is amended to read as follows:

"(c) District of Columbia.—For purposes of this title, the District of Columbia shall be treated both—

"(1) as a State (and any reference to the Governor of a State shall, in the case of the District of Columbia, be treated as a reference to the Mayor of the District of Columbia), and

"(2) as a county area which has no units of local government (other than itself) within its geographic area.".

INDEPENDENT AUDIT

SEC. 736. (a) In addition to the audit carried out under section 455, the accounts and operations of the District government shall be audited annually by the General Accounting Office in accordance with such principles and procedures, and in such detail, and under such rules and regulations as may be prescribed by the Comptroller General of the United States. In the determination of the auditing procedures to be followed and the extent of the examination of vouchers and other documents, the Comptroller General shall give due regard to generally accepted principles of auditing, including consideration of the effectiveness of the accounting organizations and systems, internal audit and control, and related administrative practices. The representatives of the General Accounting Office shall have access to all books, accounts, records, reports, files, and all other papers, things, or property belonging to or in use by the District and necessary to facilitate the audit, and such representatives shall be afforded full facilities for auditing the accounts and operations of the District government.

(b) (1) The Comptroller General shall submit his audit reports to the Congress, the Mayor, and the Council. The reports shall set forth the scope of the audits and shall include such comments and information as the Comptroller General may deem necessary to keep the Congress, the Mayor, and the Council informed of the operations to which reports relate, together with such recommendations with respect thereto as the Comptroller General may deem advisable.

(2) After the Mayor has had an opportunity to be heard, the Council may make such report, together with such other material as it deems pertinent thereto, available for public inspection.

(3) The Mayor, within ninety days after receipt of the audit from the Comptroller General, shall state in writing to the Council, with a copy to the Congress, what has been done to comply with the recommendations made by the Comptroller General in the report.

ADJUSTMENTS

SEC. 737. (a) Subject to section 731, the Mayor, with the approval of the Council, and the Director of the Office of Management and Budget, is authorized and empowered to enter into an agreement or agreements concerning the manner and method by which amounts owed by the District to the United States, or by the United States to the District, shall be ascertained and paid.

(b) The United States shall reimburse the District for necessary expenses incurred by the District in connection with assemblages, marches, and other demonstrations in the District which relate primarily to the Federal Government. The manner and method of ascertaining and paying the amounts needed to so reimburse the District shall be determined by agreement entered into in accordance with subsection (a) of this section.

(c) Each officer and employee of the District required to do so by the Council shall provide a bond with such surety and in such amount as the Council may require. The premiums for all such bonds shall be paid out of appropriations for the District.

ADVISORY NEIGHBORHOOD COUNCILS

SEC. 738. (a) The Council shall by act divide the District into neighborhood council areas and, upon receiving a petition signed by at least 5 per centum of the registered qualified electors of a neighborhood council area, shall establish for that neighborhood an elected advisory neighborhood council. In designating such neighborhoods, the Council shall consider natural geographic boundaries, election districts, and divisions of the District made for the purpose of administration of services.

(b) Elections for members of such advisory neighborhood council shall be nonpartisan, shall be scheduled to coincide with the elections of members of the Board of Education held in the District, and shall be administered by the Board of Education. Advisory neighborhood council members shall be elected from single member districts within each neighborhood council area by the registered qualified electors thereof.

(c) Each advisory neighborhood council—

(1) may advise the District government on matters of public policy including decisions regarding planning, streets, recreation, social services programs, health, safety, and sanitation in that neighborhood council area;

(2) may employ staff and expend, for public purposes within its neighborhood coun-

cil area, public funds and other funds donated to it; and

(3) shall have such other powers and duties as may be provided by act of the Council.

(d) In the manner provided by act of the Council, in addition to any other notice required by law, timely notice shall be given to each advisory neighborhood council of requested or proposed zoning changes, variances, public improvements, licenses or permits of significance to neighborhood planning and development within its neighborhood council area for its review, comment, and recommendation.

(e) In order to pay the expenses of the advisory neighborhood councils, enable them to employ such staff as may be necessary, and to conduct programs for the welfare of the people in a neighborhood council area, the District government shall apportion to each advisory neighborhood council, out of the revenue of the District received from the tax on real property in the District including improvements thereon, a sum not less than that part of such revenue raised by levying 1 cent per $100 of assessed valuation which bears the same ratio to the full sum raised thereby as the population of the neighborhood bears to the population of the District. The Council may authorize additional methods of financing advisory neighborhood councils.

(f) The Council shall by act make provisions for the handling of funds and accounts by each advisory neighborhood council and shall establish guidelines with respect to the employment of persons by each advisory neighborhood council which shall include fixing the status of such employees with respect to the District government, but all such provisions and guidelines shall be uniform for all advisory neighborhood councils and shall provide that decisions to employ and discharge employees shall be made by the advisory neighborhood council. These provisions shall conform to the extent practicable to the regular budgetary, expenditure and auditing procedures and the personnel merit system of the District.

(g) The Council shall have authority in accordance with the provisions of this Act, to legislate with respect to the advisory neighborhood councils established in this section.

NATIONAL CAPITAL SERVICE AREA

SEC. 739. (a) There is established within the District of Columbia the National Capital Service Area which shall include, subject to the following provisions of this section, the principal Federal monuments, the White House, the Capitol Building, the United States Supreme Court Building, and the Federal executive, legislative, and judicial office buildings located adjacent to the Mall and the Capitol Building, and is more particularly described in subsection (f).

(b) There is established in the Executive Office of the President, the National Capital Service Director who shall be appointed by the President. The President, through the National Capital Service Director, shall assure that there is provided, utilizing District of Columbia governmental services to the extent practicable, within the area specified in subsection (a) and particularly described in subsection (f), adequate fire protection and sanitation services. Except with respect to that portion of the National Capital Service Area comprising the United States Capitol Buildings and Grounds as defined in sections 1 and 16 of the Act of July 31, 1946, as amended (40 U.S.C. 193a and 193m), the United States Supreme Court Building and Grounds as defined in section 11 of the Act of August 18, 1949, as amended (40 U.S.C. 13p), and the Library of Congress Buildings and Grounds as defined in section 11 of the Act of August 4, 1950, as amended (2 U.S.C. 167j), the National Capital Service Director shall assure that there is provided within the remainder of such area specified in subsection (a) and subsection (f), adequate police protection and maintenance of streets and highways.

(c) The National Capital Service Director shall be entitled to receive compensation at the maximum rate as may be established from time to time for level IV of the Executive Schedule of section 5314 of title 5 of the United States Code. The Director may appoint, subject to the provisions of title 5 of the United States Code governing appointments in the competitive service, and fix the pay of, in accordance with the provisions of chapter 51 and subchapter 3 of chapter 53 of such title relating to classification and General Schedule pay rates, such personnel as may be necessary.

(d) Section 45 of the Act entitled "An Act to provide for the organization of the militia of the District of Columbia", approved March 1, 1889 (D.C. Code, sec. 39-603), is amended by inserting after "United States Marshal for the District of Columbia," the following: "or for the National Capital Service Director,".

(e) (1) Within one year after the effective date of this section, the President is authorized and directed to submit to the Congress a report on the feasibility and advisability of combining the Executive Protective Service and the United States Park Police within the National Capital Service Area, and placing them under the National Capital Service Director.

(2) Such report shall include such recommendations, including recommendations for legislative and executive action, as the President deems necessary in carrying out the provisions of paragraph (1) of this subsection.

(f) (1) (A) The National Capital Service Area referred to in subsection (a) is more particularly described as follows:

Beginning at that point on the present Virginia-District of Columbia boundary due west of the northernmost point of Theodore Roosevelt Island and running due east to the eastern shore of the Potomac River;

thence generally south along the shore at the mean high water mark to the northwest corner of the Kennedy Center;

thence east along the north side of the Kennedy Center to a point where it reaches the E Street Expressway;

thence east on the expressway to E Street Northwest and thence east on E Street Northwest to Eighteenth Street Northwest;

thence south on Eighteenth Street Northwest to Constitution Avenue Northwest;

thence east on Constitution Avenue to Seventeenth Street Northwest;

thence north on Seventeenth Street Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue to Jackson Place Northwest;

thence north on Jackson Place to H Street Northwest;

thence east on H Street Northwest to Madison Place Northwest;

thence south on Madison Place Northwest to Pennsylvania Avenue Northwest;

thence east on Pennsylvania Avenue Northwest to Fifteenth Street Northwest;

thence south on Fifteenth Street Northwest to Pennsylvania Avenue Northwest;

thence southeast on Pennsylvania Avenue Northwest to John Marshall Place Northwest;

thence north on John Marshall Place Northwest to C Street Northwest;

thence east on C Street Northwest to Third Street Northwest;

thence north on Third Street Northwest to D Street Northwest;

thence east on D Street Northwest to Second Street Northwest;

thence south on Second Street Northwest to the intersection of Constitution Avenue Northwest and Louisiana Avenue Northwest;

thence northeast on Louisiana Avenue Northwest to North Capitol Street;

thence north on North Capitol Street to Massachusetts Avenue Northwest;

thence southeast on Massachusetts Avenue Northwest so as to encompass Union Square;

thence following Union Square to F Street Northeast;

thence east on F Street Northeast to Second Street Northeast;

thence south on Second Street Northeast to D Street Northeast;

thence west on D Street Northeast to First Street Northeast;

thence south on First Street Northeast to Maryland Avenue Northeast;

thence generally north and east on Maryland Avenue to Second Street Northeast;

thence south on Second Street Northeast to C Street Southeast;

thence west on C Street Southeast to New Jersey Avenue Southeast;

thence south on New Jersey Avenue Southeast to D Street Southeast;

thence west on D Street Southeast to Canal Street Parkway;

thence southeast on Canal Street Parkway to E Street Southeast;

thence west on E Street Southeast to the intersection of Canal Street Southwest and South Capitol Street;

thence northwest on Canal Street Southwest to Second Street Southwest;

thence south on Second Street Southwest to Virginia Avenue Southwest;

thence generally west on Virginia Avenue to Third Street Southwest;

thence north on Third Street Southwest to C Street Southwest;

thence west on C Street Southwest to Sixth Street Southwest;

thence north on Sixth Street Southwest to Independence Avenue;

thence west on Independence Aevnue to Twelfth Street Southwest;

thence south on Twelfth Street Southwest to D Street Southwest;

thence west on D Street Southwest to Fourteenth Street Southwest;

thence south on Fourteenth Street Southwest to the middle of the Washington Channel;

thence generally south and east along the midchannel of the Washington Channel to a point due west of the northern boundary line of Fort Lesley McNair;

thence due east to the side of the Washington Channel;

thence following generally south and east along the side of the Washington Channel at the mean high water mark, to the point of confluence with the Anacostia River, and along the northern shore at the mean high water mark to the northernmost point of the Eleventh Street Bridge;

thence generally south and east along the northern side of the Eleventh Street Bridge to the eastern shore of the Anacostia River;

thence generally south and west along such shore at the mean high water mark to the point of confluence of the Anacostia and Potomac Rivers;

thence generally south along the eastern shore at the mean high water mark of the Potomac River to the point where it meets the present southeastern boundary line of the District of Columbia;

thence south and west along such southeastern boundary line to the point where it meets the present Virginia-District of Columbia boundary;

thence generally north and west up the Potomac River along the Virginia-District of Columbia boundary to the point of beginning.

(B) Where the area in paragraph (1) is bounded by any street, such street, and any sidewalk thereof, shall be included within such area.

(2) Any Federal real property affronting or abutting, as of the date of the enactment of

this Act, the area described in paragraph (1) shall be deemed to be within such area.

(3) For the purposes of paragraph (2), Federal real property affronting or abutting such area described in paragraph (1) shall—

(A) be deemed to include, but not limited to, Fort Lesley McNair, the Washington Navy Yard, the Anacostia Naval Annex, the United States Naval Station, Bolling Air Force Base, and the Naval Research Laboratory; and

(B) not be construed to include any area situated outside of the District of Columbia boundary as it existed immediately prior to the date of the enactment of this Act, nor be construed to include any portion of the Anacostia Park situated east of the northern side of the Eleventh Street Bridge, or any portion of the Rock Creek Park.

(g)(1) Subject to the provisions of paragraph (2) of this subsection, the President is authorized and directed to conduct a survey of the area described in this section in order to establish the proper metes and bounds of such area, and to file, in such manner and at such place as he may designate, a map and a legal description of such area, and such description and map shall have the same force and effect as it included in this Act, except that corrections of clerical, typographical and other errors in any such legal descriptions and map may be made. In conducting such survey, the President shall make such adjustments as may be necessary in order to exclude from the National Capital Service Area any privately owned properties, and buildings and adjacent parking facilities owned by the District of Columbia government.

(2) In carrying out the provisions of paragraph (1) of this subsection, the President shall, to the extent that such survey, legal description, and map involves areas comprising the United States Capitol Buildings and Grounds as defined in sections 1 and 16 of the Act of July 31, 1946, as amended (40 U.S.C. 193a and 193m), and other buildings and grounds under the care of the Architect of the Capitol, consult with the Architect of the Capitol.

(3) Section 1 of the Act of July 31, 1946, as amended by the Act of October 20, 1967 (60 Stat. 718; 81 Stat. 275; 40 U.S.C. 193a), is hereby amended to include within the definition of the United States Capitol Grounds, the following streets: "Independence Avenue from the west curb of First Street S.E. to the east curb of First Street S.W., New Jersey Avenue S.E. from the south curb of Independence Avenue to the north curb of D Street S.E., South Capitol Street from the south curb of Independence Avenue to the north curb of D Street; Delaware Avenue S.W. from the south curb of C Street S.W. to the north curb of D Street S.W., C Street from the west curb of First Street S.E. to the intersection of First and Canal Streets, S.W., D Street from the west curb of First Street S.E. to the intersection of Canal Street and Delaware Avenue S.W., that part of First Street lying west of the outer face of the curb of the sidewalk on the east side thereof from D Street, N.E. to D Street S.E., that part of First Street within the east and west curblines thereof extending from the north side of Pennsylvania Avenue N.W. to the intersection of C Street and Canal Street S.W., including the two circles within such area. Nothing in this section shall be construed as repealing, or otherwise altering, modifying, affecting, or superseding those provisions of law in effect on the date immediately preceding the effective date of title IV of this Act vesting authority in the United States Supreme Court police and Library of Congress police to make arrests in adjacent streets, including First Street N.E. and First Street S.E.".

(4) Section 9 of the Act of July 31, 1946, as amended (40 U.S.C. 212a), is amended by deleting "or of any State," and inserting in lieu thereof a comma and the following: "of the District of Columbia, or of any state,".

(5) Section 9 of such Act is further amended by deleting the following: ", with the exception of the streets and roadways shown on the map referred to in section 1 of this Act as being under the jurisdiction and control of the Commissioners of the District of Columbia.".

(6) Section 14(a) of the Act of July 31, 1946, as amended (40 U.S.C. 212b), is amended by deleting: ", except on those streets and roadways shown on the map referred to in section 1 of this Act as being under the jurisdiction and control of the Commissioners of the District of Columbia".

(7) Section 1 of the Act of July 31, 1946, as amended (40 U.S.C. 193a), is amended by deleting ": *Provided*, That those streets and roadways in said United States Capitol Grounds shown on said map as being under the jurisdiction and control of the Commissioners of the District of Columbia shall continue under such jurisdiction and control, and said Commissioners shall be responsible for the maintenance and improvement thereof: *Provided further*," and inserting in lieu thereof a comma and the following: "including those streets and roadways in said United States Capitol Grounds as shown on said map as being under the jurisdiction and control of the Commissioners of the District of Columbia, except that the Commissioner of the District of Columbia shall be responsible for the maintenance and improvement of those portions of the following streets which are situated between the curblines thereof: Constitution Avenue from First Street N.E. to Second Street N.W., First Street from D Street N.E. to D Street S.E., D Street from First Street S.E. to Canal Street S.W., and First Street from the north side of Louisiana Avenue to the intersection of C Street and Canal Street S.W.: *Provided*,".

(8) Section 9 of the Act of August 18, 1949, as amended (40 U.S.C. 13n), is amended by deleting "or of any State" and inserting in lieu thereof a comma and the following: "any law of the District of Columbia, or of any State,".

(9) Section 9 of the Act of August 4, 1950, as amended (2 U.S.C. 167h), is amended by deleting "or of any State" and inserting in lieu thereof a comma and the following: "any law of the District of Columbia, or of any State,".

(h)(1) Except to the extent specifically provided by the provisions of this section, and amendments made by this section, nothing in this section shall be applicable to the United States Capitol Buildings and Grounds as defined in sections 1 and 16 of the Act of July 31, 1946, as amended (40 U.S.C. 193a, 193m), or to any other buildings and grounds under the care of the Architect of the Capitol, the United States Supreme Court Building and Grounds as defined in section 11 of the Act of August 18, 1949, as amended (40 U.S.C. 13p), and the Library of Congress Buildings and Grounds as defined in section 11 of the Act of August 4, 1950, as amended (2 U.S.C. 167j), and except to the extent herein specifically provided, including amendments made by this section, nothing in this section shall be construed to repeal, amend, alter, modify, or supersede any provision of the Act of July 31, 1946, as amended (40 U.S.C. 193a et seq.), or any other of the general laws of the United States or any of the laws enacted by the Congress and applicable exclusively to the District of Columbia, or any rule or regulation promulgated pursuant thereto, in effect on the date immediately preceding the effective date of title IV of this Act pertaining to said buildings and grounds, or any existing authority, with respect to such buildings and grounds, vested by law, or otherwise, on such date immediately preceding such effective date, in the Senate, the House of Representatives, the Congress, or any committee or commission or board thereof, the Architect of the Capitol, or any other officer of the legislative branch, the Chief Justice of the United States, the Marshal of the Supreme Court of the United States, or the Librarian of Congress.

(2) Notwithstanding the foregoing provision of this section, any of the services and facilities authorized by this Act to be rendered or furnished (including maintenance of streets and highways, and services under section 731 of this Act) shall, as far as practicable, be made available to the Senate, the House of Representatives, the Congress, or any committee or commission or board thereof, the Architect of the Capitol, or any other officer of the legislative branch vested by law or otherwise on such date immediately preceding the effective date of title IV of this Act with authority over such buildings and grounds, the Chief Justice of the United States, the Marshal of the Supreme Court of the United States, and the Librarian of Congress, upon their request, and, if payment would be required for the rendition or furnishing of a similar service or facility to any other Federal agency, payment therefor shall be made by the recipient thereof, upon presentation of proper vouchers, in advance or by reimbursement (as may be agreed upon by the parties rendering and receiving such services).

(i) Except to the extent otherwise specifically provided in the provisions of this section, and amendments made by this section, all general laws of the United States and all laws enacted by the Congress and applicable exclusively to the District of Columbia, including regulations and rules promulgated pursuant thereto, in effect on the date immediately preceding the effective date of title IV of this Act and which, on such date immediately preceding the effective date of such title, are applicable to and within the areas included within the National Capital Service Area pursuant to this section shall, on and after such effective date, continue to be applicable to and within such National Capital Service Area in the same manner and to the same extent as if this section had not been enacted, and shall remain so applicable until such time as they are repealed, amended, altered, modified, or superseded, and such laws, regulations and rules shall thereafter be applicable to and within such area in the manner and to the extent so provided by any such amendment, alteration, or modification.

(j) In no case shall any person be denied the right to vote or otherwise participate in any manner in any election in the District of Columbia solely because such person resides within the National Capital Service Area.

EMERGENCY CONTROL OF POLICE

SEC. 740. (a) Notwithstanding any other provision of law, whenever the President of the United States determines that special conditions of an emergency nature exist which require the use of the Metropolitan Police force for Federal purposes, he may direct the Mayor to provide him, and the Mayor shall provide, such services of the Metropolitan Police force as the President may deem necessary and appropriate. In no case, however, shall such services made available pursuant to any such direction under this subsection extend for a period in excess of forty-eight hours unless the President has, prior to the expiration of such period, notified the Chairmen and ranking minority Members of the Committees on the District of Columbia of the Senate and the House of Representatives, in writing, as to the reason for such direction and the period of time during which the need for such services is likely to continue.

(b) Subject to the provisions of subsec-

tion (c) of this section, such services made available in accordance with subsection (a) of this section shall terminate upon the end of such emergency, the expiration of a period of thirty days following the date on which such services are first made available, or the adoption of a resolution by either the Senate or the House of Representatives providing for such termination, whichever first occurs.

(c) Notwithstanding the foregoing provisions of this section, in any case in which such services are made available in accordance with the provisions of subsection (a) of this section during any period of an adjournment of the Congress sine die, such services shall terminate upon the end of the emergency, the expiration of the thirty-day period following the date on which Congress first convenes following such adjournment, or the adoption of a resolution by either the Senate or the House of Representatives providing for such termination, whichever first occurs.

(d) Except to the extent provided for in subsection (c) of this section, no such services made available pursuant to the direction of the President pursuant to subsection (a) of this section shall extend for any period in excess of thirty days, unless the Senate and the House of Representatives approve a concurrent resolution authorizing such an extension.

HOLDING OFFICE IN THE DISTRICT

SEC. 741. Notwithstanding any other provision of law, no person who is otherwise qualified to hold the office of Chairman or member of the Council or Mayor shall be disqualified from being a candidate for such office by reason of his employment in the competitive or excepted service of the United States. For the purposes of this section, a person shall be deemed to be a candidate on and after the date he qualifies under applicable provisions of law in the District to have his name placed on the ballot in either a primary or general election for the office for which he is a candidate. Such candidacy shall terminate—

(1) with respect to a person who has been defeated in a primary election held to nominate candidates for the office for which he is a candidate, on the day of such primary election;

(2) with respect to a person who is defeated in the general election held for the office for which he is a candidate, on the date of such general election; and

(3) with respect to a person who is elected in the general election held for the office for which he is a candidate, on the date such person assumes such office.

OPEN MEETINGS

SEC. 742. (a) All meetings (including hearings) of any department, agency, board, or commission of the District government, including meetings of the District Council, at which official action of any kind is taken shall be open to the public. No resolution, rule, act, regulation or other official action shall be effective unless taken, made, or enacted at such a meeting.

(b) A written transcript or a transcription shall be kept for all such meetings and shall be made available to the public during normal business hours of the District government. Copies of such written transcripts or copies of such transcriptions shall be available upon request to the public at reasonable cost.

TERMINATION OF THE DISTRICT'S AUTHORITY TO BORROW FROM THE TREASURY

SEC. 743. (a) The first section of the Act entitled "An Act to authorize the Commissioners of the District of Columbia to borrow funds for capital improvement programs and to amend provisions of law relating to Federal Government participation in meeting costs of maintaining the Nation's Capital City", approved June 6, 1958 (72 Stat. 183; D.C. Code, sec. 9–220), is amended by striking out subsections (b), (c), (d), and (e).

(b) The Act entitled "An Act authorizing loans from the United States Treasury for the expansion of the District of Columbia water system", approved June 2, 1950 (60 Stat. 195; D.C. Code, sec. 43–1540), is repealed.

(c) Title II of the Act entitled "An Act to authorize the financing of a program of public works construction for the District of Columbia, and for other purposes", approved May 18, 1954 (68 Stat. 108), is amended by striking out sections 213, 214, 216, 217, and 218 (D.C. Code, sections 43–1612, 43–1613, 43–1615, 43–1616, and 43–1617), authorizing loans from the United States Treasury for sanitary and combined sewer systems of the District.

(d) Section 402 of title IV of such Act approved May 18, 1954 (68 Stat. 110; D.C. Code, sec. 7–133), authorizing loans from the United States Treasury for the District of Columbia highway construction program, is repealed.

(e) Nothing contained in this section shall be deemed to relieve the District of its obligation to repay any loan made to it under the authority of the Acts specified in the preceding subsections, nor to preclude the District from using the unexpended balance of any such loan appropriated to the District prior to the effective date of this provision, nor to prevent the District from fulfilling the provisions of section 722.

PART E—AMENDMENTS TO THE DISTRICT OF COLUMBIA ELECTION ACT

AMENDMENTS

SEC. 751. The District of Columbia Election Act (D.C. Code, secs. 1–1101—1–1115) is amended as follows:

(1) The first section of such Act (D.C. Code, sec. 1–1101) is amended by inserting immediately after "Board of Education,", the following: "the members of the Council of the District of Columbia, the Mayor".

(2) Section 2 of such Act (D.C. Code, sec. 1–1102) is amended by adding at the end thereof the following new paragraphs:

"(8) The term 'Council' or 'Council of the District of Columbia' means the Council of the District of Columbia established pursuant to the District of Columbia Self-Government and Governmental Reorganization Act.

"(9) The term 'Mayor' means the office of Mayor of the District of Columbia established pursuant to the District of Columbia Self-Government and Governmental Reorganization Act."

(3) Subsections (h), (i), (j), and (k) of section 8 of such Act (D.C. Code, sec. 1–1108) are amended to read as follows:

"(h)(1)(A) The Delegate, Mayor, Chairman of the District Council and the four at-large members of the Council shall be elected by the registered qualified electors of the District of Columbia in a general election. Each candidate for the office of Delegate, Mayor, Chairman of the District Council, and at-large members of the Council in any general election shall, except as otherwise provided in subsection (j) of this section and section 10(d), have been elected by the registered qualified electors of the District as such candidate by the next preceding primary election.

"(B)(i) A member of the office of Council (other than the Chairman and any member elected at large) shall be elected in a general election by the registered qualified electors of the respective ward of the District from which the individual seeking such office was elected as a candidate for such office as provided in clause (ii) of this paragraph.

"(ii) Each candidate for the office of member of the Council (other than Chairman and at-large members) shall, except as otherwise provided in subsection (j) of this section and section 10(d), have been elected as such a candidate, by the registered qualified electors of the ward of the District from which such individual was nominated, at the next preceding primary election to fill such office within that ward.

"(2) The nomination and election of any individual to the office of Delegate, Mayor, Chairman of the Council and member of the Council shall be governed by the provisions of this Act. No political party shall be qualified to hold a primary election to select candidates for election to any such office in a general election unless, in the next preceding election year, at least seven thousand five hundred votes were cast in the general election for a candidate of such party for any such office or for its candidates for electors of President and Vice President.

"(i)(1) Each individual in a primary election for candidate for the office of Delegate, Mayor, Chairman of the Council, or at-large member of the Council shall be nominated for any such office by a petition (A) filed with the Board not later than sixty days before the date of such primary election, and (B) signed by at least two thousand registered qualified electors of the same political party as the nominee, or by 1 per centum of the duly registered members of such political party, whichever is less, as shown by the records of the Board of Elections as of the one hundred fourteenth day before the date of such election.

"(2) Each individual in a primary election for candidate for the office of member of the Council (other than the Chairman and at-large members) shall be nominated for such office by a petition (A) filed with the Board not later than sixty days before the date of such primary election, and (B) signed by at least two hundred and fifty persons in the ward from which such individual seeks election who are duly registered in such ward under section 7 of this Act, and who are of the same political party as the nominee.

"(3) A nominating petition for a candidate in a primary election for any such office may not be circulated for signature before the one hundred fourteenth day preceding the date of such election and may not be filed with the Board before the eighty-fifth day preceding such date. The Board may prescribe rules with respect to the preparation and presentation of nominating petitions. The Board shall arrange the ballot of each political party in each such primary election as to enable a voter of such party to vote for nominated candidates of that party.

"(j)(1) A duly qualified candidate for the office of Delegate, Mayor, Chairman of the Council, or member of the Council may, subject to the provisions of this subsection, be nominated directly as such a candidate for election for such office (including any such election to be held to fill a vacancy). Such person shall be nominated by a petition (A) filed with the Board not less than sixty days before the date of such general election, and (B) in the case of a person who is a candidate for the office of member of the Council (other than the Chairman or an at-large member), signed by five hundred voters who are duly registered under section 7 in the ward from which the candidate seeks election; and in the case of a person who is a candidate for the office of Delegate, Mayor, Chairman of the Council, or at-large member of the Council, signed by duly registered voters equal in number to 1½ per centum of the total number of registered voters in the District, as shown by the records of the Board as of one hundred fourteen days before the date of such election, or by three thousand persons duly registered under section 7, whichever is less. No signatures on such a petition may be counted which have been made on such petition more than one hundred fourteen days before the date of such election.

"(2) Nominations under this subsection for candidates for election in a general election to any office referred to in paragraph (1) shall be of no force and effect with respect to any person whose name has appeared on the ballot of a primary election for that office held within eight months before the date of such general election.

"(k)(1) In each general election for the office of member of the Council (other than the office of the Chairman or an at-large member) the Board shall arrange the ballots in each ward to enable a voter registered in that ward to vote for any one candidate who (A) has been duly elected by any political party in the next preceding primary election for such office from such ward, (B) has been duly nominated to fill a vacancy in such office in such ward pursuant to section 10(d), or (C) has been nominated directly as a candidate for such office in such ward under subsection (j) of this section.

"(2) In each general election for the office of Chairman and member of the Council at large, the Board shall arrange the ballots to enable a registered qualified elector to vote for as many candidates for election as members at large as there are members at large to be elected in such election, including the Chairman. Such candidates shall be only those persons who (A) have been duly elected by any political party in the next preceding primary election for such office, (B) have been duly nominated to fill vacancies in such office pursuant to section 10(d), or (C) have been nominated directly as a candidate under subsection (j) of this section.

"(3) In each general election for the office of Delegate and Mayor, the Board shall arrange the ballots to enable a registered qualified elector to vote for any one of the candidates for any such office who (A) has been duly elected by any political party in the next preceding primary election for such office, (B) has been duly nominated to fill a vacancy in such office pursuant to section 10(d), or (C) has been nominated directly as a candidate under subsection (j) of this section.".

(4) Paragraph (3) of section 10(a) of such Act (D.C. Code, sec. 1–1110) is amended (1) by inserting "(A)" immediately before the word "Except", and (2) by adding at the end thereof the following:

"(B) Except as otherwise provided in the case of special elections under this Act primary elections of each political party for the office of member of the Council shall be held on the first Tuesday after the second Monday in September in 1974, and every second year thereafter, and general election for such offices shall be held on the first Tuesday after the first Monday in November in 1974 and every second year thereafter.

"(C) Except as otherwise provided in the case of a special election under this Act, primary elections of each political party for the office of Mayor and Chairman shall be held on the first Tuesday after the second Monday in September of every fourth year, commencing with calendar year 1974, and the general election for such office shall be held on the first Tuesday after the first Monday in November in 1974 and every fourth year thereafter.".

(5) Paragraphs (6), (7), (8), and (9) of section 10(a) of such Act (D.C. Code, sec. 1–1110) are repealed, and paragraphs (4) and (5) of such section 10(a) are amended to read as follows:

"(4) With respect to special elections required or authorized by this Act, the Board may establish the dates on which such special elections are to be held and prescribe such other terms and conditions as may, in the Board's opinion, be necessary or appropriate for the conduct of such elections in a manner comparable to that prescribed for other elections held pursuant to this Act.

"(5) General elections for members of the Board of Education shall be held on the first Tuesday after the first Monday in November of each odd-numbered calendar year."

(6) Section 10(b) of such Act (D.C. Code, sec. 1–1110) is amended by striking out "other than general elections for the Office of Delegate and for members of the Board of Education.".

(7) Section 10(c) of such Act (D.C. Code, sec. 1–1110) is amended by striking out the words "other than an election for members of the Board of Education".

(8) Section 10(d) of such Act (D.C. Code, sec. 1–1110) is amended to read as follows:

"(d) In the event that any official, other than the Delegate, Mayor, member of the Council, member of the Board of Education, or a winner of a primary election for the office of Delegate, Mayor, or member of the Council, elected pursuant to this Act dies, resigns, or becomes unable to serve during his or her term of office leaving no person elected pursuant to this Act to serve the remainder of the unexpired term of office. the successor or successors to serve the remainder of such term shall be chosen pursuant to the rules of the duly authorized party committee, except that such successor shall have the qualifications required by this Act for such office. In the event that such a vacancy occurs in the office of a candidate for the office of Delegate, Mayor, or member of the Council who has been declared the winner in the preceding primary election of such office, the vacancy may be filled not later than fifteen days prior to the next general election for such office, by nomination by the party committee of the party which nominated his predecessor. In the event that such a vacancy occurs in the office of Delegate more than eight months before the expiration of its term of office, the Board shall call special elections to fill such vacancy for the remainder of its term of office."

(9) The first sentence of section 15 of such Act (D.C. Code, sec. 1–1115) is amended to read as follows: "No person shall be a candidate for more than one office on the Board of Education or the Council in any election for members of the Board of Education or Council, and no person shall be a candidate for more than one office on the Council in any primary election."

(10) Section 15 of such Act (D.C. Code, sec. 1–1115) is further amended (1) by designating the existing text of such section as subsection (a), and (2) by adding at the end thereof the following new subsection:

"(b) No person who is holding the office of Mayor, Delegate, chairman or member of the Council, or member of the School Board shall, while holding such office, be eligible as a candidate for any other of such offices in any primary or general election, unless the term of the office which he so holds expires on or prior to the date on which he would be eligible, if elected in such primary or general election, to take the office with respect to which such election is held."

DISTRICT COUNCIL AUTHORITY OVER ELECTIONS

SEC. 752. Notwithstanding any other provision of this Act or of any other law, the Council shall have authority to enact any act or resolution with respect to matters involving or relating to elections in the District.

PART F—RULES OF CONSTRUCTION

CONSTRUCTION

SEC. 761. To the extent that any provisions of this Act are inconsistent with the provisions of any other laws the provisions of this Act shall prevail and shall be deemed to supersede the provisions of such laws.

PART G—EFFECTIVE DATES

EFFECTIVE DATES

SEC. 771. (a) Titles I and V, and parts A and G, and section 722, of title VII shall take effect on the date of enactment of this Act.

(b) Title II shall take effect on July 1, 1974, except that any provision thereof which in effect transfers authority to appoint any citizen member of the National Capital Planning Commission or the District of Columbia Redevelopment Land Agency shall take effect on January 2, 1975.

(c) Titles III and IV shall take effect January 2, 1975, if title IV is accepted by a majority of the registered qualified electors in the District of Columbia voting on the charter issue in the charter referendum.

(d) Title VI and parts B, D, and F, and sections 721 and 723, of title VII shall take effect only if and upon the date that title IV becomes effective.

(e) Part E of title VII shall take effect on the date on which title IV is accepted by a majority of the registered qualified electors in the District voting on the charter issue in the charter referendum.

And the House agree to the same.

That the Senate recede from its disagreement to the amendment of the House to the title of the bill and agree to the same.

CHARLES C. DIGGS, Jr.,
DONALD FRASER,
THOMAS M. REES,
BROCK ADAMS,
JAMES R. MANN,
JOHN BRECKINRIDGE,
Managers on the Part of the House.

THOMAS F. EAGLETON,
DANIEL INOUYE,
ADLAI E. STEVENSON,
JOHN TUNNEY,
CH. MCC. MATHIAS,
DEWEY F. BARTLETT,
PETE V. DOMENICI,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1435) to provide for an elected Mayor and City Council for the District of Columbia, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendments struck out all the Senate bill after the enacting clause, inserted a substitute text and provided a new title for the Senate bill.

The Committee of Conference has agreed to a substitute for both the Senate bill and the House amendment to the text of the bill. Except for clarifying, clerical, and conforming changes, the differences are noted below:

CHARTER

The entire Senate bill, Titles I–XI, comprised the Charter for the District of Columbia. The Council could not amend the Charter, and the bill provided that there shall be conducted a Charter referendum, held not more than four months after date of enactment of this Act, to determine whether a majority of the registered qualified voters of the District of Columbia voting in the Charter referendum accepted the Charter.

The House amendment consisted of seven titles, and only Titles III and IV comprised the Charter. Amendments could be made by either (1) an act of the Council, or (2) petition signed by 5% of the registered voters and ratified by a majority of the registered qualified voters voting in the election; and acceptance of the Charter required by a majority voting in a special referendum, to be held not more than five months after date of enactment of this Act.

The Conference substitute (sections 601, 303, 604, 701–704) provides:

(1) Any change from an elected Mayor-Council form of government must be initiated by Congress and approved by the President;

(2) Any other changes in the Charter shall

be originated by the Council by act and then shall be referred to referendum of the citizens of the District of Columbia. If such Charter change is approved by the citizens, the Charter change or changes shall come to the Congress for a period of 35 days. The committees shall have 20 days within which to consider whether to approve the proposed Charter amendment. If at the end of the 20 days the committee does not report out a resolution approving such Charter amendment, any member may, during the next 15 legislative days, file a highly privileged motion to approve the Charter amendment. Both Houses must approve the Charter amendment for it to go into effect;

(3) The acts of the Council, after passage by the Council and approval by the Mayor, shall lie before Congress for 30 days and shall thereafter go into effect unless a motion of disapproval has been passed by both Houses of Congress. If a motion of disapproval is filed, it shall be referred to the House and Senate District of Columbia Committees and if such committees report such a motion of disapproval, it shall be a highly privileged motion that the particular act of the Council be disapproved.

REDEVELOPMENT LAND AGENCY

The House amendment contained provisions, not included in the Senate bill, which would establish the RLA as an instrumentality of the District government. Its Board, as of July 1, 1974, would consist of five members appointed by the Commissioner with the advice and consent of the Council.

The Conference substitute (section 201) adopts the House provision with amendments authorizing the Council to adopt legislation (1) to assure uniform procedures relating to disposition of complaints and claims involving the RLA; (2) to provide that all planning, designing, construction and supervision of public facilities contributed to any redevelopment area be carried out by an appropriate D.C. agency; (3) to provide that any occupied rental property owned by RLA shall be maintained in a safe and sanitary condition; and (4) to provide that the Mayor may waive special assessments, as for cost of sewers, streets, curbs and so forth, where the cost therefor can be applied as non-cash local grants-in-aid.

The RLA should use city departments for their local non-cash grants-in-aid to urban renewal projects in the great majority of the cases. A decision against their use must be necessitated by compelling circumstances.

NATIONAL CAPITAL HOUSING AUTHORITY

The House amendment contained a provision, not included in the Senate bill, which transferred the National Capital Housing Authority which was established under the District of Columbia Alley Dwelling Act (D.C. Code, secs. 5–103 and 5–116), to the District of Columbia government; vested in the Commissioner all functions, powers, and duties of the President under the said Alley Dwelling Act; and authorized the transfer of all employees, property (real and personal), and unexpended balances of appropriations, allocations, and all other funds, and assets and liabilities of the Authority, to the District of Columbia government.

The Conference substitute (section 202) conforms to the House amendment.

D.C. MANPOWER ADMINISTRATION

The House amendment contained provisions, not included in the Senate bill, which transferred to the Commissioner all functions of the Secretary of Labor with respect to public employment services for the District. The District Public Employment Service would be eligible to participate with the Secretary on the same basis as a State, and the District would be eligible to participate in apprenticeship programs operated by the Secretary. Also, all functions of the Secretary with respect to claims filed by employees of the District government under the Federal Employment Compensation Act (FECA) were transferred to the District.

The Conference substitute (section 204) adopts the House provisions except that it provides for the transfer of FECA functions to the District only when the District has established its own independent personnel system or systems, as directed by this Act.

It is understood that existing agreements between the States of Maryland and Virginia and the District of Columbia relating to job banks and the Cooperative Area Manpower Planning System will not be adversely affected by the transfer of the District of Columbia Manpower Administration to the District of Columbia as provided for in this Act.

PUBLIC SERVICE COMMISSION

The House amendment contained a provision, not included in the Senate bill, which established a Public Service Commission to insure that every public utility doing business within the District of Columbia would be required to furnish service and facilities reasonably safe and adequate and in all respects just and reasonable, said Commission to be composed of three Commissioners appointed by the Mayor with Council approval.

The Conference substitute (section 493) conforms to the House amendment.

ARMORY BOARD

The Senate bill amended present law to provide for the appointment of three members of the Armory Board by the Mayor, to serve at his pleasure, and transferred to the Mayor all power and authority with respect to the Board presently vested in the President.

The House amendment amended present law to provide that the Armory Board shall consist of the Commanding General of the District of Columbia Militia, and two other members appointed by the Mayor for four-year terms, and subject to Council approval.

The Conference substitute (section 494) conforms to the House amendment.

BOARD OF EDUCATION

The Senate bill provided, as to the annual budget for the Board of Education, that the Mayor and Council could establish the maximum amount of funds which would be appropriated to the Board, but prohibited them from specifying the purposes for which such funds might be expended by the Board. However, the Mayor and Council could include their comments upon review of the Board's budget.

The House amendment maintained present law, vesting finality in Congress, the determination of line items in the school budget.

The Conference substitute (sections 495, 719) conforms to the Senate provision, except that the school budget submitted to the Congress must be in line item form as presently required by law. Also, the Mayor and the Council in establishing the maximum amount of operating and capital funds which will be included in the District's annual budget for the Board of Education shall attach to the budget transmitted to the President a written statement explaining changes, if any, in the total amounts recommended by the Board for the District's school budget.

NATIONAL CAPITAL PLANNING COMMISSION AND MUNICIPAL PLANNING

The House amendment contained provisions, not included in the Senate bill, which established the NCPC as a Federal planning agency for the Federal government to plan for the Federal establishment in the National Capital region and provided that the Mayor would be the central planning agency for the District, responsible for D.C. planning and the preparation of the District elements of the comprehensive plan, published jointly with the NCPC. NCPC would comment on D.C. planning and retain planning authority for Federal and international projects. The NCPC would be composed of 12 members, 7 ex officio—the Secretaries of Interior and Defense, Administrator of GSA, the Mayor, Chairman of D.C. Council, and Chairmen of the House and Senate District Committees, or their designated alternates; and 5 citizen members, 3 appointed by the President and 2 by the Mayor. One of the Presidential appointees would be from Maryland and one from Virginia.

The Conference substitute (sections 203, 423) adopts, in essence, the House provisions amended (1) with respect to procedural requirements and time allowed the NCPC in acting upon proposed District elements of a comprehensive plan, or proposed District projects; and (2) to require the Mayor to submit his multi-year capital improvements plans to the NCPC for review and comment.

Neither the National Capital Planning Commission nor the Mayor has any power over the United States Capitol Building and Grounds as defined in sections 1 and 16 of the Act of July 31, 1946, as amended (40 the Act of 193a and 193m) or over any other buildings under the control of the Architect of the Capitol.

ZONING COMMISSION

The House amendment included provisions, not in the Senate bill, amending present law (1) establishing a Zoning Commission consisting of the Architect of the Capitol, Director of the National Park Service, and three citizens appointed by the Mayor for four-year terms; (2) providing that amendments to the zoning maps and regulations, shall not be inconsistent with the comprehensive plan; and (3) requiring submission of any amendments, zoning regulations, or maps to the NCPC for review and to report their recommendations within 30 days.

The Senate bill similarly provided for 30 days in which NCPC might consider and comment on any proposed zoning regulations to determine whether they were inconsistent with the comprehensive plan; and also required a public hearing, after a 30-day notice for all proposed zoning regulations.

The Conference substitute (section 492) adopts the major provisions of both the House amendment and the Senate bill.

D.C. COUNCIL

The Senate bill provided for (1) a Council to be composed of 11 members, the Chairman and two members elected at large, and eight elected from wards; (2) terms to be four years, staggered; (3) compensation and allowances to be set by the Council; (4) election to be partisan; (5) Chairman and members to be D.C. residents for three years preceding election and holding no other employment or paid public office; and (6) changes in membership, qualifications and compensation to be made by referendum

The House amendment provided (1) a Council of 13 members, five elected at large and eight from wards, with the chairman selected by the Council from the at-large members; (2) the term to be four years; (3) compensation to be at GS–12 level (currently $22,705), plus official allowances, with additional $5,000 for the chairman; (4) election to be nonpartisan; (5) Chairman and members to be D.C. residents for 90 days preceding elections and hold no other paid public office; and (6) changes in the membership of the Council to be by charter amendment process.

The Conference substitute (section 401 et seq.) provides (1) a Council composed of 13 members, 5 elected at large, no more than 3 of whom including the Chairman may belong to the same political party, and 8 from wards, with the Chairman elected at-large by the registered qualified electors for a period of 4 years; (2) the term of office for Council members to be 4 years; (3) compen-

sation to be at the last step of GS–12 level (currently $22,705) plus official allowances, with an additional $10,000 per year for the Chairman; (4) the elections to be partisan with one-half of the Council to be elected every 2 years; and (5) the Chairman and members must be D.C. residents for 1 year preceding the general election and hold no other paid public office.

D.C. COUNCIL—LEGISLATIVE POWERS AND LIMITATIONS

The House amendment contained provisions, not in the Senate bill, providing (1) the Council could organize, abolish or establish agencies and departments of the D.C. government; (2) the Council must establish an independent personnel system or systems within 5 years after the date of enactment; and (3) the Council could not change building height limitations nor change D.C. criminal laws or the organization and jurisdiction of the D.C. courts.

The Senate bill contained provisions, not in the House amendment, prohibiting the Council from imposing any parking or road use tax on non-residents higher than that on D.C. residents; nor might it legislate with respect to the Commission on Mental Health.

The Conference substitute (sections 404, 602) adopts the major provisions of both the House amendment and the Senate bill and deletes the prohibition on the Council's imposing a parking or road use tax.

The Conference Committee also agreed to limit the Council's authority to require residency for District government employees to those employed after the effective date of the personnel system or systems to be adopted by the Council under this Act.

The Conference Committee also agreed to transfer authority to the Council to make changes in Titles 22, 23 and 24 of the District of Columbia Code, effective January 2, 1977. After that date, changes in Titles 22, 23 and 24 by the Council shall be subject to a Congressional veto by either House of Congress within 30 legislative days. The expedited procedure provided in section 604 shall apply to changes in Titles 22, 23 and 24.

It is the intention of the Conferees that their respective legislative committees will seek to revise the District of Columbia Criminal Code prior to the effective date of the transfer of authority referred to.

D.C. COUNCIL—LEGISLATIVE PROCESS

The House amendment contained provisions, not in the Senate bill, (1) giving the President power, within 30 days, to sustain a Mayor's veto of Council acts; (2) requiring the Council to submit all but emergency acts to Congress for a 30-day layover before they become effective; and (3) permitting emergency acts to be effective for only 90 days.

The Conference substitute (sections 404, 412, 602(c)) adopts the House amendment provisions together with a Senate provision specifying that no act of the Council may be passed until 13 days after its introduction.

RECALL AND INITIATIVE

The House amendment provided that the Mayor and any member of the Council or of the Board of Education could be recalled by petition filed with the Board of Elections and signed by 25% of the registered qualified voters voting in the last preceding general election. Recall was to be effectuated by a majority vote of the qualified electors voting in an election for such recall.

The Senate bill contained no such provisions.

The Conference substitute contains no such provisions.

MAYOR

The Senate bill provided for (1) partisan election of a Mayor who would be required to be a D.C. resident for three years preceding the election; (2) compensation and allowances to be established by the Council; (3) in the event of a vacancy of Mayor, the Chairman of the Council would become Mayor for the remainder of the unexpired term; and (4) among other duties, the Mayor would be required to submit fiscal and administrative reports by December 31 of each year.

The House amendment provided for (1) non-partisan election of a Mayor who would be required to be a D.C. resident for 90 days preceding the election; (2) compensation to be at the Federal Executive Schedule level III (currently $40,000), plus official allowances; (8) Chairman of the Council to serve as Mayor until a special election could be held approximately 114 days after a vacancy occurs; (4) a fiscal report of the Mayor would be required within 90 days after the and of the fiscal year; and (5) the Mayor would also be authorized to reorganize agencies and departments of the D.C. government.

The Conference substitute (sections 421, 422, 445, 448) provides (1) for partisan election of a Mayor for a 4-year term, who is required to be a D.C. resident for 1 year preceding the election; (2) compensation to be at the Federal Executive Schedule level III (currently $40,000), plus official allowances; (3) Chairman of the Council to become Acting Mayor until a special election approximately 114 days after a vacancy occurs; (4) the Mayor is required to file a financial report by November 1st of each year; and (5) the Mayor is authorized to reorganize agencies and departments of the D.C. government subject to Council acproval.

It is the view of the conferees that under section 7824(d)(4) of title 5 of the United States Code, the Hatch Act does not apply to the Commissioners of the District of Columbia or their successors until Reorganization Plan No. 8 of 1967. Specifically, the incumbent Commissioner-Mayor would not be under the scope of the Hatch Act.

JUDICIARY

The Senate bill provided for (1) the appointment of judges by the Mayor for terms of not less than 15 years from three names submitted to him by the Judicial Nomination Commission, by and with the advice and consent of the Senate; (2) Council modification of the organization and composition of the D.C. courts, and the qualifications, tenure, and compensation of the judges thereof; and (3) a Judicial Nomination Commission of 5 members for staggered 4-year terms with Senate approval, 2 to be appointed by the Mayor from Bar Association lists, 2 nonlawyers to be appointed by the Mayor from Council lists, and the Chief Judge of the District of Columbia Court of Appeals.

The House amendment provided for (1) the appointment of judges by the President, subject to Senate approval, for 15-year terms from three to five names submitted to him by the Judicial Nomination Commission; (2) retention by the Congress of authority over composition, structure and so forth of the D.C. courts; and (3) a Judicial Nomination Commission of 9 members, staggered 6-year terms, 2 appointed by the Unified D.C. Bar, 2 appointed by the Mayor from Council lists, 1 member appointed by the Speaker of the House of Representatives and 1 member appointed by the President of the Senate, and 3 members appointed by the President; all members to be U.S. citizens, D.C. residents, and non-Federal or District employees and qualified to be judges of D.C. courts. The House amendment contained provisions, not in the Senate bill for (1) a Commission on Judicial Disabilities and Tenure, with same membership as the Judicial Nomination Commission; (2) the Judicial Nomination Commission to submit three to five names to the President; (3) the automatic reappointment of judges by the President if same were found by the Tenure Commission to be exceptionally well-qualified or well-qualified only as "qualified" for reappointment, requiring Senate approval; (4) a D.C. residence requirement for all new D.C. judges; and (5) the D.C. courts to prepare their own annual budget, submit the same to the Mayor for transmission to the Council and to the Congress along with the remainder of the D.C. budget.

The Conference substitute (sections 431–434, 445 718) provides for (1) appointment of judges by the President, subject to Senate approval, for a 15-year term, from a list of 3 nominees submitted by the Judicial Nomination Commission; if the President has not made an appointment within 60 days, then the Nomination Commission shall make the appointment, subject to Senate approval; (2) retention in Congress of authority over the composition, structure and jurisdiction of the D.C. courts; (3) a Judicial Nomination Commission to be comprised of 7 members; 1 appointed by the President, 2 by the Mayor (1 to be a non-lawyer), 2 by the Unified D.C. Bar, 1 by the Council (to be a non-lawyer) and 1 by the Chief Judge of the U.S. District Court for the District of Columbia, to be a retired or sitting Federal judge; all to be appointed for 6-year, staggered terms, all to be United States citizens and District of Columbia residents, non-Federal or non-District employees, and, in the case of lawyers appointed to the Commission, qualified to be judges of the D.C. courts; (4) a Tenure Commission to consist of 7 members of the same designation as for the Nomination Commission; no individual may serve simultaneously on both Commissions; (5) all new judges to be D.C. residents; and (6) the D.C. courts to prepare their own annual budget for submission to the Mayor, thence to the Council and to the Congress along with the remainder of the D.C. budget.

D.C. BUDGET AND APPROPRIATIONS

The Senate bill provided that the Mayor submit a budget to the Council in such form as he might determine, that the Council might adopt a line-item budget, and that the Mayor might transfer funds from one account to another with Council approval.

The House amendment required the Mayor to prepare a balanced budget for submission to the Council and to the Congress to consist of 7 specified documents; and that the Council, after public hearings, approve a balanced budget and submit same to the President for transmission to the Congress, leaving Congressional appropriations and reprogramming procedures as presently existing.

The Conference substitute (sections 442–451, 603, 723, 743) adopts essentially the House provisions, preserving the Congressional appropriations provisions of existing law. Amendments are included to clarify procedural requirements as to the submission of the budget to the Council by the Mayor; the time for the Council to review the budget; the authority of the Mayor for line-item veto of budget proposals, with two-thirds of the Council required to override; and transmittal of the budget to the President for review and submission to the Congress. Authority is also included to establish a general fund and such additional special funds as the Council may determine. The substitute maintains present law and procedures for Congressional reprogramming authorities and procedures. The court budget shall be handled by the Mayor, Council, and President in the same manner as the budget of the United States courts.

FEDERAL PAYMENT

The Senate bill provided that the Mayor and the Council should submit to the Secretary of the Treasury, through the Comptroller General, an annual appropriation re-

quest for Federal payment; that after the Comptroller General certified same, the Secretary of the Treasury, without Congressional review or approval, should release such payment to the District, based on a formula, equal to 37½% of District revenues for FY 1974, and 40% of District revenues for FY 1975 and each year thereafter. Appropriate authorization for such appropriations was included.

The House amendment required the Mayor to prepare an annual appropriation request for the Federal payment, taking into consideration inter-city expenditure and revenue comparisons and 9 other factors for assessing the cost and benefits to the District as the Nation's Capital; said request to be forwarded to the Council and thence to the President for revision and submission to the Congress. A Federal payment authorization of $250 million for FY 1975 and each year thereafter was provided.

The Conference substitute (sections 501, 502) adopts the House provisions except for the amount of the Federal payment authorization, which the substitute provides as follows: for FY 1975 the sum of $230 million; FY 1976, $254 million; FY 1977, $280 million; and FY 1978 and each year thereafter, $300 million.

DISTRICT OF COLUMBIA AUDITOR

The House amendment included provisions, not in the Senate bill, which established the office of District of Columbia Auditor, appointed by the Chairman of the Council, subject to Council approval, for a six-year term, who would conduct a yearly review of all accounts and operations of the D.C. government and submit his reports and recommendations to the Congress, the Mayor and the Council.

The Conference substitute (section 455) conforms to the House amendment.

INDEPENDENT AUDIT BY GENERAL ACCOUNTING OFFICE

The Senate bill required annual post-audits by the Comptroller General of the financial transactions of the District government. Audit reports were to be submitted to the Congress, the Mayor, and the Council. The Mayor had 90 days to respond to the GAO report.

The House amendment required periodic audits by the Comptroller General of the accounts and operations of the District government. Audit reports were to be submitted to the Congress, the Mayor, and the Council; with the Mayor having 60 days in which to respond thereto.

The Conference substitute (section 736) conforms to the Senate and House provisions, requires annual GAO audits; and allows the Mayor 90 days to respond to the GAO reports.

ISSUANCE OF BONDS

The Senate bill provided (1) for the issuance of general obligation bonds to pay the costs of constructing or acquiring any capital project; (2) that no such bonds were to be issued which would cause the amount of principal and interest to be paid in any one year on all outstanding capital program obligations to exceed 14% of District revenues which the Mayor estimated would be credited to the District that year, and with obligations of the Armory Board for the RFK Stadium to be excluded from the 14% limitation; (3) authority for the Council, at its option, to hold referenda on bond issues; (4) for terminating the District's authority to borrow from the U.S. Treasury; (5) authorization for the Council, in the absence of unappropriated available revenues, to issue short-term notes for amounts not to exceed 5% of the total appropriations for the fiscal year; (6) mandatory use of general obligation bonds to pay the District's share of the cost of Metro; and (7) for an annual levy of a special tax to be placed in a sinking fund for use in liquidating the general obligation bonds, said fund to be annually reviewed by the GAO.

The House amendment provided (1) for the issuance by the District of general obligation bonds to pay costs of any capital project authorized by Congress, with rates of interest to be set by the Mayor; (2) that no such bonds were to be issued which would cause the amount of principal and interest to be paid in any one year on all such outstanding bonds to exceed 14% of District revenues credited to the District during the previous fiscal year, and that the Congress and the Council were prohibited from approving any capital project to be financed by such bonds if they exceeded such limitations; (3) for bonds to be redeemable prior to maturity; (4) bond denominations to be $5,000 or $1,000; (5) for continuation of present law permitting borrowing from the Treasury; (6) authorization for short-term borrowing by the Council, in the absence of unappropriated available resources, for amounts not to exceed 1% of the total appropriations for the fiscal year; (7) making optional the use of general obligation bonds to pay the District's share of the cost of Metro; (8) authorizing the Council to issue revenue bonds to finance projects in the areas of housing, health, transit, utilities, education, and industrial development, said bonds not to constitute a general debt of the District; and (9) for special tax and sinking fund with GAO audit responsibility.

The Conference substitute (sections 461–490, 603(e), 723, 743) provides (1) authority for the District to issue general obligation bonds to pay the cost of constructing or acquiring any capital projects authorized by Congress, with the Mayor to set the basic rates and maturity for such bonds under guidelines set by the Council; (2) that no such bonds may be issued which would cause the amount of principal and interest to be paid in any one year on all outstanding capital program obligations to exceed 14% of the District revenues which the Mayor estimates will be credited to the District that year; RFK Stadium bonds to be exempt from the 14% limitation, and redemption of bonds prior to maturity allowed; (3) optional referenda permitted on bonds issued; (4) denominations of the bonds to be $1,000 and $5,000, or multiples of $1,000; (5) borrowing from the Treasury is provided as interim Treasury loan authority to enable the continuation of projects already underway or authorized by the Congress; (6) short-term borrowing, as by short-term notes, may be authorized by the Council, in amounts not to exceed 2% of the total appropriations for the fiscal year; (7) general obligation bonds may be used to pay the District's share or contribution to Metro, beginning with FY 1976; (8) revenue bonds as provided in the House amendment are authorized, with additional provisions allowing the mortgaging of private properties as additional security for such bonds; (9) the special tax or taxes to be levied and deposited along with other revenues of the District in the sinking fund to repay general obligation bonds; (10) the full faith and credit of the District is pledged to pay the principal and interest on the general obligation bonds; and (11) the General Accounting Office is required annually to review the sinking fund.

District of Columbia officers are also prohibited (section 603(e)) from violating the Federal Anti-Deficiency Act, prohibiting expenditures beyond available resources.

It is the intent of the Conferees that, to the extent possible, the period of the general obligation bonds shall reflect the estimated life of the physical plant and improvements and separately the estimated life of the equipment financed therein.

It is also the Conferees' intent that the notice of public sale of general obligation bonds shall be published in one or more newspapers of general circulation published in the District. In the event only one notice of public sale is made, such publication should alternate among the newspapers of general circulation published in the District.

BOARD OF ELECTIONS

The House amendment included provisions for the membership on the Board to be three persons, all appointed by the Mayor with Council approval, no more than two of whom could be of the same political party.

The Senate bill contained similar provisions, except no political party limitation was included.

The Conference substitute (section 491) conforms to the House amendment.

ELECTIONS PROCEDURES

The Senate bill provided for the nomination of candidates in party primaries, the first party primary to be held 90 days following the acceptance of the charter, and the general election to be the next following November.

The House amendment provided for the nomination of nonpartisan candidates by petitions filed not less than 60 days before the date of the general election, with the first elections to be held in 1974.

The Conference substitute (section 751) adopts the House provisions amended to require partisan elections.

REVENUE SHARING

The House amendment contained a provision, not in the Senate bill, which deleted from present law the automatic reduction in the District of Columbia's general revenue sharing allocation, if the District enacts a tax on the income of non-residents. The enactment of such a tax is prohibited in any event under other sections of the bill.

The Conference substitute (section 735) conforms to the House amendment.

ADVISORY NEIGHBORHOOD COUNCILS

The House amendment contained provisions, not included in the Senate bill, requiring the Council to divide the District into Neighborhood Council areas. Upon receiving a petition signed by at least 5% of the registered qualified electors of an area, the Council was required to establish for that neighborhood an elected advisory neighborhood council to advise the Council on planning, streets, recreation, social services, health, safety, and sanitation and to review zoning changes and licenses. Expenses of such Councils to be paid by a levy of 1¢ per $100 of assessed valuation of real property.

The Conference subtitute (section 738) adopts essentially the House amendment, with the further provision that same may not go into effect until a public referendum has been held and approval had thereon, and said referendum to be a part of the same referendum required of the voters to determine their acceptance or non-acceptance of the charter provided for in this Act.

NATIONAL CAPITAL SERVICE AREA

The House amendment included provisions, not in the Senate bill, providing for the establishment of the National Capital Service Area, including the Federal monuments, the White House, Capitol building, Federal, executive, legislative, and judicial office buildings, Fort McNair, the Navy Yard, and Bolling Air Force Base. The President would appoint a Director who would assure police and fire protection within the area, and the maintenance of streets, highways, and sanitation services thereof.

Within one year, the President would be required to report to Congress his recommendations on the feasibility of combining

the Executive Protective Service, the United States Park Police in the service area, and the United States Capitol Police under the Director.

The Conference substitute (section 739) adopts the House provisions, amended to limit the authority of the National Capital Service Area Director over the buildings and grounds of the Capitol, the Supreme Court, and the Library of Congress. The section was also further amended to ensure that all Federal and District of Columbia laws applicable to the area would continue in force and effect; that such laws could be amended by the appropriate authorities; and that all private property, and buildings and adjacent parking lots owned by the District of Columbia government, are excluded from the National Capital Service Area.

EMERGENCY CONTROL OF POLICE

The House amendment contained provisions, not included in the Senate bill, to permit the President upon request to secure from the Mayor the services of the Metropolitan Police force when the President determined special conditions required such police for Federal purposes.

The Conference substitute (section 740) adopts the House provisions, amended to limit the same to make it a temporary requisitioning only and subject to Congressional review.

PUBLIC MEETINGS

The House amendment contained provisions, not in the Senate bill, requiring that all meetings and hearings of any District of Columbia government agency, board, or commission in which official action is to be taken or proposed, shall be open to the public; and the transcripts or transcriptions of such meetings shall be made available to the public.

The Conference substitute (section 742) adopts the House amendment, with a change to include tapes and transcriptions thereof available to the public at a reasonable charge.

D.C. SENATE DELEGATE

The House amendment included provsions, not in the Senate bill, providing that beginning January 3, 1975, there would be a non-voting Delegate in the Senate from the District of Columbia, elected for 6 years; such non-voting Delegate to be a qualified elector, at least 30 years of age, a resident of the District for 3 years immediately preceding his election, and holding no other paid office.

The Conference substitute contains no such provision.

HOLDING OFFICE IN THE DISTRICT

The House amendment contained provisions, not in the Senate bill, providing that no person otherwise qualified should be disqualified for being a candidate for the office of Mayor or member of the Council because of employment in the competitive or excepted service of the United States.

The Conference substitute (section 741) conforms to the House amendment.

TITLE

The House amended the title of the bill.

The Conference substitute adopts the title as contained in the House amendment.

CHARLES C. DIGGS, Jr.,
DONALD FRASER,
THOMAS M. REES,
BROCK ADAMS,
JAMES R. MANN,
JOHN BRECKINRIDGE,
Managers on the Part of the House.

THOMAS F. EAGLETON,
DANIEL INOUYE,
ADLAI E. STEVENSON,
JOHN TUNNEY,
CH. McC. MATHIAS,
DEWEY F. BARTLETT,
PETE V. DOMENICI,
Managers on the Part of the Senate.

DISSENTING STATEMENT OF CONGRESSMAN EARL LANDGREBE TO THE HOUSE-SENATE CONFERENCE REPORT TO ACCOMPANY S. 1435

Mr. LANDGREBE. Mr. Speaker, as a House conferee to the House-Senate Committee Conference on S. 1435, the District of Columbia Self-Government and Governmental Reorganization Act—also referred to as the District of Columbia home rule bill—I disagree with the conference report, report No. 93–703, and recommend that the House disagree with the same.

I disagree with the conference report and urge the House to do the same for the following constitutional reasons:

The delegation of authority to the local government provided for in S. 1435 is in contravention of article I, section 8, clause 17 of the Constitution expressly giving Congress authority over the District.

The fundamental purpose of the legislation taken as a whole can only be achieved by a constitutional amendment.

The Congress lacks the authority to create a city-State—a municipal corporation with the legislative power of a State, subject only to certain limitations.

Commonsense dictates that the Constitution which is itself based on the principle of self-government, but which made an exception to that principle for the "seat of the Government of the United States" cannot yield to an enactment of Congress altering that exception and thus not made in pursuance thereof.

I further disagree with the conference report and urge the House to do likewise for the following additional reasons:

The provisions of the bill in dealing with such items as the Armory Board, Judicial Commissions, and the National Capital Planning Commission permit control by local officials that could encourage them to give local interest a predominance that would be detrimental to the Federal interest in the Nation's Capital.

The significant lack of layering—city, county, State governments—in the local government in that only 14 individuals will control over 40,000 employees and a budget of $1.5 billion or more is to me an indication that the charter is ill-conceived and could permit unprincipled individuals to administer the city in their own interests rather than in those of its residents.

Self-government has generally been associated with financial independence, among other things, and yet this bill increases the Federal payment to $300 million by fiscal year 1978, an increase of $110 million in 4 years which reflects increasing Federal subsidies to the District as "home rule" continues in operation.

The emergency police powers of the President to employ the Metropolitan Police Department are unduly limited.

The Hatch Act exemption permitting Federal employees to run as candidates for Mayor, Chairman, and member of the City Council is mischievous and unwarranted and can only herald the opening of a battle to repeal the Hatch Act.

Advisory Neighborhood Councils are provided for which could serve as a political patronage system for members of the District Council to the detriment of District residents in terms of cost and governmental services.

CONGRESS SHALL EXERCISE EXCLUSIVE LEGISLATIVE AUTHORITY OVER THE DISTRICT OF COLUMBIA

Article I, section 8, clause 17, of the United States Constitution provides as follows:

> The Congress shall have power . . . To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States . . .

The historical background of this constitutional provision supports the "indispensable necessity of complete authority at the seat of government" in the Congress as it relates to legislation. This conference report contains language in S. 1435 that delegates broad "general legislative" authority to the local government that infringes on the constitutional authority expressly given to the Congress.

I am not a lawyer, but then neither were many of the framers and signers of the Constitution. When a provision such as that quoted above, plainly read, expresses a clear intent of what power the Congress has over the District as a legislator, I must confess that the burden is not met by the conference report so as to convince me that S. 1435 can alter and change the power of Congress as it does without infringing on the Constitution.

Certainly a delegation of authority by Congress to a local government to adopt or pass "police regulations" or local enactments "relating to municipal affairs" as opposed to "general legislative enactments," which is what S. 1435 provides, has been ruled by the U.S. Supreme Court in *District of Columbia* v. *Thompson*, 346 U.S. 100 (1953), to be a constitutional delegation of congressional authority. Unresolved is whether a congressional delegation of "general legislative" authority to a local district government is constitutional; yet, S. 1435 is predicated upon an assumption that it is. I refuse to make such assumptions when legislating on matters which clearly infringe on the Constitution.

The act of February 21, 1871, granting a substantially lesser amount of "home rule" to the District of Columbia is of little guidance to the Congress in voting on S. 1435. S. 1435 grants broad "general legislative" authority, and the courts will be our final arbiters of whether S. 1435 is constitutional if it is enacted into law.

A CONSTITUTIONAL AMENDMENT IS THE PROPER ROUTE TO ACHIEVE THE RESULT PROPOSED IN S. 1435

Article V of the Constitution provides for the procedure for initiating amendments to the Constitution. It is plain, certain, and clear in its reading.

S. 1435 is a "rush to judgment" that the Congress can do by enactment what legally, in my opinion at least, is con-

trary to an express provision on the matter in article I, section 8, clause 17, of the Constitution, and it is possibly an admission that the constitutional amendment route that recognizes the rights of all citizens—in this important matter relating to their Nation's Capital—is perhaps difficult, if not impossible, of achievement.

CONGRESS LACKS AUTHORITY TO CREATE A CITY-STATE

The hearings on the "home rule" bill before the House District Committee—testimony on behalf of the Metropolitan Coalition for Self-Determination for the District of Columbia, hearings before the Subcommittee on Government Operations of the Committee on the District of Columbia, parts I and II, 93d congress, 1st session—establish that S. 1435 creates a "city-state" unique in the United States and nowhere to be found referred to in the Constitution. What was desired by many of those testifying before the committee was a municipal corporation—see section 717 of S. 1435—with State legislative and executive authority.

In my opinion, S. 1435 creates something which it is beyond the power of this Congress to establish—a city-state. If we do this in this instance, what is to prevent the Congress from establishing one or a hundred more. The answer simply is that it is prevented by the Constitution which never contemplated such a polity—form of government as I would refer to it—as the home rule proponents have urged on the House District Committee and which they will have established through S. 1435 if passed.

THE DISTRICT OF COLUMBIA IS AN EXPRESS EXCEPTION IN THE CONSTITUTION TO THE PRINCIPLE OF SELF-GOVERNMENT

The Constitution itself is based on the principle of self-government; yet, it contains an express provision denying self-government—in the general legislative sense—to the "Seat of the Government of the United States"—the District of Columbia

How is it then that we can legislate to change that which the Constitution makes clear and precise? If it is politically expeditious to ignore the Constitution in this instance, what will be our refuge when others wish to change it even more to the detriment of all our citizens?

S. 1435 apparently tries to overcome this clear expression of what the Constitution intends by reserving "ultimate legislative authority" to the Congress over the District.

My experience does not permit me to jump to a conclusion that "ultimate authority"—as reserved in S. 1435 to the Congress—is the same as the Congress exercising "exclusive authority." Moreover, the dicta in the Supreme Court Thompson decision does not convince my Hoosier commonsense that the Constitution can be so stretched and contorted as to equate one with the other.

S. 1435 apparently tries to overcome the lack of constitutional authority to create a "city-state" by inserting certain limitations in the bill, that in most cases, in my opinion, will prove ineffectual. There are elaborate provisions that call for acts of the local council to lay over for a period of time during which the House and Senate District Committees may by concurrent resolution disapprove of them. However, this type of provision is of little value in limiting the authority of the local government, inasmuch as it is not of significant difference with a provision that would call for the Congress to go through its entire legislative process to reverse or nullify an enactment of the local council.

In most cases where the local council legislatively goes beyond the bounds the Congress desires, Congress would be left with the "ultimate" power to "set it aside." However, if the District reenacted the same legislation, there would then ensue a "legislative dance" between the District and the Congress that could presumably only be terminated by the Congress specifically forbidding the council to ever pass any act on such subject again.

I find it inconceivable that the framers of the Constitution ever intended that the delegation of authority to a local government would permit specific language to be circumvented by such obviously ineffectual limitations.

S. 1435 PERMITS LOCAL INTEREST TO PREDOMINATE IN OUR NATION'S CAPITAL

A significant number of appointments on such agencies and commissions as the Judicial Nomination Commission, the Judicial Disability Commission, the Armory Board, and the National Capital Planning Commission have been given to the local government—the mayor—such that local interest is given control or may be said to be encouraged to obtain control of the Nation's Capital in what can only result in detriment to the Federal interest in the District.

For instance, the National Capital Planning Commission, a Federal agency, with jurisdiction over Federal establishments in the Virginia and Maryland suburbs has four local members out of its total of 12 members. Obviously, it is the intent of S. 1435 to downgrade the Federal interest as the predominant interest in the Nation's Capital and replace it with local interest and control.

A recent newspaper editorial endorsing what the conference report contains stated in pertinent part that:

> The Nation's Capital . . . is the entire city of Washington, and any suggestion to the contrary is a disservice to both federal and local interests.

I agree with the statement but disagree wholeheartedly with the conclusion that the language of the conference report recognizes this premise.

I agree with President Taft who opposed self-government in the District of Columbia "to prevent its being controlled by the parochial spirit that would necessarily govern men who did not look beyond the city to the grandeur of the Nation.", and I am convinced that the conference report recommended to you this date encourages control of the Nation's Capital by local interests.

It is my position that—if the Congress and the Federal Government are to operate in an atmosphere of objectivity without interference from local interests—in any situation in the Nation's Capital—all of the District of Columbia—where the local and Federal interests conflict that the Federal interest must prevail. The conference report is not premised on that basic assumption. It is fatally deficient, in my view, because of it, and I predict that time and circumstances will prove me right if my words are not heeded.

I know that many of my colleagues may believe that they are doing the "right" thing by agreeing to the conference report. However, I ask each of you to stop for a minute to consider what the fundamental result of this legislation is going to be if local interest is to control and prevail in the Nation's Capital.

CONCENTRATION OF LEGISLATIVE AND EXECUTIVE AUTHORITY IN FEW PEOPLE IS NOT IN THE INTEREST OF DISTRICT RESIDENTS

During the course of the hearings on the home rule bill, I persistently asked the question why the committee was insisting on a unicameral legislative body and one executive, thus concentrating all executive and legislative authority for the District over its 43,000 or 44,000 employees and its $1½ billion budget in the hands of so few people. In my own State of Indiana and as is true in other States, there is a layering of local government, starting at the township or village or city level on up through the county to the State government. There are those who say that layering of governments as I have described it above makes for inefficiency and conflicts, and to some extent this may be true. However, I am firmly convinced that it also provides necessary checks and balances on the various governmental officials and entities, such that the opportunities for concentrating power and authority in a few officials so that there can be an abuse of power is minimized.

In 1871 when there was last a "home rule" government in the District of Columbia—much more circumscribed and limited than is provided for in this bill—that government had a substantial number of checks and balances so that the power and authority of the government was dispersed and there were checks and balances. There was a board of health, board of public works, and a police board, all of whose members were appointed by the President. There was an appointed upper body in the legislature composed of 11 members known as the council and the elected lower legislative body known as the House of Delegates and composed of 22 members.

The conference report which is recommended to you containing the substitute language of S. 1435 concentrates all the power and authority of the local government in a mayor and 13 council members. I deplore this lack of checks and balances in a government of this sort, and I submit that the opportunities for abuse of power and authority are built into such a governmental structure.

As was said on the floor of the House when the "home rule" legislation was taken up on October 10 of this year, legislation should not be viewed on the basis that good men will be implementing it, but rather what may happen if unprincipled men implement it; and I submit that on the basis the language contained

in this conference report should not be accepted.

EXCESSIVE FEDERAL FINANCIAL ASSISTANCE IS CONTRADICTORY TO THE CONCEPT OF HOME RULE

The Federal payment provisions of the Senate bill, S. 1435, contained a Federal formula equal to 37½ percent of District revenues for fiscal year 1974 and 40 percent of District revenues for fiscal year 1975 and each year thereafter. The House amendment provided a lump sum Federal payment of $250 million per year.

The conference substitute provides for $230 million in fiscal year 1975 and rises to $300 million for fiscal year 1978 and each year thereafter.

I have always operated under the assumption that home rule and self-government meant financial independence. Yet, it is obvious that this conference report foresees not a decrease in Federal subsidy to the local government as it embarks on home rule, but an increase in Federal subsidy to that locally elected government.

EMERGENCY POLICE POWERS ARE UNDULY LIMITED

The provisions of the conference report are unduly limiting as they relate to the authority of the President to call upon the local government for the police protective assistance—Metropolitan Police Department.

Here again we have local control of the Metropolitan Police Department under the conference report, which heretofore has always been under Federal control. Not only is it under local control, but the conference substitute further hampered the authority of the President to use the Metropolitan Police Department in times of emergencies.

This is wrong and short-sighted and can only result in problems in the future.

I can only suggest that if the conference report is accepted, that the President establish—as he can—his own police force in the National Capital Service area under executive authority, so that the limitations on emergency police protection are minimized in practice.

HATCH ACT EXEMPTION IS MISCHIEVOUS AND UNWARRANTED

The conference report adopts the Senate language providing for partisan elections as opposed to the House language providing for nonpartisan elections.

Partisan elections necessarily precludes participation of Federal and District employees from political campaigns, because both types of employees are expressly covered by the Hatch Act.

Unfortunately, the conferees provided in section 740 an exemption to the Hatch Act providing that Federal employees would be authorized to be candidates for mayor and member of the city council. This is a clear amendment to the Hatch Act which appears in neither the House nor Senate version of S. 1435. It is only accomplished by taking language from the House version, which does not amend the Hatch Act but is mere surplusage, and adding it to the Senate language to achieve an amendment to the Hatch Act.

One must ask why the provision in section 740 was in the House version at all. It seems to me that there are two probable answers: First, it was there intentionally so that when the House conferees capitulated to the Senate on the issue of partisan elections, an amendment to the Hatch Act could be effected, or second, it was mere surplusage left in at the last minute in the substitute amendment to the committee bill introduced on the floor, which can only reflect on the House which permitted the committee to come in with nearly a 150-page substitute to its own committee-reported bill at the last minute. This last-minute committee substitute was criticized at the time, and we were told what the changes allegedly were. But what we were not told about was what was left in that could cause untold mischief when we went to conference.

Perhaps this earlier action by the committee will serve to warn the House now that they must proceed with great caution in considering this conference report.

A portion of a recent decision of the Supreme Court in *U.S. Civil Service Commission* v. *Letter Carriers U.S.*— (1973), which upheld a constitutional challenge to the Hatch Act is worth repeating for your information:

We unhesitatingly reaffirm the *Mitchell* holding that Congress had, and has, the power to prevent Mr. Poole and others like him from holding a party office, working at the polls and acting as party paymaster for other party workers. An Act of Congress going no further would in our view unquestionably be valid. So would it be if, in plain and understandable language, the statute forbade activities such as organizing a political party or club; actively participating in fund-raising activities for a partisan candidate or political party; becoming a partisan candidate for, or campaigning for, an elective public office; actively managing the campaign of a partisan candidate for public office; initiating or circulating a partisan nominating petition or soliciting votes for a partisan candidate for public office; or serving as a delegate, alternate, or proxy to a political party convention. Our judgment is that neither the First Amendment nor any other provision of the Constitution invalidates a law barring this kind of partisan political conduct by federal employees.

* * * * *

Such decision on our part would no more than confirm the judgment of history, a judgment made by this country over the last century that it is in the best interest of the country, indeed essential, that federal service should depend upon meritorious performance rather than political service, and that the political influence of federal employees on others and on the electoral process should be limited.

* * * * *

In 1966, Congress determined to review the restrictions of the Hatch Act on the partisan political activities of public employees. For this purpose, the Commission on Political Activity of Government Personnel was created. 80 Stat. 868. The Commission reported in 1968, recommending some liberalization of the political activity restrictions on federal employees, but not abandoning the fundamental decision that partisan political activities by government employees must be limited in major respects. 1 Report of Commission on Political Activity of Government Personnel, *supra*.

* * * * *

This account of the efforts by the Federal Government to limit partisan political activities by those covered by the Hatch Act should not obscure the equally relevant fact that all 50 States have restricted the political activities of their own employees."

* * * * *

Until now, the judgment of Congress, the Executive and the country appears to have been that partisan political activities by federal employees must be limited if the Government is to operate effectively and fairly, elections are to play their proper part in representative government and employees themselves are to be sufficiently free from improper influences. *E.g.*, 84 Cong. Rec. 9598, 9603; 86 Cong. Rec. 2360, 2621, 2864, 9376. The restrictions so far imposed on federal employees are not aimed at particular parties, groups or points of view, but apply equally to all partisan activities of the type described. They discriminate against no racial, ethnic or religious minorities. Nor do they seek to control political opinions or beliefs, or to interfere with or influence anyone's vote at the polls.

* * * * *

This Hatch Act amendment is unfortunate, mischievous, and should be repudiated in voting to agree or disagree with the conference report.

In conclusion, I disagree with the conference report, and I strongly urge you not to vote in favor of it.

PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO HAVE UNTIL MIDNIGHT, FRIDAY, DECEMBER 7, 1973, TO FILE A REPORT ON H.R. 11510, ENERGY REORGANIZATION ACT OF 1973

Mr. HOLIFIELD. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations may have until midnight, Friday, December 7, 1973, to file a report on H.R. 11510, Energy Reorganization Act of 1973.

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

There was no objection.

RECESS

The SPEAKER. Pursuant to a previous order of the House, the Chair declares a recess until 5:45 p.m. today.

Accordingly (at 4 o'clock and 44 minutes p.m.), the House stood in recess, until 5:45 p.m.

JOINT MEETING OF THE HOUSE AND SENATE FOR SWEARING-IN OF GERALD R. FORD OF MICHIGAN AS VICE PRESIDENT OF THE UNITED STATES

The Speaker of the House presided.

The Doorkeeper (Honorable William M. Miller) announced the President pro tempore and the Members of the U.S. Senate, who entered the Hall of the House of Representatives, the President pro tempore taking the chair at the left of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints on behalf of the House as members of the committee to escort the President and Vice President designate into the Chamber: the gentleman from Massachusetts (Mr. O'NEILL), the gentleman from California (Mr. MCFALL), the gentleman from New Jersey (Mr. RODINO), the gen-

tlewoman from Michigan (Mrs. GRIFFITHS), the gentleman from Illinois (Mr. ARENDS), the gentleman from Michigan (Mr. CEDERBERG), the gentleman from Arizona (Mr. RHODES), and the gentleman from Michigan (Mr. HUTCHINSON).

The PRESIDENT pro tempore. On behalf of the Senate, I appoint the following Senators to accompany the President of the United States and the Vice President designate of the United States into the Chamber: The Senator from Montana (Mr. MANSFIELD), the Senator from Pennsylvania (Mr. HUGH SCOTT), the Senator from West Virginia (Mr. ROBERT C. BYRD), the Senator from Michigan (Mr. GRIFFIN), the Senator from Nevada (Mr. CANNON), and the Senator from Kentucky (Mr. COOK).

Mrs. Gerald R. Ford was brought into the Chamber through the Speaker's Lobby, and took the seat provided for her in the well, to the right of the rostrum.

The Doorkeeper announced the Ambassadors, Ministers, and Chargés d'Affaires of foreign governments.

The Ambassadors, Ministers, and Chargés d'Affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Chief Justice of the United States and the Associate Justices of the Supreme Court entered the Hall of the House of Representatives and the Chief Justice took the seat provided for him in the well to the right of the rostrum, next to Mrs. Gerald R. Ford.

The Associate Justices took the seats reserved for them in front of the Speaker's rostrum.

The Doorkeeper announced the Cabinet of the President of the United States.

The members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 6 o'clock and 5 minutes p.m., the Doorkeeper announced the President of the United States and the Vice President designate of the United States.

The President of the United States and the Vice President designate of the United States, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representative, and stood at the Clerk's desk.

[Applause, the Members rising.]

Mrs. Gerald R. Ford, followed by the Chief Justice, was escorted to the Clerk's desk with the Chief Justice to the right of Mrs. Ford.

The SPEAKER. The Senate, by a vote of 92 yeas to 3 nays on November 27, 1973, having confirmed the nomination of GERALD R. FORD, of the State of Michigan, to be Vice President of the United States, and the House of Representatives by a vote of 387 yeas to 35 nays on today having confirmed the nomination of GERALD R. FORD, of the State of Michigan, to be Vice President of the United States, the proceedings required by section 2 of the 25th amendment to the U.S. Constitution have been complied with.

The gentleman from Michigan (Mr. GERALD R. FORD) has advised the Chair that he has transmitted his letter of resignation as a Representative of the Fifth District of the State of Michigan to the Governor and the Secretary of State of Michigan as required by the law of that State.

The Chair now requests the Chief Justice of the United States to administer the oath of office to the Vice President.

The oath of office was administered by the Chief Justice of the United States to the Vice President, GERALD R. FORD, his right hand raised and his left hand on the Bible held by Mrs. Ford.

[Applause, the Members rising.]

The SPEAKER. Mr. President, Members of the Congress, and distinguished guests, I have the high personal honor of presenting to you a dear friend and former colleague whom we shall all miss, but whom we all congratulate—the Vice President of the United States.

[Applause, the Members rising.]

ADDRESS OF THE VICE PRESIDENT OF THE UNITED STATES

The VICE PRESIDENT. Mr. Speaker, Mr. Chief Justice, Mr. President pro tempore, distinguished guests, and friends:

Together we have made history here today. For the first time we have carried out the command of the 25th amendment. In exactly 8 weeks, we have demonstrated to the world that our great republic stands solid, stands strong upon the bedrock of the Constitution.

I am a Ford, not a Lincoln. My addresses will never be as eloquent as Mr. Lincoln's. But I will do my very best to equal his brevity and his plain speaking.

I am deeply grateful to you, Mr. President, for the trust and the confidence your nomination implies.

As I have throughout my public service under six administrations I will try to set a fine example of respect for the crushing and lonely burdens which the Nation lays upon the President of the United States. Mr. President, you have my support and my loyalty.

To the Congress assembled, my former colleagues who have elected me on behalf of our fellow countrymen, I express my heartfelt thanks.

As a man of the Congress, let me reaffirm my conviction that the collective wisdom of our two great legislative bodies, while not infallible, will in the end serve the people faithfully and very, very well. I will not forget the people of Michigan who sent me to this Chamber or the friends that I have found here.

Mr. Speaker, I understand that the United States Senate intends in a very few minutes to bind me by its rules. For their Presiding Officer, this amounts practically to a vow of silence. Mr. Speaker, you know how difficult this is going to be for me.

Before I go from this House, which has been my home for a quarter century, I must say I am forever in its debt.

And particularly, Mr. Speaker, thank you for your friendship which I certainly am not leaving. To you, Mr. Speaker, and to all of my friends here, however you voted an hour ago, I say a very fond goodbye. May God bless the House of Representatives and guide all of you in the days ahead.

Mr. Chief Justice, may I thank you personally for administering the oath, and thank each of the Honorable Justices for honoring me with your attendance. I pledge to you, as I did the day I was first admitted to the bar, my dedication to the rule of law and equal justice for all Americans.

For standing by my side as she always has, there are no words to tell you, my dear wife and mother of our four wonderful children, how much their being here means to me.

As I look into the faces that fill this familiar room, and as I imagine those faces in other rooms across the land, I do not see members of the legislative branch or the executive branch or the judicial branch, though I am very much aware of the importance of keeping the separate but coequal branches of our Federal Government in balance. I do not see Senators or Representatives, nor do I see Republicans or Democrats, vital as the two-party system is to sustain freedom and responsible government.

At this moment of visible and living unity, I see only Americans. I see Americans who love their country, Americans who work and sacrifice for their country and their children. I see Americans who pray without ceasing for peace among all nations and for harmony at home. I see new generations of concerned and courageous Americans—but the same kind of Americans—the children and grandchildren of those Americans who met the challenge of December 7, just 32 years ago.

Mr. Speaker, I like what I see.

Mr. Speaker, I am not discouraged. I am indeed humble to be the 40th Vice President of the United States, but I am proud—very proud—to be one of 200 million Americans. I promise my fellow citizens only this: To uphold the Constitution, to do what is right as God gives me to see the right, and within the limited powers and duties of the Vice Presidency, to do the very best that I can for America.

I will do these things with all the strength and good sense that I have, with your help, and through your prayers.

Thank you.

[Applause, the Members rising.]

At 6 o'clock and 21 minutes p.m., the President, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper—Hon. William M. Miller—escorted the invited guests from the Chamber in the following order:

The Members of the President's Cabinet.

The Chief Justice of the United States and the Associate Justices of the Supreme Court.

The Ambassadors, Ministers, and Charges d'Affaires of foreign governments.

JOINT MEETING DISSOLVED

The SPEAKER. The Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 6 o'clock and 23 minutes p.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate, together with the Vice President, retired to their Chamber.

AFTER RECESS

The recess having expired at 6 o'clock and 28 minutes p.m., the House was called to order by the Speaker.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess of the House be printed in the RECORD.

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

There was no objection.

RESIGNATION AS MEMBER OF HOUSE OF REPRESENTATIVES

The SPEAKER laid before the House the following communications:

WASHINGTON, D.C., *December 3, 1973.*

Hon. CARL ALBERT,
The Speaker, Washington, D.C.

DEAR MR. SPEAKER: I enclose a copy of my letter of resignation as a Representative of the Fifth District of the State of Michigan in the House of Representatives, effective upon my becoming Vice President of the United States. As required by Michigan law, this has been submitted to the Governor and the Secretary of State of the State of Michigan.

Because it is impossible, I shall not attempt to express my thanks for your many courtesies or my regret at leaving the House of Representatives after nearly 25 years.

Warm personal regards,

GERALD R. FORD
Member of Congress.

WASHINGTON, D.C.,
November 30, 1973.

Hon. WILLIAM G. MILLIKEN,
Governor, State of Michigan, Lansing, Mich.

DEAR GOVERNOR MILLIKEN: I am advised by the Speaker of the U.S. House of Representatives that the final vote on my confirmation as Vice President of the United States under the provisions of the 25th Amendment to the United States Constitution has been scheduled for Thursday, December 6, 1973.

Since the precise date and hour cannot be specified in advance, I am hereby submitting my resignation as a Representative from the Fifth District of Michigan to be effective upon my becoming Vice President of the United States.

It has been a great honor and privilege to serve the people of Michigan for nearly 25 years in the House of Representatives and I will continue to serve them, together with all the people of the United States, when I am confirmed in the Vice Presidency.

Warm personal regards,

GERALD R. FORD,
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS FLOOR ASSISTANT TO THE MINORITY

The SPEAKER laid before the House the following communication:

WASHINGTON, D.C.,
December 5, 1973.

Hon. CARL ALBERT,
The Speaker,
Washington, D.C.

DEAR MR. SPEAKER: I hereby submit my resignation as one of the Floor Assistants to the Minority, generally known as Minority Sergeant at Arms, effective as of the time that the Honorable Gerald R. Ford becomes the Vice President of the United States.

It has been a great privilege to serve the House of Representatives for eight years and as one of the elected minority officers in the 91st, 92d and 93d Congresses. May I express to you my personal thanks for your many courtesies and my sincere regret at having to leave the House which I will always revere and love.

Respectfully,

ROBERT T. HARTMANN,
Assistant to the Minority Leader.

LEGISLATIVE PROGRAM FOR FRIDAY, DECEMBER 7, 1973

(Mr. O'NEILL asked and was given permission to address the House for 1 minute.)

Mr. O'NEILL. Mr. Speaker, I take this time for the purpose of announcing the schedule for tomorrow.

We are dropping from the program tomorrow H.R. 11171, the foreign aid appropriations for fiscal year 1974, and H.R. 11088, emergency security assistance to Israel and Cambodia. We expect that they will be scheduled for next week.

On the program for tomorrow will be H.R. 11459, the military construction appropriations conference report, and then H.R. 9107, Federal retirement annuities.

THE ENERGY SHORTAGE

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

Mr. SYMMS. Mr. Speaker, the whole country is now painfully aware that we are in the middle of a severe shortage of energy—a shortage which not only threatens to cut into our conveniences and comforts, but into our livelihoods as well.

It is time that we all began to face facts. The most important fact today, Mr. Speaker, is that this shortage of fuel was largely caused by Government. The second most important fact is that Government, having got us into this mess in the first place, is at this very moment threatening to get us in still deeper.

Various Government officials whose policies caused our present crisis are right now searching frantically for scapegoats. Scapecoat No. 1 is to be the Arabs. The fact is, however, that every informed person knew at least a year ago, long before the Arab boycott started, that the United States would face a critical shortage of fuel this winter. The most important cause of this shortage is not the Arabs, but: First, our lack of refining capacity to turn out gasoline and other fuels and second, the sharp reduction in our energy production caused by the excessive environmentalist craze which has for the past several years put the interests of ecology before the needs of the people. Both these causes of our energy crisis are in turn due to misplaced and misguided Government regulations and interventionism.

Many Government bureaucrats now even have the gall to offer us a second scapegoat—the American people. We are now told that Americans are "energy pigs" because we have 6 percent of the world's population and use about a third of the world's energy. What these bureaucrats, who are now mainly interested in covering up their own mistakes and saving their own skins, fail to mention is that the American people also produce over a quarter of the world's goods and services. The Arabs, to name just one group of people, would find themselves hard pressed without American medical supplies and American technology. What would the Russians do without capitalist produced food?

The American people have no reason to be ashamed because we have automobiles and central heating. We have these things because we have worked for them and earned them.

Let me just review briefly, Mr. Speaker, exactly how Government has brought on this crisis.

First. Government put a ceiling price on natural gas. Such ceiling prices increase use and discourage exploration and the development of new sources of gas.

Second. Government has treated coal in much the same way. Banning the use of coal with high sulfur content, restricting strip mining, and, of course, freezing the price all combine to restrict supplies by reducing production. Higher production costs are forbidden to be offset with higher sales prices and so investment and new sources are once again discouraged.

Third. Atomic power, which next to coal represents our best hope for putting the country on its own two feet again, has been hamstrung and delayed by Government intervention piled upon intervention. Construction of nuclear power plants has been delayed for years by confusing and uncertain licensing requirements. Operation at full power has been delayed even after construction and the construction of many new plants has been delayed by environmentalist lawsuits.

Fourth. With natural gas, coal, and nuclear power handicapped by the deadweight of thousands of bureaucrats, petroleum experienced the most intensive treatment of all. First of all, and most important, our refining capacity has been crippled by environmental legal tactics to restrict refining sites, by onerous Government regulations, and by the freezing of prices of oil products, thereby keeping oil companies from obtaining the needed capital for necessary expansion.

Even the pro-Government Harvard economist John Kenneth Galbraith agrees that—

In the United States the scarcity of gasoline and home heating oil is due primarily to a shortage of American refining capacity, which is not expected to be made up before 1977. So long as capacity is inadequate, and there is little slack elsewhere in the world,

product will be short even if crude oil is available without limit.

Not content with insuring that we would have less oil than we need, at least until 1977—not just until 1974 as a highly placed optimist has recently promised—newly enacted Government regulations have required gas-guzzling emission control devices on all new cars. This one law alone has had the effect of eating up at least 20 percent of our gasoline supply.

In addition, over the past few years, Government has banned the use of oil containing a certain percentage of sulfur with obvious effects, delayed the use of much-needed Alaskan oil by interminable arguments over the ecological effect of the pipeline, and it has stopped or slowed down the drilling for new sources of off-shore oil.

For good measure, the Government has been holding down the price of gasoline to a point lower than market demands, thereby insuring increased use and the inevitable market dislocations.

Not content with all this, Mr. Speaker, the same people who gave us this totally unnecessary energy shortage are now gearing up to present us with a full-scale depression. The country must realize that we are now in very serious danger of an unemployment rate ranging from 8 to 14 percent by next spring and that is nothing less than a depression.

Let me just review once again, Mr. Speaker, some of the specific half-baked schemes now being readied by the wonderful wizards of Washington.

First. The Federal Energy Administration—which through no fault of its own was born yesterday—is now seriously discussing plans to hire 2,500 bureaucrats and, as soon as they can man their desks, they will begin to implement policies which may well put over 10 million productive Americans out of work.

Second. The proposed cuts in the general aviation industry alone—40-percent cut in business general aviation—will throw at least 100,000 workers onto the unemployment rolls. This bright idea if put into effect will simply destroy an industry which the country may well need at some point in the future. My own State of Idaho, and most of the Western States, are greatly dependent upon the general aviation industry to keep our economies going. The indirect loss of jobs, needless to say, will be far greater than the 100,000 directly affected. The situation is no different in the recreation industry and will have an immediate economic impact in Idaho running into millions of dollars.

Third. The proposed sharp cuts in energy allocation for agriculture will inevitably result in food shortages and then higher food prices. The American people cannot eat oil anymore than the Arabs can; without food we cannot expect to do much else.

Fourth. There are plans for 4-day weeks. In the case of the Federal Government this might not be too bad; that way we will be able to inflict 20 percent less damage upon the rest of us. But more seriously, what we must do is work more not less in order to dig ourselves out of the pit the bureaucrats have pushed us into. We all must work harder to pay for the increasecd costs of the energy that we have become accustomed to using.

Fifth. Cutting down on speed on the highways, voluntarily saving gasoline, and turning down thermostats are certainly helpful at this time. We must not let the Government fool us, however, by talking about these relatively small savings. The real issue, I cannot stress too often, is misplaced Government controls and interventionism. Once we get the Government off the backs of the energy producers and other hard-working Americans the problem will be solved.

Sixth. Daylight savings time, in my view, is more of this same action for action's sake which makes little difference. Setting a clock back or ahead an hour is simply like cutting the bottom off a blanket and sewing it on the top. Such brilliant ideas are always popular with bureaucrats since it means a few more jobs for people who like doing that sort of thing.

Seventh. Perhaps the very worst disaster that is waiting for us is gasoline rationing. While rationing worked to a fair degree during World War II—when we had about one-third of the cars we have now—the economy then was geared to an all out war effort and there was a good deal of patriotic cooperation. Peacetime rationing is quite another matter. Justice does not require treating everyone alike, but treating like cases alike. It would require hundreds, perhaps thousands, of local "gasoline boards" to try to be fair to millions of Americans all of whom have different energy needs. What is fair to a city-dweller who has public transportation available is obviously unfair to a farmer in Idaho who is wholly dependent upon his car. If we are to have rationing, we had better import several battalions of Soviet bureaucrats who have had 56 years experience in allocating materials and only foul up about half the time. The inevitable result of rationing would be a widespread black market in which disrespect for the law would grow like a cancer across the country. A market already distorted would be distorted still more. Instead of solving the energy crisis, rationing would prolong it, in fact institutionalize it. Gasoline rationing inspector would become a recognized career for young people.

Eighth. An additional tax on gasoline will not solve any problems. It would merely line Uncle Sam's pockets with taxpayer dollars without adding one drop of fuel to the supply at hand. If prices must rise, let them rise in a free market as an incentive to industry to develop new energy sources and increase refining capacity. As in all supply-demand equations, as free enterprise acts to increase supplies to take advantage of higher prices, this larger supply will force prices back into perspective. This simple rule has been infallible since man first began to barter. I am constantly amazed at bureaucratic arrogance and its belief that history can be ignored or rewritten at will.

Mr. Speaker, I cannot overemphasize the dangers which the country is now facing. I believe we have reached a point where we could do well to pay attention to the words of Herman Goering when he was a prisoner in 1945. Speaking to Henry J. Taylor, the well-known journalist, the former Reichsmarshal and czar of the economy of the Third Reich said:

> Your America is doing many things in the economic fields which we found out caused so much trouble. You are trying to control people's wages and prices—people's work. If you do that, you must control people's lives. And no country can do that part way. I tried it and failed. Nor can any country do it all the way either. I tried that too and it failed. You are no better planners than we. I should think your economists would read what happened here. . . Will it be as it always has been that countries will not learn from the mistakes of others and will continue to make the mistakes of others all over again and again?

If Herman Goering finally learned this lesson, is it too much to hope for the present planners in Washington to read a little history and finally learn their lesson also?

What should be done? What can we do now to get ourselves out of the mess our Government has pushed us into? As I have been saying for the past year I have been a Member of this House, Mr. Speaker, the Government should get the hell out of the way and let American workers, farmers, and businessmen get on with the job.

First. First of all, we should repeal all the crippling "ecology" legislation which has grown up in the past decade. Our environment is certainly important, but Americans should be told the true cost of each of these laws. That is, they should be allowed to decide if they want to preserve a number of square miles of Alaskan wilderness and pay $2 a gallon for their gasoline. Or, would they prefer to have a pipeline cut through Alaska and pay 50 cents a gallon? The American people have a right to the facts and the right to make their own decision.

Second. We should remove the price controls on gasoline, in fact we should remove all price and wage controls and let the free market operate. The price of gasoline will certainly rise for a while, but, with increased profits the oil companies will be able to develop new sources of oil from coal, tar sands, oil shale, and conventional wells. With increased production supply will rise to meet demand. When that happens prices will fall. This process recently happened in the case of beef. A higher price for gasoline will be superior to rationing since it will insure that those who need gasoline the most will be willing to pay for it; if a low-paid worker needs gasoline to get to his job, his employer will increase his wages to meet this new need. As a matter of fact, the real price of gasoline—1973 dollars compared with 1963 dollars——has actually fallen by 8 percent in the last 10 years. So a price rise has been overdue for some time now in any event. This

situation, of course, has contributed greatly to our present shortage.

In a free market, when the price of a good starts to rise three forces immediately go to work. First, people start to use the good to the extent that they really need it; second, producers and consumers begin the search for new sources or a cheaper substitute or both; and third, producers attempt to expand production by employing technology more effectively to meet the demand. It is this free market process that has always supplied our needs in the past; we will run short of energy only if we frustrate that process and hamper the free and creative efforts of our people with the dead hand of bureaucracy.

Third. We must also encourage by every means the so-called exotic sources of energy as my colleague from Arizona, Hon. JOHN B. CONLAN has recently pointed out on the floor of this House. Atomic energy, solar energy, coal gasification and liquification, geothermal energy, tidal and wind power, and magneto-hydrodynamics all offer promise of eventually making America self-sufficient in energy.

Fourth. We must not, as I have emphasized before, allow ourselves to be diverted from these permanent solutions by the sugar-coated public relations gimmicks of panicky Federal planners. Lower thermostats and slowed speeds on our highways will help carry us through this immediate situation. Attention to our export situation is needed, but let us not lose our perspective.

We are talking about 68,000 barrels a day, a great deal of which returns again to this country after foreign refinement. A good deal more of these exports leave the country from close to the Mexican and Canadian borders as a matter of geographic necessity. Pipeline is not available to retain it in the United States. Again, there is merit in all of these considerations, but they pose no long-term answers.

We must bear in mind that we are now going through America's second energy crisis. The first occurred in the middle of the nineteenth century when whale oil was the chief means of lighting our lamps. As our population grew, naturally more and more whale oil was required. As demand exceeded supply, the price, of course, rose. With rising prices there was pressure—and incentive—to develop a substitute. In 1859 petroleum was discovered in Pennsylvania and in 1867 kerosene broke the whale oil market. Whale oil prices fell and cheap kerosene was available to meet the increased demand. This process holds obvious lessons for us all; America's first energy crisis was solved without the use of Government controls by making use of the free market. If we had controls and rationing of whale oil in 1850, I would not like to speculate on where the country would find itself today.

A lot of my constituents are genuinely puzzled about how such a crisis could have hit us full in the face without some advance warning. I ran across an interesting quotation from the September 1960 meeting in Los Angeles of the American Association of Petroleum Geologists, in which Michel Halbouty said:

> I can safely predict that between now and 1975 we will have an energy crisis in this country. Then the people will say—"The industry is to blame. Why weren't we told?"—Well, I'm telling them now.

And there is a great deal more documentation during the period from 1940 to the present in which the crisis was forecasted. None is more distressing to me than a Senate Interior Committee forecast prepared in 1947. This detailed analysis of American energy proved to be remarkably accurate through 1972. Today, eight men who participated in that study still serve in this Congress—AIKEN, EASTLAND, MCCLELLAN, MAGNUSON, FULBRIGHT, YOUNG, SPARKMAN, and STENNIS. Why were not each and every one of these men on their feet and screaming when their colleague, Senator MANSFIELD moved to virtually eliminate all coal mining on public lands right in the midst of a full-blown, critical shortage of domestic energy supplies predicted more than 25 years before?

I think I have made it clear, Mr. Speaker, where the responsibility for our present crisis lies. If we want to be self-sufficient in energy by 1980 we know where to begin. Let liberty vis-a-vis free enterprise work instead of trying to make total control vis-a-vis socialism work.

Mr. Speaker, if we here in the policy-making board do not use statesmanship and foresight today to get the Government out of the way of solving this problem, we have no future. Stop Government remedies that kill the patient. Repeal. You do not offer another length of rope to a man who is already strangling. When history is written, the blame will clearly and fairly be given to the governmentality of the politicians and constituencies of 20th century Americans.

POLICE REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. METCALFE) is recognized for 30 minutes.

Mr. METCALFE. Mr. Speaker, in July of this year a blue ribbon panel, which I had the honor to chair, released a report entitled "The Misuse of Police Authority in Chicago." The report, and the recommendations contained therein, was based on hearings held in Chicago on June 26, July 17, 24, and 31, 1972.

In the early part of 1972 the Concerned Citizens for Police Reform was created "to seek reforms in the administration and conduct of the Chicago Police Department and its employees." The report states:

> Although the new organization maintained an awareness of other forms of police misconduct, it (the CCPR) stressed the fact that its main focus and principal activities would be directed toward abusive police conduct against citizens.

Because of the failure of the police department, and the city administration, to enter into any type of a meaningful dialog concerning these problems, the Concerned Citizens for Police Reform asked me to hold hearings. I convened a blue ribbon panel and held 4 days of hearings. The panel, a group of private citizens, represented a cross section of the professional and ethnic communities of Chicago.

The hearings brought out a deep feeling of resentment which many individuals held against the police department. The feelings of hostility were held against the police department as a whole, although the reason for the resentment grew out of the misconduct of a few.

In recent months several reports have been issued concerning the activities of the Chicago Police Department.

A report issued by the Chicago Law Enforcement Study Group in 1972 "The Police and Their Use of Fatal Force in Chicago" found that the city's civilian death rate at the hands of law enforcement officers to be nearly 1½ times the Philadelphia rate and more than 3 times the rate for New York, Los Angeles, and Detroit.

In its report the Chicago Law Enforcement Study Group stated that 75 percent of the civilians killed in Chicago were black.

Another report issued this year by the same organization "The Selection and Hiring of Chicago Policemen" stated that the study group undertook an extensive investigation of the police selection system's strengths and weaknesses to determine whether substantial reform was indead required." The report concluded:

> That the selection process is poorly equipped to perform the sophisticated task of filling the manpower needs of the Chicago Police Department.

The Chicago Law Enforcement Study Group is a joint research project of the Center for Urban Affairs of Northwestern University and the Alliance to End Repression, American Civil Liberties Union, Business for the Public Interest, Chicago Commons Association, Chicago Council of Lawyers, Chicago Urban League, Community Legal Counsel, Community Renewal Society, Leadership Resource Program, Legal Aid Bureau of United Charities of Chicago and the Roger Baldwin Foundation of the American Civil Liberties Union.

A Survey of the Chicago Police Department conducted by the International Association of Chiefs of Police stated:

> In spite of the elaborate procedures established for disciplinary and internal investigation, records of the department indicate there are continuing breaches of discipline, ethical compromise and misconduct on the part of Chicago police officers. We recognize that any large department will always have disciplinary problems to contend with. However, we are concerned about the shortcomings of the disciplinary system at the level of execution.

The need for a police department in our society is beyond dispute. We are ruled by laws, laws adopted and accepted by free men. These laws must be enforced in a fair and equitable manner.

However, because of the problems inherent in the enforcement of the law, the possibility does exist that there will be misconduct, police harassment of civilians and, in fact, police brutality. These types of actions are often directed towards those not in a position to defend

themselves, or to state it bluntly those having little or no political clout.

The individual citizen should and must be able to seek redress of grievance for violation of civil rights under color of law. He can in fact do this under 42 U.S.C. § 1983. This section of the Code states:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territority subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

At the present time individual police officers may be sued under this statute. But, as the late Congressman RYAN pointed out on the floor of the House in May 1971:

The consequence is that a police officer found guilty of an unlawful act may well be judgment—proof—in the sense that the damages awarded cannot be recovered from him for lack of funds—and the system of law enforcement, by virtue of its immunity, feels little pressure to discourage subsequent misconduct.

On February 20, 1961, Mr. Justice Douglas writing for the Court in Monroe against Pape, stated that the city of Chicago was not liable under this statute, 42 U.S.C. § 1983, because Congress did not intend to bring municipal corporations within the provisions of that section. Douglas wrote:

We are of the opinion that Congress did not undertake to bring municipal corporations within the ambit of 1979. (Revised Statute).

By refusing to grant a writ of certiorari in Yumich against city of Chicago the Court, in effect, adhered to the principles of Monroe against Pape.

Therefore, I am introducing legislation which will amend 42 U.S.C. § 1983 to make all "bodies politic" responsible for the actions of their agents.

I am of the opinion that if a municipality is held liable in a Federal court "to the party injured in an action at law, suit in equity, or other proper proceeding for redress," for the action of its police officers, then that unit of government will be apt to move more swiftly to guarantee the rights of all citizens. It is, if I may so state it, known as a constitutional right guaranteed through fiscal accountability.

Prof. Kenneth Culp Davis, in his "Administrative Law Treatise," addressing himself to the point of accountability, stated:

Policemen, as experience proves, are largely indifferent to theoretical personal liability, which is sporadically imposed and which typically lags years behind the abuse. But policemen, like any other employees, do respond to rules enforced by their supervisors, for the enforcement may be steady, swift, and sure, and the penalties, including suspension or dismissal, provide fully effective motivation.

If the municipality can be held liable under this statute and if that municipality realizes that it may pay out thousands of dollars in damages, the body politic involved may maintain a very close scrutiny over the actions of its police officers.

The U.S. Commission on Civil Rights stated in 1970 that—

Suits against individuals under section 1983 have not deterred police officers and other public officials from infringing upon peoples' constitutional rights. To impress State and local governments with the need to prevent their officers, employees, agents, or representatives from violating the constitutional rights of others, Congress must act to make State and local governments amenable to suits for damages arising from such unconstitutional acts. A State should not be able to shield itself from the enforcement of constitutional protections by claiming that sovereign immunity protects it from suits for damages.

I think that this legislation is one of the most effective ways of holding police officers accountable for their actions. I realize that violations of civil rights under color of law are committed by only a few and that most of the police officers in this country are committed to enforcing the law in a fair and equitable manner. However, the fact that the danger does exist and that violations do occur, is sufficient reason to justify this legislation. All our citizens must receive equitable treatment under the law.

Here I enclose the text of the bill and a copy of an editorial from the September 17, 1973, issue of Nation magazine:

H.R. 11827

A bill to amend section 1979 of the Revised Statutes (42 U.S.C. 1983) to permit suits against bodies politic and the District of Columbia with respect to certain violations of civil rights

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1979 of the Revised Statutes (42 U.S.C. 1983) is amended—

(1) inserting immediately after "person" the following: "(including any body politic)"; and

(2) by striking out "any State or Territory," and inserting in lieu thereof "any State, territory, or possession of the United States (including the District of Columbia),".

[From the Nation magazine, Sept. 17, 1973]

THE METCALFE REPORT

In most cities with large minority-group populations tension exists between police and the black or other colored population. Members of these communities are far more likely to be abused and beaten up by police officers than are whites. Chicago has such a bad record in this respect that in June and July of 1972 Ralph H. Metcalfe, black member of Congress from Illinois, convened a blue-ribbon panel of community leaders concerned with the problem. The group included lawyers and law professors, clergymen, businessmen, officials of civic organizations, et al. Its report, "The Misuse of Police Authority in Chicago," should be of nationwide interest.

The police department of any large city is a paramilitary organization, a majority of whose members tend to follow an authoritarian code and to expect service behavior from ordinary citizens, especially from nonwhites. In Chicago the situation was aggravated by Mayor Daley's order to "shoot to kill and aim to maim" during the riots following the assassination of Dr. Martin Luther King in April 1968. The record of former State's Attorney Edward V. Hanrahan, who never prosecuted a single case of police abuse, made matters worse. In the black and brown ghettos a civilian in a car, stopped by the police on some trivial reason or none at all, is likely to be insulted, beaten up and arrested if he remonstrates. The usual procedure in such cases is for the police to charge the victim with resisting arrest, assault and disorderly conduct. Thus put on the defensive, he will usually settle by dropping charges against the police.

He might as well, since the police investigate themselves. Chicago's police department has an Internal Affairs Division which is in effect a cover-up organization for misbehaving cops. In 1971 IAD reported 1,156 completed investigations of charges of excessive force and other violations of civil rights. Of these, 16, or 1.4 per cent, were sustained. Other types of complaints numbered 3,938 and 27 per cent of these were sustained, a significantly different showing. IAD's proceedings are secret and complainants usually receive no word of the disposition of their charges.

The Chicago police are free with their guns—for pistol-whippings when they are in a moderate mood, but there is plenty of firing also. A 1972 report of the Chicago Law Enforcement Study Group, "The Police and Their Use of Fatal Force in Chicago," found the city's civilian death rate at the hands of law enforcement officers to be nearly one and one-half times the Philadelphia rate and more than three times the rate for New York, Los Angeles and Detroit. Seventy-five per cent of the civilians killed in Chicago were black.

All this, however appalling, is scarcely new and the principal, constructive interest of the Metcalfe report is in its recommendations. For the past thirteen years Chicago had had a police board consisting largely of business and labor executives closely associated with the city administration. All general orders and police department directives are submitted to the board for approval, but only after they have already been put into effect, and the board has never dissented or even debated the actions taken by the superintendent of the department. The Metcalfe panel wants the board membership to be increased from the present five to fifteen members, of whom six would be appointed from a list submitted by organizations that have been active on behalf of minorities. The board would be given comprehensive power to oversee the operations of the police department and to impose disciplinary penalties.

An independent investigating agency would be established to receive complaints and make factual determinations of excessive force, other violations of civil rights and criminal activity of any kind by policemen. The Metcalfe panel points out that this agency would not be a civilian review board with authority to impose discipline. Its function would be that of fact finding; the imposition of penalties would continue to be the responsibility of the police board and the superintendent of police.

The Civil Service Commission's police appointment procedure should include measures to screen out undesirable candidates on the basis of psychological evaluations. The policeman's lot is not an easy one, a fact recognized not only by Gilbert and Sullivan and the police themselves but all fair-minded citizens. It is important to exclude bullets, racists and the easily upset.

These are a few of the principal Metcalfe recommendations. Essentially, they amount to making the Chicago police department responsive to the citizenry, without distinction of race or color. Chicago is a good place to start, since there conditions are at their worst, but the need is nationwide, and such reforms are in the long-run interest of the police as well as the people they are sworn to serve and protect.

HEARINGS ON OUTER CONTINENTAL SHELF

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

Mr. EILBERG. Mr. Speaker, yesterday I announced that my Subcommittee on Immigration, Citizenship, and International Law will hold 1 day of oversight hearings on the Outer Continental Shelf Lands Act of 1953.

It has now been determined that this hearing will be held on Wednesday, December 12, 1973. Witnesses for this day of hearings have already been scheduled but I wish to emphasize that these oversight hearings will continue in the second session of the 93d Congress.

At that time we will be able to hear from congressional witnesses as well as other representatives from the executive branch. In addition to considering the operation of the Outer Continental Shelf Lands Act, these additional hearings will also deal with H.R. 9132, a bill to create a marine resources conservation and development fund; to provide for the distribution of revenues from Outer Continental Shelf lands; and for other purposes.

ON THE CONFIRMATION OF GERALD FORD

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

Mr. ROSENTHAL. Mr. Speaker, I rise in opposition to the confirmation of GERALD FORD as Vice President of the United States.

My vote against Mr. FORD today is based on two considerations: first, on my duty as the Representative of the people of the Eighth Congressional District of New York, under the 25th amendment, to make an independent determination of the nominee's qualifications. I do not believe that Mr. FORD's views on economic policy, tax reform, national defense, civil rights, civil liberties, consumer protection, urban affairs, and the like properly represent the needs and aspirations of my constituents.

My opposition also rests on the unique circumstances surrounding Mr. FORD's nomination by President Nixon—circumstances that were clearly not contemplated by the 25th amendment. I am referring, of course, to the fact that this nomination comes from a man who is currently under investigation by a committee of the House of Representatives for the possible commission of impeachable offenses. Having undertaken, an investigation of the President's conduct in office, it is clearly inappropriate for us to permit Mr. Nixon to name his possible successor. The more reasonable process for selecting a Vice President would have been for the Congress to have approved pending legislation for a special election.

Mr. FORD has undoubtedly undergone the most thorough review of a candidate's personal background and ethical posture of any in our Nation's history. He is a man of unquestionable integrity, honesty and good will—character traits the importance of which we have especially come to understand in recent months.

But in my judgment, the congressional process which has brought us to the point of today's vote has not measured up to the needs and demands of the times. I find it extremely regrettable that during these difficult days at home and abroad, Congress has directed so much of its confirmation effort to the question of Mr. FORD's fitness for the Vice Presidency and so little to the question of his potential for performance as President.

Congress' role in selecting a Vice President, under the 25th amendment, should be to recreate to the greatest extent practicable the conditions of an arduous national campaign and imitate the searching questions and demands of the electorate during such a campaign. The single most valuable aspect of a Presidential campaign is that it subjects a candidate's political platform to searching public cross-examination and his personal mettle to the kinds of stresses and strains that are not unlike those experienced by a President.

With some exceptions, Congress has failed to accomplish these purposes and as a consequence we know little more about GERALD FORD's real potentialities for the Presidency than we did before.

WHERE DO WE GO FROM HERE? THE DEMOCRATIC PARTY

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

Mr. OWENS. Mr. Speaker, at a time when so many people are turning away from politics in despair and disgust, our colleague from Arizona (Mr. UDALL) has once again brought attention to those goals which make politics a worthy profession.

Few Members of this body are able to articulate so well our current national predicament. Although the article he has written for the New Republic magazine focuses on the Democratic Party, his significant analysis of immediate and long-term national problems offers a broad insight for all of us in Congress. I highly recommend it to all of my colleagues, and therefore, insert it in the RECORD:

WHERE DO WE GO FROM HERE? THE DEMOCRATIC PARTY

(By Morris K. Udall)

"I belong to the increasing body of Americans who cannot forget that parties are instruments."—Felix Frankfurter.

"I belong to no organized political party, I'm a democrat."—Will Rogers.

It is a mistake to think that grim news for the Republicans is good news for Democrats. I don't believe that Republican troubles guarantee Democrats the two-thirds congressional majority in 1974 needed to override vetoes, or a Democratic take-over of the White House in 1976. Unless the Democratic Party can get itself together, it will be no better able to pick up the political pieces than a man with a broken back and no hands.

As we turn the corner into 1974 we Democrats are getting along better than we did a year or two ago, but we're still arguing over party rules and assigning guilt for previous defeats. And meanwhile a gathering storm that threatens the stability of the nation goes almost unnoticed. Consider:

The climax of an 18-month attack in the international market which left that worldwide symbol of value and stability—the US dollar—minus 80 percent of its purchasing power in foreign countries;

A President who, glimpsing light at the end of the tunnel, released the economy from controls only to find, instead of light, another tunnel. Inflation is running amok; this year's price rise could by itself exceed that of the five-year period 1961–65;

An administration that in the last five years has allowed us to stumble into an energy crisis that will close factories and schools and leave millions of homes unheated this winter—and, in all likelihood, produce gas rationing, more inflation and further devaluations of the dollar in the months ahead;

A new war in the Mideast that shook liberal (and now Nixon) theories of detente, at a time when worldwide shortages of basic materials raised serious concerns about future relations with our traditional allies;

The possibility for the first time in our history that the two highest offices in the land could in close succession be vacated by incumbents under fire, resulting in the speaker of the House succeeding to the presidency. All that, plus near collapse of confidence at home in the honor and competence of the highest officers of our government—a collapse that inevitably undermines the confidence of governments abroad in the leadership and stability of the United States.

Buried in the debris of 1973 is a political system that has been corrupted by money, a bloated economy that has been tranquilized into a false sense of security by a drug named "growth," a high level of technology and leisure that has run out of cheap energy, and a foreign policy that still innocently assumes that Americans can impose conditions on other nations that we ourselves will not accept. I have no doubt of our national resilience. But it must be said that by the fall of 1973 the ingenuity and optimism that within three decades helped save the world from Hitler, rebuilt Europe, and opened the frontier of space are less visible than at any time since the Great Depression.

I don't claim to have the answers, but let me suggest, in necessarily sketchy fashion, the dimensions of a national dialogue that must begin immediately.

In 1972 about 45 percent of all eligible adults failed to turn up at the polls, the worst showing in 25 years. There were more eligible voters who failed to register an opinion than those who cast ballots for President Nixon. To their ranks we must now add a new group: actively *cynical* voters turned off by hypocrisy of the last decade and now repelled by Watergate and the Agnew scandal. These are educated, independent, opinion leaders; their votes have often determined the outcome of elections. If they bail out of the system—and the indicators are more ominous than most politicians want to believe—representative government will be in worse shape than it is today. At a minimum their cynicism could spell the end of the two-party system, opening the door to splinter parties and bitter ideological rifts. I seriously question whether America would be governable under such conditions.

The immediate Democratic response ought to be twofold. First, we ought to press the Congress for at least some modest public contribution to campaign financing, and we ought to limit the clout of private donors (labor as well as corporations), and put an end to election by television commercials. The failure of the Democratic leadership to seize this issue would be a historic blunder, but it hasn't grabbed it yet. Earlier this year the Senate put public finance on the back burner, while approving reforms in the cur-

rent system that opponents claim favor incumbents. The House didn't even schedule hearings on the subject until late in the year, virtually ruling out floor action until sometime in 1974, when then-active candidates, will drag out the old complaint that "you can't change the rules in the middle of the game." The cold fact is that if Congress does nothing substantial about campaign financing in this year of Watergate, we won't have substantial reform in this decade.

A very large number of election day "no shows" don't vote because they can't. They are victims of a weird maze of registration laws. We ought to have some kind of universal registration; government ought to *care* whether you vote or not and try to make it easy. Here again universal voter registration proposals are having tough sledding in the Congress.

Election reform is not only desirable for its own sake but as the first step to the kind of tax reform and health insurance policies the working man is rightfully demanding. Despite the labor hall oratory of congressional and presidential candidates, neither program has gone anywhere precisely because the current system depends upon the largess of the one economic segment of our society that stands to lose by their adoption. The political necessity of such changes will be made apparent to both parties only when through a measure of public financing, campaign costs are underwritten by a broader base of small contributors.

Democrats don't have the answers to Mr. Nixon's economic delemma—not yet. But we know, or should, that the Democratic wisdom of the 1960s known as "the new economics" is largely "inoperative." Gone are the days when U.S. products were unrivaled in the world market, when our supplies of basic materials seemed unlimited, when we thought wages and profits could soar while inflation remained under control and the dollar stable. No one likes to talk about this, but some fundamental changes lie immediately ahead.

It is easier to say what went wrong than how to right it. Some of the trouble is attributable to the ingenuity of our competitors, principally the Germans and Japanese, who rebounded from World War II with phenomenal economic and technological growth. But there were other things that were within our control. There was the assumption made somewhere along the line that it was America's duty to garrison the globe, with troops and bases in 100 countries. Our fear of the Soviet Union nourished an outsized military establishment. We got sucked deeper and deeper into the endless and costly Vietnam war. Intoxicated with success and seemingly unlimited profits and higher wages, American labor became less productive than their counterparts in other nations. Big business grew bigger, and we slipped into conglomerate arrangements that vitiated competition in vital industries and built unnecessary inflation into the economy. We degraded our environment, for which we are now paying, and we let a few shortsighted companies shape an energy policy that is now little short of a national disaster. A decade ago, how many of us thought we would live too see the time when the disclaimer "Made in Japan" lent prestige to products, and when in the international market the yen and mark were preferred to the dollar?

What is to be done? As a start we need to restore competition in the "big sector" of industry. We may have to move against some conglomerates and get a handle on largely ungoverned multinationals. Rather than looking for ways to protect companies like ITT, Congress and the next administration ought to take a hard look at mergers and anti-competitive practices.

Our next step should be to turn the American farmers loose. For three decades we've had farm surpluses and programs to depress production. And yet last year farmers exported $12 billion worth of products and our balance-of-payments situation would have been even more disastrous without them. Agriculture has long been the sick man of our economy; now it can help save us.

We ought to reorder federal priorities or stop using the cliché. If we can't have all our space and military programs and still provide ourselves with adequate education and health, we have to decide which comes first. We have got to rid ourselves of the kind of mixed-up economic policies that have given us $100 billion worth of federal deficits in four years, adding immeasurably to the pressures on the dollar. We may have to give the federal government new authority to enforce a reasonable income policy on major industries. Large price increases and wage settlements in the years ahead may have to be submitted to a bipartisan economic board that can jawbone, and delay if necessary, unwarranted profits and wages.

Perhaps most important, we must do more than we're doing to get labor and management back on the same team. Incentives *are* the cornerstone of our economy. We might do well to imitate the Japanese who have made the assembly line worker part of the "corporate family" through such devices as lifetime jobs, profit sharing, secure pensions and representation on corporate policy boards.

Finally, we are becoming a nation of liberal arts majors with too few skilled tradesmen and women—carpenters, plumbers, electricians and so on. We want our children to have a better life and since the 1950s the symbol of that life has been a college diploma. Too often we have assumed that a young man or woman enters a trade only because he or she is not smart enough to do anything else; trade education has been a symbol of failure. But by reducing the proportion of youth entering the trades, we pay a high economic price in terms of the strain on basic services, reduced competition, higher costs, and a decline in the quality of workmanship. Meanwhile the market for college graduates is glutted, portending an angry, overtrained generation. We must develop a post-secondary education scheme that puts the young blue-collar worker on a par with the potential college student.

No discussion of the economy of the 1970s makes sense without reference to the related problems of learning to live lean. There are abundant warming signs that we are coming to the end of an era of cheap resources; we are running out of petroleum, land, minerals, water and raw materials. In a drive to fuel the engines of gross growth, we have in the past quarter century skimmed the cream of US resources. The environmentalists are right. An era of shortages (and, hopefully, of resource recycling) is at hand. The straight facts are these:

We are six percent of the people on this planet but each year consume at least one-third of the energy and other resources in the world. We waste more energy than Japan annually consumes;

This administration had pretended for two years that the energy crisis was not serious, thereby putting us in such a vulnerable position that the Arabs' "oil weapon" will have a devastating impact on our lives and our economy this winter. They would not go to the country with an old-fashioned policy of belt-tightening conservation until a cocked gun was already at our heads.

We will encounter similar scarcities in paper, copper, zinc, even water. Of the 13 basic minerals, the US is currently totally dependent on foreign supplies for four, and that could be up to 10 in the foreseeable future.

During the last 30 years the American economy was a golden-egg-laying goose. The magic word was "growth" and the slogan, particularly of the Democratic Party, was "more!" And why not? Growth meant an ever bigger pie, more for labor, more for management, for everyone. Bigger and faster (cars, SSTs, etc.) were better. This joyride was fun while it lasted, but we're coming to the end of grosser and grosser GNP expansion. That doesn't mean an end to "progress," but waste will have to be eliminated, and efficiency and conservation must become the national creed. We need leaders who promise less, who discourage wasteful throwaway products, big gas-guzzling cars and electrical gadgets, energy-eating office buildings and poorly insulated homes, neon lights and other extravagances with no redeeming social value, a one-person-one-auto transportation system that has destroyed our sense of community, advertising that promotes energy overuse.

At the same time we need a crash national effort, more ambitious than the space program of the 1960s, to develop promising new alternative energy sources such as solar, geothermal, coal gasification and liquefaction for the 21st century. The President's breast beating notwithstanding, such a program might already be underway but for the shortsightedness of his administration, as evidenced as late as this June by official testimony before my subcommittee in stern opposition to a "Project Independence" program.

As we begin to feel the impact of shortages, I hope the Democratic Party will avoid two errors, the hint of which pervaded the belated Nixon energy appeal. First is the misplaced faith that technology will bail us out, somehow, just before disaster. We risk catastrophe if a blind confidence in technology lulls us into procrastinating. We are foolish to believe any longer that technological tricks can relieve us of our need to husband our nonrenewable resources.

The second error is to retreat from our commitment to clean water and air, to go ahead damming wild rivers and desecrating wilderness and national parks. Some short-term trade-offs may be required, but when the tough decisions come, it would be folly to abandon environmental reforms. If we are sensible, we can balance our resource budget and remain respectful of nature's laws.

The problem of scarcity leads me to some final suggestions about our role in a shrinking world. Fortunately we are leaving behind us a foreign policy that for the last 25 years has been based on ideological confrontation—though the withdrawal symptoms are still with us as indicated by the ordering of a worldwide nuclear alert in response to vague reports of possible Soviet moves in the Middle East. As the result of our unhappy Vietnam experience, it is good politics to talk about letting other nations fend for themselves. That line, carried too far, is as dangerous as the overambitious globalism of the '60s.

Although proclaimed as a break with a past of over-involvement in the affairs of other nations, the Nixon Doctrine—far from shedding the burden of costly military aid programs—has resulted in huge arms subsidies for undemocratic governments and military tyrants. Abroad, particularly in the third world, we are perceived as having abandoned any pretext of exercising moral force in the conduct of our foreign policy. And we must remember that in the decade ahead our fate will be tied more than ever to the judgments of that world community, because of the scarcity of natural resources if for no other reason.

"Growth" or "the good life" has been possible for Americans only while much of the rest of the world was underfed and underdeveloped. But expectations are rising everywhere. European economies are booming, and new forces in Japan and the Common Market mean an end to the days when the United States dominated international trade. The rest of the world will no longer be indifferent to Americans consuming, as we do each

year, 55 percent of all the gasoline in the world!

I suspect that Mr. Nixon's foreign policy, like his presidency, is transitional. The Nixon-Kissinger globe-trotting summitry has produced solid achievements, and Democrats should admit it, but perhaps not as uncritically as some do. The costs of a foreign policy triumph are not often immediately apparent to the startled citizenry—as we are now made ruefully aware in the case of the Russian wheat deal and in Vietnam where the January "peace settlement" has brought no peace and still costs us over $10 billion annually.

In the same vein, we should not be too sure that multipolar, big-power diplomacy is desirable no matter how skillfully played. Given the serious potential of the growing Soviet-Chinese conflict, how much do we really want to be involved? And was it such a great accomplishment for Richard Nixon to end a war only after having doubled its length or cost, or to reestablish relations with China after having helped prevent them for two decades?

Big-power, showboat diplomacy may lead us to ignore less exotic but equally pressing problems at home. And there is evidence to suggest the Nixon spectaculars have diverted attention from a whole range of imperatives that will control our international relations throughout the next two decades. I would like to suggest five changes that are on the horizon.

First, it is necessary and desirable that policy decisions no longer be geared to a reactive crisis orientation. It is the kind of bad management that under the strain of one crisis spawns others because of neglect—one is driven from our consciousness without the first having been resolved. The pollution crisis is overtaken by the energy crisis, the Watergate tapes crisis by the Middle East crisis, and so on, *ad infinitum*.

Second, as stated, the energy binge is over. With the advent of worldwide shortages, we cannot expect to retain friendly relations with traditional allies—already on the decline—or avoid costly and dangerous trade wars if we don't get over our self-indulgence. We must increase productivity, control inflation, and cut the fat from our natural resource budget. Our reward will be a stabilized dollar, competitive exports, lower prices and friendlier neighbors.

A requirement of such a policy is, thirdly, that we begin to get a hold on the military behomoth created during the Cold War. Most Americans no longer see much sense in 400 overseas bases and half a million troops and dependents in Europe, in a single submarine that costs a billion dollars, or in a military airplane that ends up costing 30 to 50 percent more than the contractor promised. They wonder when the time will ever be "right" for the military to tighten its belt on weapon systems that double and redouble our unquestioned ability to incinerate the planet. Yet most politicians seem to shrink from reasonable cuts, as the fall of each even-numbered year approaches. For this procastination we will pay an unacceptable price in energy lost to the rest of society and dollars lost for needed programs like national health insurance.

Fourth, we must put our manic-depressive relations with other superpowers in perspective. Détente is our goal, but we must understand the two levels of negotiation that are involved. First is the effort to avoid holocaust, slow the mad arms race, and avoid confrontation. On that level, we should be prepared to negotiate with the devil. The second level has to do with aid, trade, communication and ultimately interdependence—the détente which the Nixon administration is currently preaching. At this level we must decide if it is proper, and I believe it is, to seek basic humanitarian concessions from governments whose disregard for human rights is contrary to our deepest beliefs.

Finally, we have to reestablish our moral credentials. Our position in bargaining for human rights is greatly weakened by our treatment of our own minorities. For this state of affairs, history will deal harshly with Richard Nixon and with Congress whose contribution to racial equality during the last five years has been to dump the problem back on the branch least able to deal with it, the courts. The good news here is that there are still millions of black and white Americans who believe in an integrated society and are willing to make reasonable sacrifices and adjustments. Progress will require a measure of courage on their part and on the part of those representing them in Congress; it will also require that civil rights leaders turn away from the courts as their only salvation and busing orders as their chief weapon. The Democratic Party once led the country toward integration and racial harmony; it can begin to do so again by advancing initiatives that transcend the lost debate over busing and by devising multifaceted methods tailored to the needs of each community.

Those same polls that reflect Republican misfortune tell us that the country does not look upon a Democratic government as the obvious, desired alternative. Many elements of the old labor-ethic-Southern blocs who left the party in 1968 and 1972 have not yet "come home." Even when they were together Democrats did not fare well in presidential politics. Since 1944 our so-called "majority" party hasn't had more than 50 percent of the vote, except in the Johnson landslide year, while Republicans reached majority status three times. We have lost four of the last seven presidential contests!

Admiring as I am of the job Chairman Strauss has done in refereeing the current intraparty power struggle, I can't help wondering if this does not appear to the country like Nero fiddling. Attention to party rules and procedures will have an impact on who is selected for the Democratic nomination, but programs and policies will decide that nomination's worth. Within the ranks of the Democratic Party are many of the country's best minds, and we should call them to the front. We need emergency task forces on the economy, environment, foreign policy, racial problems, campaign and governmental reform. We need responsible, consensus policies in all of these areas that our congressmen, governors and mayors can support. Such policies are the beginning of a new unity, rather than the product of it.

FACING THE ENERGY CRISIS

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

Mr. ROONEY of Pennsylvania. Mr. Speaker, this Nation has been confronted with grave situations in the past and most likely will face some again in the future. And that is all the more reason that we must face this present day energy crisis as realistically as possible.

Therefore, it is within great pleasure that I call to the attention of my colleagues one such realistic outlook in a recent statement by Mr. Stewart S. Cort, chairman of the American Iron and Steel Institute and Bethlehem Steel Corp.

Mr. Cort stated:

The steel industry is prepared to do whatever it can to help insure that the present situation does not have a disastrous impact on the economy.

We are concerned, however, that any cutback in the fuel oil available to the steel industry will have serious consequences for other major industries and for the economy.

He went on to say:

We will have to increase our steel output substantially if we are to meet President Nixon's goal of self-sufficiency in energy. Yet a reduction in steel's fuel consumption in 1974 would mean that less steel would be available for the energy industry.

It is my hope that President Nixon and his energy policy advisers will provide for an equitable distribution of energy resources to all industries so that no one area will suffer to the detriment of the entire economy.

The statement follows:

STEEL AND THE ENERGY CRISIS

President Nixon's address to the nation last week dramatically underscored the severity of our energy crisis. The steel industry is prepared to do whatever it can to help insure that the present situation does not have a disastrous impact on the economy.

We are concerned, however, that any cutback in the fuel oil available to the steel industry will have serious consequences for other major industries and for the economy. Industries which would be adversely affected are the energy-producing industries, those engaged in the production and processing of food, those industries which move agricultural and manufactured products to markets and others.

Steel is involved in all these activities. It is the basic material used in motor vehicles, freight cars, ships, bridges and pipelines. Steel machinery and equipment produce the food, clothing and thousands of other commodities essential to health, safety, comfort and security. Millions of tons of steel go into food cans and shipping containers. Steel is indispensable in the construction of electric generators, the mining of coal, the drilling of oil and gas wells, the construction of oil refineries, and the transportation of oil, gas and coal.

For these reasons, steel production must be given top priority status if the nation's fuel oil supply is allocated on a mandatory basis.

Although the steel industry uses less than one percent of the total U.S. fuel oil supply, this oil is largely consumed in such vital processes as reheating, heat treatment and annealing. There is no known way to substitute coal for oil in these applications. The industry has been shifting from natural gas to fuel oil for these purposes because of the increasing scarcity of natural gas.

In addition, steelmakers have had to increase their fuel oil consumption this year because of a tremendous surge in steel demand. Moreover, environmental restrictions have forced reductions in the use of coal in boilers and blast furnaces.

In 1972, the industry shipped just under 92 million tons of steel mill products and consumed 1.3 billion gallons of oil.

This year, the steel industry expects to ship approximately 110 million tons of steel, with 5 to 6 million tons of the total coming from inventories which are now depleted. Fuel oil consumption in 1973 is expected to be 2.2 billion gallons—a jump of more than two-thirds over last year.

At the current level of steel production, the industry's fuel oil and natural gas use is already at an irreducible minimum. Any cutback in the industry's requirements would mean a serious decline in steel production and employment—a decline which would be magnified by severe cutbacks in output and jobs among the nation's many steel consuming industries.

Currently, the steel industry employs 5,000 workers for each million tons of steel it produces.

A 15-percent reduction from estimated 1973 fuel oil consumption would cost the nation 6.8 million tons of steel and more than 30,000 steelmaking jobs.

If the industry were held next year to its 1972 fuel oil consumption level, the nation would lose 12 million tons of steel shipments, and 60,000 steelworkers would become unemployed.

It is difficult to estimate what reductions of this magnitude would mean to the hundreds of firms manufacturing products made of steel, but it is certain that their employment would be seriously affected across the country. Aggravation of current serious steel shortages would have an adverse effect on the manufacturing component of the Gross National Product.

One of the ironies of our current dilemma is that a cut in steel production because of fuel oil controls would only further irritate the energy crisis itself.

Steel pipe, wire, plate, and drilling equipment and platforms containing steel are vital for oil and gas drilling operations, and for the gathering and transmission of these fuels through pipelines. Oil tankers, petroleum tank trucks and freight cars, and oil and gas storage tanks all require large quantities of steel. Stainless and high alloy steels are essential in the constructional of refineries.

Many of these products are already in short supply, despite the current record steel output level. In some parts of the country, oil and gas producers actually are stripping drill pipe from old oil wells to use in new ones.

Even if the Arab oil embargo ended tomorrow, the United States would not have enough oil refinery capacity to meet its needs. Construction of the refineries we need will require large quantities of steel.

If anything, we will have to increase our steel output substantially if we are to meet President Nixon's goal of self-sufficiency in energy. Yet a reduction in steel's fuel consumption in 1974 would mean that less steel would be available for the energy industry.

Reductions in the available steel supply would have other serious consequences. Less tinplate, for example, might mean that canners would not be able to process all of this year's bumper crops of fruits and vegetables, which might further increase food prices to the consumer.

A 5 to 10 percent cutback in steel supplies could make it impossible for farmers to obtain needed agricultural machinery. Farmers already are experiencing a serious shortage of baling wire which would become worse if steel production were reduced. This would mean a loss of hay and other fodder, with its consequent impact on meat production.

At a time when railroad car builders are straining to increase their output to meet a serious shortage of rolling stock, less available steel would mean still greater strains upon the nation's already seriously taxed rail network. There would be fewer hopper cars and gondolas, for example, to move the needed coal and raw materials.

Production of machinery and equipment is essential to the U.S. economy. The economy is operated at capacity, especially in the production of most basic materials. Many people have hoped that a high level of new machinery production in 1974—to create additional capacity—would begin to alleviate the shortages that have resulted from lack of capacity in various industries. Steel is essential to all segments of the machinery industry. Any curtailment brought about by steel shortages will have a serious adverse effect on this important segment of our economy.

Our industry supports the enactment of legislation permitting some temporary variances in environmental control standards. We are not opposed to a clean environment. Our efforts toward that goal prove that. But, at this critical moment, relaxation of some standards can be a vital element in the program to ease the energy crisis. To illustrate what might be accomplished, one steel company has reported it will have 76.8 million gallons of fuel oil in 1974 at one plant, 38 million gallons of which cannot be used, because they are in excess of the sulfur limit. An easing of these restrictions would double this facility's usable fuel oil supply.

In conclusion, we believe that steel should have a top industrial priority for fuel oil requirements at its current rate of consumption, rather than a lower rate, because:

Any curtailment of steel production would adversely affect the very industries which must now use steel products to relieve the energy crisis.

The steel industry's total requirements for fuel oil are only a very small fraction—not even 1%—of the available supply.

MIDEAST "UPS AND DOWNS"

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, the need for sound and careful thinking and noninflammatory discussions on the problems of the Middle East are very evident. The Christian Science Monitor on Monday, December 3, provided such a discussion in its editorial entitled "Mideast 'Ups and Downs'." I submit it for reprinting in the RECORD.

I submit also for printing in the RECORD a significant message from the pen of Ernest A. Carrere, Jr., publisher of Seapower magazine and president of the Navy League of the United States, on the place expected of the United States in the Middle East crisis and our capabilities to fill that place. It is entitled, "The Arab/Israeli War: Portent and Warning."

MIDEAST "UPS AND DOWNS"

There will be "ups and downs all the way" along the road to peace in the Middle East, as Henry Kissinger has said. But the historic and encouraging thing is that the momentum for peace exists.

Whatever the outward appearances, events in recent days substantially confirm the desire of both sides to move ahead to serious peace negotiations.

One of the most encouraging signs was the redrafting by Israel's Labor Party—the dominant party in the ruling coalition—of its election manifesto. The original manifesto was sharply "hawkish" and approved large-scale settlement by Israelis in the occupied Arab territories. The revised draft eliminates the expansionist tone, and the language has been softened in other respects. The manifesto speaks of obtaining "defensible" borders for Israel 'based on territorial compromise."

Despite its rhetoric the Arab summit meeting in Algiers last week confirmed support for Egyptian President Sadat's decision to negotiate. There was a remarkable measure of unity at the summit, facilitated by the decision of two of the "radicals"—Libya and Iraq—not to go to Algiers.

The summit set forth the Arabs' maximum demands: immediate Israeli withdrawal from all Arab territories occupied in the 1967 war, including the Arab part of Jerusalem, and restoration of the national rights of the Palestinian people.

The specific mention of Jerusalem indicates the influence of King Faisal of Saudi Arabia in the summit deliberations. The King, a devout Muslim, has always insisted that a peace settlement should include restoration to Arab sovereignty of Arab Jerusalem and of the Muslim shrines in the city. On the face of it there seems little likelihood of Israel yielding to this demand, but some compromise formula might be worked out whereby Jordan would be given joint suzerainty over the old city and the Muslim temples.

The Arab leaders have not yet spelled out clearly what they mean by the restoration of "national rights" for the Palestinians. But at Algiers they took the step of recognizing the Palestine Liberation Organization as the sole representative of the Palestinian people. They may be expected to insist that the PLO be represented at some stage of the Geneva negotiations. The decision to recognize the PLO was taken over strong objections by Jordan's King Hussein, who did not attend the summit meeting, and who believes that Jordan alone should speak for the Palestinian people. On this there will have to be compromise among the Arab leaders themselves.

One of the solutions for the Palestinians being discussed among the Arab countries is establishment of a separate Palestinian state consisting of the West Bank of the Jordan River and the Gaza strip, both of which are now under Israeli occupation. There might be some form of federal link between this Palestine state and Jordan, and eventually a customs union or common market between both of them and Israel. But all of this is still academic.

The first hurdles to be cleared on the road to peace are the disengagement of the Egyptian and Israeli forces on the Suez front, and the freeing of Israeli prisoners still held by Syria.

The disengagement problem has so far proved too complex for solution by the Egyptian and Israeli generals meeting at Kilometer 101. Israel now is saying that the question should be the first item on the agenda for the Geneva conference due to open on Dec. 18. But Egypt is insisting that Israeli forces pull back without delay to the cease-fire lines of Oct. 22. This is the kind of "down" in the process of seeking peace that Dr. Kissinger spoke of last week.

Whether we can expect much in the way of concrete results from Geneva before the Israeli elections on Dec. 31 is doubtful. In the meantime the Arabs will keep up maximum pressure through their selective oil embargo, which they are manipulating with a skill that some of the experts thought impossible. Apart from some concessions to those states considered "friendly" to the Arab cause, any letup in the embargo is unlikely until there is evidence on the ground of Israel's willingness to make territorial concessions.

The fact that Israel, Egypt, Syria, and Jordan are ready to sit down and negotiate after 25 years of unremitting hostility is immensely important. A peace settlement is now more than a mere hope. It is a possibility. It is made possible not only because the contestants are willing to talk, but also because the two superpowers are committed to doing all they can to achieve it.

Despite the expectable "ups and downs" the outlook remains encouraging.

THE ARAB/ISRAELI WAR: PORTENT AND WARNING

By the time this issue of Sea Power is placed in your mailbox, there could have been a number of significant happenings in the war-torn Middle East. A cease-fire could have been effected. Or Arab forces could have made major advances both in Syria and in the Sinai desert. Or, in turn, the Israelis could have pushed the Egyptians back across the Suez Canal, destroyed Syrian forces in and about the Golan Heights area, and regained the territories taken in the 1967 Six-Day War. Or the current conflict could have become an ugly war of attrition, with both sides being provided war-making materials by the major powers, and those powers them-

selves inching closer toward a frightening confrontation while Israel fought for its very existence as a nation.

We can only hope the first circumstance, a cease-fire, prevails. We also can hope the United Nations, which has acted decisively before when full-scale war threatened, will cease being only a forum for debate and act to bring pressure to bear upon today's combatants to put down their weapons. But if these hopes are dashed, the United States will have to make some very, very difficult decisions.

Thankfully, at this point in time even the most difficult decisions can be made with the knowledge that the United States has sufficient military strength to back them up. Other nations know this, too. So there could come a time when concern over a possible confrontation with a strong and determined United States could cause the Soviet Union to cease its massive airlift of arms to the Arab nations, thus predicating an honest effort to bring about peace in the Middle East and helping to preserve the "detente" that supposedly exists between the Soviet Union and our own country.

But suppose it were known that we no longer had the military capability with which to bring pressure to bear? How long does anyone believe that tenuous "detente" would last? Does anyone believe that the resupply of the Arab nations would be halted so long as there were weapons and equipment available to be shipped? Does anyone believe the Soviets would refrain from applying their own pressure to those nations which might be aiding Israel in its fight for survival?

Obviously there are some who *do* believe the Soviets would refrain from taking those actions if they were the unquestioned military superpower of the world. And those same individuals, many of whom are in the Congress of the United States, have sought to see our country's defenses weakened by reducing appropriations for them, on the grounds that today's "detente" reduced the need for constant military strength and readiness.

The situation in the Middle East today is a classic repetition of what has taken place all over the world since the end of World War II. Military actions by nations whose troops were armed with Soviet-supplied weapons. Large-scale and efficient replacement of weapons lost in combat. Strident warnings and dire threats against those "imperialists' who might support the nation whose defense is being sought by countries backed by the Soviets. And action in the United Nations aimed at handcuffing that body's ability to act as a peacemaker. These things have happened *even though* the United States still remains a formidable power. We shudder to think what might happen were we not a nation capable of coming to the fore when needed in bringing about a peaceful solution to an explosive situation.

In these pages we have constantly emphasized as strongly as humanly possible the requirement for sufficient military power to permit our country's leaders to act in times of crisis from a position of strength. We firmly believe that the current state of affairs in the Middle East provides the most graphic illustration possible of the validity of that position. With God's will there will come a day when the United States can afford to drop its guard. But that day is not yet here, and at the moment it appears to be a long time in the offing.

Your support of that position is, in my mind, an absolute necessity. To those of you who have registered it in various ways in recent weeks, I express my deepest thanks. At the same time, I urge those who have not yet come forward to do so, and those who already have to make their efforts continuous and unstinting. For only if they are will our collective voice be listened to.

NATIONALIST CHINA

(Mr. SIKES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SIKES. Mr. Speaker, nowadays we do not read much about Nationalist China and that nation's friendship with the United States nor do we remind ourselves of the strategic position of Taiwan and the curb which that stalwart little country helped place for so many years on Communist China's designs for territorial expansion. The subject is discussed in a timely and provocative way in the magazine Seapower for November 1973 in an article by James D. Hessman, editor-in-chief, entitled "Interesting Times for Nationalist China." It is well worth reading and I submit it for publication in the body of the RECORD:

INTERESTING TIMES FOR NATIONALIST CHINA

(By James D. Hessman)

Somewhat like West Berlin, somewhat like Israel, somewhat like Great Britain, Taiwan—also variously known as Formosa, as the Republic of Chica (ROC), and as Nationalist or Free China—sits, a lovely and beleaguered holdout against the tide of communist which has swept through (or currently threatens) most of the rest of Asia in the traumatic generation since World War II.

Like West Berlin, Taiwan is all but surrounded by a hostile and much more powerful government ruled by the onetime countrymen and erstwhile comrades-in-arms of those who govern Taiwan itself. Like Israel, as events of recent weeks have borne out, Taiwan, under persistent attack from its sworn enemies, is often trapped by a flow of world events beyond its control and now finds itself, except for the United States, without friends among the major powers. And, like Great Britain and other countries of the United Kingdom, Taiwan, an island nation competing with virtually an entire continent, lacks sufficient material resources of its own and has had to base its struggle for economic viability—and, therefore, for independence—on trade, on the remarkable industry and intelligence of its own people, and on its indisputable "special relationship" with the United States.

Also—here, once again, like West Berlin and Israel, in any case—Taiwan's long and continuing fight for freedom has in large part depended and will continue to depend upon the good will of the American people and the willingness and determination of the United States to live up to its legal and moral commitments.

THE CHINESE CURSE

There is an old Chinese curse which says "May you live in interesting times." Even by 20th century standards, however, the recent past has been, for the Republic of China, too interesting for comfort. Red or Communist China—now, in a period of uneasy rapprochement, more politely called Mainland China or the People's Republic of China (PRC)—has replaced Nationalist China in the United Nations. Taiwan also has been expelled, in favor of Communist China, from both the International Labor Organization and the General Agreement on Tariffs and Trades. Over 80 nations have established relations with Peking and, in a large number of cases, severed their previous ties with Taipei to do so. The Exeeutive Committee of the Asian Games Federation on September 18, at the urging of Japan, Iran, and Pakistan, voted to oust Nationalist China in favor of the PRC.

Numerous other embarrassments and hurts could be recorded. Undoubtedly the most ominous change, however, from a ROC viewpoint, was the decision—understood in Taipei if not 100 per cent appreciated there—by the Nixon Administration to begin normalization of relations with Mainland China. Despite repeated pledges by President Nixon that the United States will still honor its commitments to Taiwan, ROC leaders could take little comfort from the U.S./PRC Shanghai communique of February 27, 1972 (during the Nixon visit to China), affirming that the "ultimate" U.S. objective is "withdrawal of all U.S. forces and military installations from Taiwan," and promising, as an extra measure of good faith on the American part, that "In the [unspecified] meantime it [the United States] will progressively reduce its forces and military installations on Taiwan as the tension in the area diminishes."

It seemed that policy was being put into practice earlier this year when, on September 3, Admiral Noel Gayler, U.S. Commander-in-Chief, Pacific, announced, according to news reports, that "with the reduction of U.S. involvement and hostilities in Southeast Asia and with the lessening of tensions in the area" some 3,000 personnel of the 374th Tactical Airlift Wing, or about one-third of all U.S. military forces on Taiwan, would be returned to the United States. The "lessening of tensions" Gayler referred to was not particularly noticeable on Taiwan itself, where relations with the mainland continue on a level of cordial distrust.

Not helping the situation has been the changed attitude of some members of Congress and a certain segment of the American press, newly enamored of Mainland China and willing, in some cases, to write Taiwan off as an obsolete relic of the Cold War. In the past it was fashionable in some quarters to speak disparagingly of the "China lobby." Now it may perhaps be more accurate to term it the "anti-China lobby." Some members of that unofficial but probably well intentioned organization undoubtedly believe the prospect, however slight, of better relations with a nation of 750 million Chinese is worth more than the actuality of proven good relations with a less powerful and certainly less threatening nation of "only" 15 million Chinese. Others, enveloped in the euphoria of rapprochement, optimistically believe, or at least fervently want to believe, that the Cold War in Asia is, in fact, coming to an end and think that the United States should be willing to do almost anything, even betray a friend (that is not the word used, of course), to promote that happy prospect.

Still others, genuinely disillusioned with foreign affairs either because of the Vietnam experience or because of their overriding concern about U.S. domestic problems, have become neo-isolationist and want to cut back on *all* U.S. commitments abroad, including but not limited to those involving Taiwan.

TIME OF THE TROUBLES

Providing at least partial moral respectability to those who would abandon Taiwan in favor of Red China is a lingering residue of resentment toward the regime of Chiang Kai-shek, which, pushed off the mainland by the Communists in 1949, fled to Taiwan, where it set up its government-in-exile for all of China—a government, however, from which the native Taiwanese themselves were conspicuously excluded. Because of the harsh rule of the immediate post-1949 years (when it should be remembered, the Chiang government was fighting for its very existence), because native Taiwanese are still underrepresented in the government, and because Taiwan still is much less than a perfect democracy (although much closer to it than most Asian regimes), there are some, including a number of overseas Chinese, who oppose Nationalist China and Communist China both and who favor the third alternative of an independent Taiwan belonging to neither the ROC nor the PRC.

Those who espouse such an apparently idealistic cause are ignoring both recent history and present reality, however. Because

the fact is that, for at least two and a half centuries (1644–1895), Taiwan was an integral part of China. Some 84 per cent of Taiwan's population—the pre-1949 or "native" Taiwanese—are of more ancient Chinese stock, about 14 per cent are the mainlanders who came over in 1949, and only about 2 per cent, eight tribes of aborigines, are of non-Chinese origin.

Japan took Taiwan from China in 1895 and administered the island for the next half century, returning it in 1945 in accordance with the Cairo and Potsdam Declarations. The 1945–49 period was a particularly difficult one for mainlanders and native Taiwanese alike. The former were preoccupied with Mao's forces, leaving administration of Taiwan to officials who were in many cases venal and corrupt; the latter, World War II collaborators with the Japanese, were in a state of almost constant revolt (partly, it is believed, as a result of communist machinations against the central government). The results were repression, a reported 10,000 native Taiwanese killed by government troops, and an enduring animosity that still somewhat infects the Taiwan body politic.

But time heals all wounds, in the Orient as elsewhere. And time has done much to ameliorate the former tensions between native and newcomer Taiwanese. For one thing, while mainlanders have held political power, the natives have held most of the money—but all segments of the population have benefited greatly from a general prosperity which has made Taiwan's standard of living the highest in all of China's 5,000-year history.

Martial law likely will continue until, if and when, there is an easing of tensions with Mainland China, but the stability thus afforded by a strong central government provides for the population at large some side benefits (very little juvenile delinquency, and an extremely low crime rate, for example) which the citizens of the great Western democracies would envy.

Most important from an American point of view, perhaps, has been the evolution—gradual at first, but accelerating rapidly in recent years—of a more traditionally participatory government which has managed the economy with remarkable effectiveness for the benefit of all ROC citizens and which has, in the process, implemented some truly progressive political changes.

Land reform, the first step, has helped some 700,000 small farmers and made them agricultural capitalists of sorts. The result has been: (1) for the people, a diet which is Asia's highest in calories (2,680 per day, including 69.2 grams of protein, versus, for example, only 1,780 calories and 30 grams of protein daily for the Chinese Communists); and, (2) for the economy, an agricultural surplus for export—despite the world's highest population density per square mile of arable land area. Of particular importance, noted Harry B. Ellis in a *Christian Science Monitor* article ("Taiwanese Success Story") of November 16, 1972, is that "Taipei accomplished land reform without disruptive strain, by confiscating Japanese-owned industry and giving it to wealthy landlords, in return for their parceled-out land. 'No one suffered,' commented an expert, 'except the Japanese.'"

Education has been encouraged with almost fanatical zeal. Over one-fourth of the population goes to school. By law no less than 15 percent of the national budget, 25 percent of the provincial budgets, and 35 percent of county and city budgets (percentages usually exceeded, incidentally) must go to education—to support the country's 2,300 elementary schools, 923 high schools, almost 100 colleges and universities, and hundreds of professional institutes. Education is free and compulsory through the ninth grade, and admission to public high school and college is on merit, through competitive examination. Here the result has been a literacy rate of almost 85 percent, compared to 25 percent for the PRC (according to a CIA estimate in the "People's Republic of China Atlas" published in November 1971 by the U.S. Government Printing Office).

An extensive public health program has also been vigorously promoted. Such former Asiatic scourges as malaria, encephalitis, smallpox, and plague have been virtually eliminated. The infant mortality rate, an appalling 155.36 per thousand in 1931 (statistics for all of China), was down to 15.50 on Taiwan in 1971. Free medical care and hospitalization are available to the poor, but much of the population, some five million people, is covered by an extremely comprehensive (and cheap) health insurance program for which the employer pays 65 percent of the premiums. There is one hospital or clinic for every 13,000 persons (versus one per 110,000 on the mainland). Medical care is good. Western medicine is practiced for the most part, but Chinese acupuncture, "discovered" by the Western press after the Nixon visit to Peking, is also available.

MEDIA VERDICT

Improvements in personal freedoms, in the expanding right to dissent, and in increased political participation by native Taiwanese have been noted by such disparate, respected, and exceedingly democratic publications as the *Washington Post, New York Times, Reader's Digest, and Wall Street Journal.*

Among numerous progressive changes instituted by Chiang Ching-kuo, elder son of Chiang Kai-shek, who succeeded his father as Premier on June 1, 1972, have been "a crackdown on corruption and favoritism in the government bureaucracy," "appointment of younger native Taiwanese officials to important posts," and "a concerted effort to boost the incomes . . . of Taiwan's farmers" (Stephen W. Harmer in the *Washington Post*, September 5, 1973).

Some nominees of the governing Nationalist Party were defeated, in the national elections of December 23, 1972 "by critics of the government running as independents." Moreover, "With few exceptions," most candidates, "both from the Nationalist, or Kuomintang, side and the independents, were Taiwan-born and many were young men" (*New York Times*, December 23, 1972).

"The urgent problem everywhere is how to narrow the gap between rich and poor. Communism accomplishes this, but only by removing the rich and reducing the poor to a low common denominator. In most developing countries the gap grows wider as population soars, so increase in unemployment outweighs the gain in GNP. Compare the median income of the top fifth of the population with the bottom fifth: In . . . Mexico between 1950 and 1969, the gap widened from 10–1 to 16–1. But in Taiwan, between 1953 and 1969, it *narrowed* from 15–1 to 3.5–1" (Noel F. Busch in the *Reader's Digest*, December 1972).

The Nationalist government has "tried to erode the barrier between refugees and native-born Taiwanese. Today, the majority of the island's college students are native-born, [and] the mayors of the island's principal cities are Taiwanese, as are most delegates to the provincial assembly." Taiwan "is not a civics book example of a model Western-style democracy. But it is moving in that direction, and this at a time when democracy in other Asian nations—South Korea and the Philippines, for example—has been steadily losing ground" (*Wall Street Journal* editorial, January 15, 1973).

In addition to contested elections and the universal education drive, which inevitably teaches people to think for themselves—the two *sine qua nons* of a truly participatory government—there are many other evidences that Taiwan has been evolving toward a society much more open (particularly by Asiatic standards) and much closer to the Western concept of the democratic ideal.

News media outlets are numerous and highly competitive. There are 32 independently published daily newspapers, over 1,600 other publications, weeklies, monthlies, bimonthlies, and quarterlies), three commercial TV networks (American shows are often featured) as well as a government-sponsored educational TV station, and 80 radio stations. Overseas editions of leading foreign newspapers and magazines are readily available—to Chinese readers as well as to foreigners—at most major hotels and newsstands.

Contact with foreigners and, therefore, with foreign ideas and ideologies is inevitable, if only because of the staggering increase in tourism—from 40,000 visitors in all of 1954 to a rate of approximately 70,000 *per month* in 1973. The reasons for the increase are obvious: the scenery is magnificent, the Chinese cruisine, particularly in Taipei, unexcelled, and the business investment opportunities extremely alluring. Taiwan is also, for American tourists, particularly, one of the world's few remaining bargain spots. (The weather in the summer months is hot and atrociously humid, however.)

A military museum on the ROC-held island of Kinmen (Quemoy)—within loudspeaker distance of the mainland—has on display a variety of balloons, leaflets, radio transcripts, and other propaganda messages—those transmitted from the mainland to Kinmen as well as those sent from Kinmen to the mainland. The museum is open to Chinese and foreign visitors alike. There is, in contrast, no indication yet, however, that the Communist Chinese freely permit citizens of the People's Republic to read ROC propaganda.

JUDGE US BY RESULTS

But it is in the field of economics, the open marketplace, that Taiwan has achieved the most spectacular progress. A handful of examples, from hundreds available:

Average family income in 1972 was $1,200—admittedly modest by U.S. standards, but four times that of Communist China.

Taiwan's gross national product grew at an average annual rate of 8.7 per cent during the years 1953–71. Industrial production increased an average 14.7 per cent annually during the same period.

The agriculture/industry imbalance which plagues so many developing nations has been successfully rectified. In 1953 agriculture accounted for 35.7 per cent of Taiwan's GNP, industry 17.9 per cent. In 1972 agriculture accounted for only 15.7 per cent, industry for 36.6 per cent.

Foreign trade has increased at an almost incredible rate. In 1971 the ROC and PRC foreign trade totals were about equal. By the end of 1973 Taiwan's two-way foreign trade will top $8 billion, about 50 per cent more than the mainland, according to current estimates.

ROC ARMED FORCES

U.S. foreign aid to the Maryland-sized island ceased in 1965, since which time Taiwan has itself been providing aid to lesser developed nations. It is partly for this reason, and partly because of the booming ROC economy, that Taiwan is often referred to as "an American showcase."

Similarly, the ROC armed forces, largely equipped with American-made weapons (now purchased, not given), are sometimes cited by naval and military observers as the best current example of "the Nixon Doctrine in action." Mindful, in fact, of the ancient Chinese proverb that says "The more you sweat in peace, the less you bleed in war," ROC political and naval/military leaders long ago strived for the indigenous military self-sufficiency which is the essential basis

of the Nixon Doctrine. Taiwan has more of its population, per capita, in uniform than any other nation in the world except Israel. The approximately 600,000 men and women on active duty (including 60,000 Navy/Marine Corps and 80,000 Air Force personnel) are backed up by another 1.8 million in the Reserve forces.

Military service is compulsory for all male citizens—who normally serve two years in the Army or three years in the Navy or Air Force. A five-year Reserve obligation follows discharge from active duty, with all Reservists organized into "Area Reserve Units" subject to one month's refresher training each year. Shorter duration call-ups follow for the next three years, after which each member is still "available for any national emergency" until reaching 45 years of age.

Among the American-made weapons used by the ROC forces are Hawk and Nike-Hercules missiles, medium tanks, 155mm howitzers, renovated U.S. Navy destroyers, F–100, F–104, and F–5A fighter aircraft, C–119 transports, and a variety of trucks, rifles and other small arms, and various support equipments. Like the Israeli, the Taiwanese armed forces have been repeately tested under fire—six times on and around Kinmen, for example And they have met the challenge each time—once, in a bloody battle on October 27, 1949, by successfully driving off from that tiny island a two-division ChiCom force which had made a forced landing two days earlier and was occupying several of the island's strategic strongpoints.

Despite previous ROC combat successes, Taiwan's leaders and the people they govern know National China's continued viability as a free nation is still and for the foreseeable future will be dependent on the continuing friendship of the United States, and particularly on the comforting offshore presence of the U.S. Seventh Fleet—because the sea forces are of primary importance in the area, the Commander of the U.S. Taiwan Defense Command, currently Vice Admiral Philip A. Beshany, USN, is always a Navyman.

WHAT'S IN IT FOR US?

The dependence is in many respects mutual, however. Longtime China-watchers, particularly the wall-eyed breed which keeps simultaneous book on Peking and Taipei both, vary in their assessments but generally give four principal reasons why it would not be to the advantage of the United States to let Taiwan shift for itself.

Strategically, there is nothing to be gained. There is, in fact, much that could be lost. Taiwan is an integral (although not completely indispensable) element in the chain of U.S. western Pacific island bases ringing the eastern and southern shores of the continent of Asia. An important American staging area during the Vietnam conflict, it might never again have to be used by U.S. forces in combat, but its potential remains. Those who advocate U.S. pullout as a unilateral concession to Communist China ignore the fact, moreover, that there is no guarantee the successors of Mao and Chou will continue the current approachment. Until a new regime is in power on the mainland, therefore, any irreversible U.S. move in this direction would be premature, at the very least.

Economically, despite the gossamer prospects of "750 million customers" on the mainland, Nationalist China is much more important to the United States, and will continue to be for a long time to come. Last year, based on foreign trade settlements, the United States and Taiwan had a two-way trade total of slightly over $2 billion, making Nationalist China America's 12th leading trade partner (in a field of 145 nations). If current trends continue Taiwan will move to seventh place on the list within the next two or three years. Red China's *total* two-way trade *with all countries of the world combined*, in contrast, was less than $4.3 billion in 1970. Western economists do not see that total growing very rapidly in the near or distant future, nor do they see the United States capturing much more than its current almost infinitesimal share of the ChiCom market.

Politically, Taiwan is a symbol: (1) to the Free World at large, of U.S. credibility—if the United States fails to live up to its commitments to Nationalist China, then Israel, West Berlin, and U.S. allies in NATO and elsewhere will have to make an agonizing reappraisal of their own positions; and (2) to the 750 million human beings on the mainland itself, who see Taiwan, whatever its fault, as a China which might have been for themselves and which, given the passage of time and the changing and mellowing of current regimes, might yet be. To the Taiwan Chinese, who have a still strong identification with the Middle Kingdom, this is a most important point, unlikely though current prospects are for such a utopian ending to the current situation.

Morally—the argument that should have the most appeal to most Americans—U.S. withdrawal from Taiwan would gain nothing for the people on the mainland (although it would please their rulers), but it could have cataclysmic consequences for the people on Taiwan—native-born and mainlanders alike. It is not diplomatic, perhaps, but it is realistic to remember that a study published in 1971 by the Senate Internal Security Subcommittee estimates that, as of then, anywhere from 32 million to 61 million people (estimates vary widely because of the extremely closed nature of Communist society) had been killed by the Mao regime or had died in slave labor camps since the PRC came to power. This is anywhere from six to 10 times the number of Jews slaughtered by the Nazis during World War II. The blunt truth must be faced, therefore, that, based on past performance, U.S. withdrawal from Taiwan at the present time might well be followed shortly thereafter by the slaughter and/or enslavement of another 15 million people. (The appealing "third alternative" of an "independent Taiwan" is apparently not possible; the one thing on which Nationalist China and Communist China agree is that there is only one China, and that Taiwan is part of it.)

There are many Americans antipathetic to the Chiang Kai-shek regime who believe the United States should never have become involved in China's "internal problems" in the first place. Their point is perhaps debatable, but it is also irrelevant—applicable to 1949 realities, but not to today's. The fact is that the United States did, rightly or wrongly, become involved in 1940 and has remained involved ever since.

In an admirably comprehensive article in the February 1973 *Marine Corps Gazette*. Colonel Angus M. Fraser, USMC (Ret.), a leading Sinologist, recognizes this fact and sums up the dilemma now facing U.S. decisionmakers as follows: "No matter how much this nation wants to reduce its military presence and to see an end to trouble in Asia, we must remember that American support, freely and massively given, put the people of Taiwan . . . in their present position. It would be morally indefensible now to abandon them to a fate not of their own choosing."

UNDERSTANDING THE NATIONAL ENERGY DILEMMA

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, earlier this year the Joint Committee on Atomic Energy published the study "Understanding the National Energy Dilemma."

Written before President Nixon unveiled his "Project Independence" energy plan for national self-sufficiency in the 1980's, the study has served as a useful framework for assessing the chances for meeting that objective.

William Hines of the Chicago Sun-Times in a November 30 article appearing in the St. Louis Post-Dispatch reviews the committee study in light of the President's plan. Based upon the conclusions drawn in the report, Mr. Hines suggests that the objective of national self-sufficiency in the 1980's is doomed.

So that my colleagues have the opportunity of reading the article I include it at this point in the RECORD:

SELF-SUFFIENCY IN ENERGY BY 1980 ONLY PIPE DREAM

(By William Hines)

WASHINGTON, November 30.—Whether President Richard M. Nixon's new game plan for coping with the energy crisis works this winter remains to be seen. But it is pretty clear that his longer-range objective of national self-sufficiency in the 1980s is doomed.

This is obvious from data graphically presented in a study by the Congressional Joint Committee on Atomic Energy. It concludes that little can be done to change energy-use patterns in the United States between now and 1980, and not as much as one might think by 1990.

In fact, the study suggests, the gap between domestic fuel supplies and domestic energy demand will continue to widen for at least another decade. This gap will have to be filled—if at all—as it is being filled now: by imported stocks of fossil fuel, chiefly petroleum.

It is possible, the study shows, that the size of this gap could be stabilized about 1983, given workable energy-policy guidelines. But even so, by that time the national requirements for imported oil and gas will be about three times what they are today.

New sources of energy, such as direct conversion of sunlight and the extraction of hydrocarbons from oil shales and tar sands, can hardly be a major factor in the supply picture before the end of the century, if then, according to the report.

The report employs a rarely used statistical technique that reduces all forms of energy to a common denominator. This makes it possible to evaluate supplies of oil, coal, natural gas and hydroelectric power in terms of a single unit, thus avoiding an apparent "apples-and-oranges" comparison.

The energy unit used is 1,000,000 barrels of oil a day equivalent. A barrel of crude oil contains the same amount of heat-equivalent (expressed in British thermal units) as:

(1) 1700 kilowatt hours of hydroelectric power.

(2) 5800 cubic feet of natural gas.

(3) 450 pounds of coal.

Using this standard, the report charts a 40-year period of growth in energy consumption based on actual data for 1950, 1960 and 1970 and the best available estimates for 1980 and 1990. Energy supplies are traced through the uses to which they are put, such as "electrical generation," "residential and commercial," "industrial" and "transportation."

One of the most startling facts to emerge from the study is that most of the energy consumed in the United States is wasted, not by frivolity (the study passes no value judgments of this kind) but rather by the inefficiency of machinery and other converters of fuel to energy.

Electrical generating plants convert to

power only about 40 per cent of the heat they use, and motor vehicles waste about 75 per cent of the heat contained in their fuel. Residential and commercial space heating and industrial processes, on the other hand, are reaonably efficient converters of fuel.

This year we are consuming about 36 energy units (36,000,000 barrels of oil a day equivalent) and we are wasting about 19,000,000 of these. This waste is more than the total consumption of energy in 1950, and in turn the estimated waste in 1990 (35 energy units) will approximate the total energy consumption at present.

Far from becoming self-sufficient by 1980, the study shows, the United States will be more dependent than ever on imports. Our imported oil needs, now about 30 per cent of total consumption, will rise to almost 50 per cent in the next six years.

"The nation is less than a third of the way from 1970 to 1980 calendarwise," the report says, "(But) it is already basically committed to what its energy use patterns will be in 1980 (barring major changes in the national or international area)."

One of these major changes (in the international area), unforeseeable when the report was written before the October Arab-Israeli war, has now come about. All the same, the report says predictions about 1980 still hold:

"For instance, the nation already ordered a large part of the electrical capacity that can be functioning commercially by the year 1980; it has already ordered every major rail-based mass-transit system that can be functioning by 1980; and the public still continues to commit the United States to an ever-increasing number of automobiles with their known poor energy consumption patterns."

Over-all efficiency in converting and utilizing energy peaked in the 1965–70 period, when about 50.5 per cent of all fuel consumed was usefully converted. By 1975, the report predicts, efficiency will have fallen to 46.8 per cent, and this trend will continue to 46.1 per cent by 1980, 45.1 per cent by 1985 and 44.3 per cent by 1990.

This deadline in efficiency, the report explains, is traceable to environmental cleanup measures (such as low-performance engines in passenger cars) enacted in the early 1970s, and to the emergence in the 1980s and '90s of nuclear power as a major factor in the nation's electrical supply. Atomic reactors are inherently less efficient than conventional oil-, coal- and gas-fired central power stations.

Regarding the last decade of this century, the report makes the point that "while some significant changes in the national supply-and-use pattern might be possible by the '90s, these changes cannot be made as quickly and as easily as many people think."

Written before President Nixon unveiled his "Project Independence" plan for self-sufficient in the '80s, the report forecasts a reliance on petroleum imports in 1980 three times as great as in 1970. In 1990, import requirements are estimated at about six times the 1970 level, and—the report says—"unless drastic and immediate action is taken on several fronts, our reliance on imports of energy will actually be greater . . . or the year 1990, even assuming the supplies and demands of the other nations of the world will continue to be compatible with our national energy requirements."

AEC CHAIRMAN'S PROPOSAL FOR 5-YEAR ENERGY R. & D. PROGRAM

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, on Tuesday, December 4, I indicated that a report to the President by the Chairman of the Atomic Energy Commission on the subject of energy R & D. had been made available and that it deserved serious study by the Congress. I also provided summary schedules of the recommended funding levels for the proposed program. My statement is included at pages 39413 through 39415 of Tuesday's CONGRESSIONAL RECORD.

While I have not completed my review of this rather extensive document, there are a number of initial overall reactions which I have had that I would like to share with my colleagues. Before proceeding, I would like to commend Dr. Ray and all those involved with preparation of the report. Obviously, considerable time and effort were devoted by many individuals on a rather short time schedule to study the complex subject of energy R. & D. and to come forward with a comprehensive report. I am certain that the document will serve a highly useful purpose in focusing attention on this critical national energy issue. Let me now present my initial overall observations on the report.

First. The report recommends intensified R. & D. effort on a multiplicity of projects and programs. Although there is obviously some merit to such an alternate route approach, one has to be concerned as to whether we may be spreading our available resources too thin. There just is not enough money, manpower, and other resources to do everything. Our experience in civilian power development has demonstrated the need to focus our efforts in carrying forward energy R. & D. programs.

Second. Significant increases in funds are proposed for programs directed toward better utilizing our available fossil fuels. I am afraid, however, that the proposed amounts will not be sufficient—particularly in terms of the funds required to support the construction and operation of demonstration and first-of-a-kind production plants. The administration is apparently counting on private industry to come forward with substantial contributions toward these plants. While I am certainly in favor of obtaining industry's support, is it realistic to expect them to put substantial funds in these very expensive, high risk, R. & D. undertakings? If we are really in a crisis, as the President says, the Government is going to have to take the lead on this.

Third. Generally, the report in my view places too much emphasis on the research end of the R. & D. spectrum vis-a-vis the development end. While we must continue a vigorous program of research, our main priorities should be on the engineering, development, and installation of energy systems which we can count upon to help meet our shortages in the next decade or two.

Fourth. As the record will clearly show, those of us on the Joint Committee on Atomic Energy have recommended for some time that the Nation support intensified R. & D. programs on fossil fuels. But we also have been firm in our belief that this not be accomplished at the expense of nuclear power programs. There is serious question in my mind as to whether the proposed program for "validating the nuclear option" is adequate in terms of funding. It only receives about a 10-percent increase over the previously planned program for the fiscal year 1975–79 period—considerably less than the increases projected for the other parts of the overall program.

I am particularly concerned with the adequacy of the funds projected for the liquid metal fast breeder reactor—LMFBR—which is our Nation's highest priority energy development program. The report includes only a small overall increase of $86 million for the 5-year period for this program. In effect, considering the inflationary trends and increasing costs of conducting development programs, the net effect will likely represent a reduction in the overall LMFBR program. I am further disturbed that the estimates apparently do not include Government support for a second-breeder demonstration plant. In this regard, I might note the President announced his intention to proceed with such a plant in September 1971, and that work toward such a plan was authorized by the Joint Committee earlier this year.

Fifth. The report points out that—

Additional uranium isotope separation capacity must be provided, with construction beginning the next two years if the enriched uranium requirements of the 1980's. are to be met.

Unfortunately, adequate funds are not provided in the estimates to meet this need. Only a slight increase from the previous planned program is provided for the uranium enrichment program—from $284.5 million to $294.2 million for the 5-year period. No construction funds are provided for production facilities, although some funds are provided for R. & D. facilities.

Sixth. The report recommends a substantial increase in funding for the controlled thermonuclear reactor program—fusion program. The previously planned confinement systems for fusion are increased from $1.1 billion for fiscal years 1975–79 to $1.34 billion. The confinement program is projected to grow from a fiscal year 1975 level of $55.8 million to a fiscal year 1979 level of $376 million. In addition, $110 million is provided for the start of a new civilian laser fusion program. I also understand that $329 million will be included for the 5-year period for military applications of laser fusion in the national security section of the AEC budget.

The Joint Committee has closely followed the progress in the fusion program since its inception, and has strongly supported the effort. We intend to examine thoroughly whether it is timely to accelerate the program as rapidly as the report recommends. We will also be looking closely at the new plans for the laser fusion effort.

In closing, I would like to reemphasize the need for the Congress to carefully review the recommendations presented in Chairman Ray's report since it is a key document in terms of setting the future approach and priorities for energy research and development in this country. There is serious question in my own mind as to whether the proposed program is adequate to meet the needs in terms of balance, timing and level of effort. Our lack of sufficient energy supplies right now would suggest that the Nation perhaps now needs a program directed more toward increased production and better

utilization of available energy sources as soon as possible rather than research on unproven or new energy sources and conversion methods.

As I indicated in my remarks of December 4, it is evident that the proposed R. & D. program will not contribute significantly toward achieving the objective of U.S. energy self-sufficiency by 1980—or by 1985 or perhaps even by 1990. I am certain that this point will be misunderstood by the American public. Apparently additional recommendations toward reaching the 1980 self-sufficiency goal will be made at a later time.

In view of the critical importance of this matter, I have scheduled hearings before the Joint Committee for next Tuesday, December 11. This will provide an opportunity for Chairman Ray to present the results of her study in public session and to comment on my initial observations and other points as appropriate.

HON. JOHN E. LEE, JR.

(Mr. PRICE of Illinois asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PRICE of Illinois. Mr. Speaker, yesterday, December 5, I paid tribute in the RECORD to Dr. John Lee who died November 30.

As part of my tribute I take this opportunity to include an article from the December 3 issue of the Granite City, Ill., Press-Record which highlights the remarkable career of Dr. Lee and the many contributions he made during his life:

LEE ERA ENDS

An era ended at 1:25 p.m. Friday with the death of Dr. John E. Lee Jr., Venice mayor. Madison banker and one of the most active men in civic and public life in the history of the Quad-Cities.

A dentist, Dr. Lee, 52, of 1230 Klein St., died at Barnes Hospital, St. Louis, after a coma resulting from a massive brain hemorrhage.

He had been paralyzed and unconscious since being stricken 12 days earlier, on Sunday afternoon, Nov. 18, at his home, where he had been watching football on television.

He and his late father, a medical doctor, had been mayor of the 100-year-old municipality of Venice for nearly half of its existence.

Dr. Lee Sr. held the office from 1911 to 1915 and then continuously from 1917 until his death in 1944. The present mayor was first elected in 1957 and began his fifth four-year term this spring.

A large gathering attended funeral services for Mayor Lee at 10 a.m. today at St. Mark's Catholic Church, Venice. Large numbers also visited the Lahey Funeral Home in Madison during the weekend.

Although he had been interested in entering politics in the late 1940s and early 1950s, he did not assemble a large enough base of support to make an affirmative decision to run for mayor until 1957. He won in a spirited campaign, and in succeeding elections widened his victory margin.

He was active in the Democratic party and was influential in elections beyond as well as within his home city.

Close political associates have included City Clerk William M. Ebersoldt, a leader of the Venice city political organization and a member and past president of the East Side Levee and Sanitary District, and Walter "Buck" Simmons. Madison County Democratic chairman and clerk of the Fifth District Appellate Court of Illinois.

Dr. Lee also had worked cooperatively with the late Mayor Stephen Maeras of Madison on Venice Township (Venice-Madison) issues, and with the present mayor of Madison, Mike Sasyk.

A temporary Venice mayor, Alderman Lloyd H. Patterson, was chosen by the City Council Thursday night. Flags are at half-staff and the city will remain in mourning for 30 days.

At one point it had been considered possible that Dr. Lee would be the choice for mayor if the Quad-Cities had been merged into a single city. While he did not push directly for the proposal, he was known to believe that this community could obtain stronger voice in its future if consolidated.

Among those voicing shock at Dr. Lee's death was Mayor Sasyk, who praised him as a skilled administrator and as a force for governmental efficiency and integrity.

Mayor Paul Schuler of Granite City described Mayor Lee as a "giant of man." Appellate Clerk Simmons regarded Dr. Lee as "my best friend."

City Clerk Ebersoldt cited the Lee administration's accomplishments, which included construction of street department headquarters on Klein Street and installation of a Broadway traffic underpass. New recreation and fire station facilities were being planned.

Dr. Lee was elected to his fifth consecutive four-year term as mayor of Venice last April, and was serving his 17th year in that office. For many years he had been among the leaders of the Venice-Madison political organization.

He maintained a dental office at 401a Madison Ave., Madison, and was president of the First National Bank in Madison, located at Sixth Street and Madison Avenue.

Born in Venice, he was a lifelong local resident. He attended St. Mark's School in Venice, St. Louis University High School and then St. Louis University and its Dental School, receiving the degree of bachelor of science and doctor of dental surgery.

He was a member of St. Mark's Catholic Church, the St. Mark's Men's Organization and the Knights of Columbus.

His affiliations included the American Legion, American Dental Association, Madison County and Tri-City Dental Societies, Venice Lions Club, Venice Crippled Children's Association, Venice Homecoming Association and the City Organization. He also was a member of the Tri-Cities Area Chamber of Commerce, the United Fund and the Boy Scouts Council.

As mayor of Venice, Dr. Lee guided the city's fiscal policies in a pattern that kept the city "in the black" financially while at the same time permitting many municipal improvements.

He primarily was responsible for a financial program in which the city accumulated funds for construction of the Broadway traffic overpass and also the Venice share of the relocation of Broadway. The underpass has been built and the relocation project is expected to get under way early next year.

Dr. Lee spearheaded programs for Venice senior citizens and an expanded recreational program for the city's youth. He also initiated plans for remodeling of the city hall and jail, a project currently nearing completion.

Under his direction, the city in recent years extensively upgraded its street, police and fire departments.

He served in the Army in World War II, attaining the rank of captain.

Contributions are being made in his honor to the Venice Crippled Children's Organization and to the Dr. John E. Lee Memorial Fund at St. Elizabeth Hospital.

He is survived by his wife, the former Margaret Knecht; a son, John E. Lee III of Venice; two daughters, Mrs. Rodney (Mary Frances) Bauder and Miss Peggy Lee, both of Venice; and two sisters, Mrs. Catherine Hildebrand and Mrs. Charles (Mary) Simmons, both of Venice.

COMPILATION OF INTER-AMERICAN DOCUMENTS AVAILABLE

(Mr. FASCELL asked and gas given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, as chairman of the Inter-American Affairs Subcommittee, I want to advise Members of the recent publication by the Foreign Affairs Committee of a compliation of documents, legislation, and other materials pertaining to inter-American relations. The document is entitled "Inter-American Relations" and is available at the Foreign Affairs Committee's office, 2170 Rayburn Building. The committee hopes that this single source of current reference material will be useful to the entire membership of the House.

NEW ROUND OF NEGOTIATIONS ON PANAMA CANAL

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, negotiations between Panama and the United States on a new Panama Canal treaty have been stalled for many months. Now our new chief negotiator, one of the United States most distinguished diplomats, Ambassador Ellsworth Bunker, has begun a new round of talks in Panama. Panamanian strongman Gen. Omar Torrijos chose the day before Ambassador Bunker's arrival as the occasion to threaten "battle" if no progress is forthcoming in the canal talks. Despite this inauspicious beginning, reports are that the new talks were cordial. Recently, the Miami Herald printed both an article and an editorial on Ambassador Bunker's visit to Panama which I am sure will be of interest to the many Members interested in the future of the canal.

PANAMA THREATENS FIGHT IF TALKS FAIL

(Special To The Herald)

PANAMA.—"This will be the last peaceful negotiation," was Panamanian strongman Brig. Gen. Omar Torrijos' welcome for Ellsworth Bunker, U.S. special ambassador and chief ANAL Treaty negotiator.

Even as Bunker was jetting toward Panama, the government-controlled evening paper was disseminating Torrijos' words under an eight-column headline reading: "If the negotiation fails, we will be left with no other recourse but the battle."

Bunker is in Panama for week-long talks with Torrijos and Panamanian Foreign Minister Juan Antonio Tack preliminary to renewed negotiations for a new treaty to replace the 1903 treaty under which the United States administers the Canal Zone.

In a brief airport statement, the veteran U.S. Diplomat adopted a markedly different tone than that of Torrijos:

"Such an arrangement (the treaty) will require accommodations on both sides. The complexity of the issues will require flexibility and skill on the part of the negotiators and understanding on the part of the public," Bunker said.

The evening daily El Panama America quoted Torrijos as saying:

"It is the last opportunity. This will be the last peaceful negotiation. If the negotiation fails, we will be left with no other recourse but the battle. I am not tossing a threat but recognizing reality," Torrijos said.

Bunker, 79, met with Torrijos Tuesday, following calls on President Demetrio B. Lakas and Vice President Arturo Sucre.

Most of his week-long stay will be devoted to talks with Tack, with whom Bunker said he hoped to "initiate a dialogue that will result in the promptest possible negotiation of a new and modern treaty arrangement."

Accompanying Bunker is deputy negotiator Morey Bell who, shown a copy of the evening paper, remarked jokingly, "Is this our Bible?"

Bunker was met at the airport by Panamanian negotiators Carlos Lopez Guevara and Diogenes de la Rosa and Nicolas Gonzales-Revilla, Panama's ambassador to Washington.

"If the challenge is great, so are the possibilities for statecraft to achieve a lasting settlement which serves the national interests of both countries and meets their responsibilities to the world concerning a major avenue of international commerce," Bunker said.

In 10 years of negotiations, there has been general agreement that jurisdication over the canal zone should revert to Panama, and American control of the waterway and the Canal Zone should have a fixed term. The treaty now calls for American control in perpetuity. But there has been little headway on how to put the principles into effect.

Bunker was U.S. ambassador to the Organization of American States when Panama broke relations with the United States in 1964 after a bloody battle between Panamanian civilians and U.S. Army troops along the Canal Zone boundary. Bunker signed the agreement that led to the resumption of relations and the canal treaty negotiations.

His first diplomatic assignment was ambassador to Argentina in 1951, and President Lyndon B. Johnson sent him to the Dominican Republic during the 1965 crisis there.

He later served as U.S. ambassador to South Vietnam before returning to hemisphere diplomacy and the Panama assignment.

PANAMA IS HARDLY A BATTLE ZONE

That the field of international diplomacy is not all tea and precise phrases, reeking with politeness, is obvious. Bluster, threat and bombast play frequent and sometimes memorable roles, such as Khrushchev's shoe-tattoo on a U.N. desk, the more recent U.S. military "alert" and, in the point at hand, Panama's announcement of an impending "battle" unless this week's negotiations on the Panama Canal work out. To the satisfaction of Panama, that is.

Another U.S. military alert is unlikely as a result of Gen. Omar Torrijos' braggadocio. Special Ambassador Ellsworth Bunker is an old Latin hand with much experience as a catcher of Latin abuse. Sometimes there are domestic political overtones which the politicos play to, sometimes an attempt at pretalk intimidation.

According to Gen. Torrijos, "It is the last opportunity. This will be the last peaceful negotiation. If the negotiation fails, we will be left with no other recourse except to battle . . ."

There have been negotiations aplenty certainly, stretching back 10 years. Perhaps Mr. Bunker can work things out with Panama's foreign minister Juan Antonio Tack. If so it will be as a result of accommodations on both sides, flexibility and skill on the part of the negotiators, as Ambassador Bunker pointed out in his remarks on arrival.

What Panama wants was summed up in Sr. Tack's presentation before the U.N. General Assembly Oct. 12: "I—Denunciation of the 1903 Canal treaty; 2—Replacing it with a new, just and fair treaty; 3—Return of the U.S. Canal Zone to Panama, and 4—Setting the basis for Panama to assume full responsibility for the efficient administration of the Canal."

This view has wide support within the U.N. and total endorsement in the Panamanian press, which is not exactly free to make an independent judgment of the matter.

The United States, of course, has its own interests and is not subservient to any others. A "new, just and fair treaty" is what our government wants, too. Talk of a battle won't help bring it about.

NO WAY SEEMS TO BE LEFT EXCEPT IMPEACHMENT ROAD

(Mr. SEIBERLING asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SEIBERLING. Mr. Speaker, I believe it will be of interest to all Members of the House to learn that the Akron Beacon Journal, the home newspaper of Mr. John S. Knight, president of Knight Newspapers, in an editorial on Sunday, December 2, has urged the House of Representatives to impeach President Richard Nixon. Coming from a newspaper that editorially endorsed the reelection of Mr. Nixon only a little more than a year ago, the editorial is new confirmation of the low state of the Nation's confidence in President Nixon.

As a member of the Judiciary Committee, I do not intend to prejudice the evidence. Therefore, I am not prepared to say, until all the evidence is in, whether or not I would vote for the impeachment of President Nixon.

However, I strongly agree that the Judiciary Committee, having discharged its responsibilities with respect to the nomination of GERALD FORD to be Vice President, must now move ahead with all deliberate speed to conduct a full and fair investigation to determine whether there is or is not substantial evidence that President Nixon has committed impeachable offenses. Let me say that I do not agree with the statement by the Honorable GERALD R. FORD that an impeachable offense is whatever the Congress chooses to designate as such an offense. In my opinion, it must be limited to serious violations of law, conduct clearly incompatible with the integrity of the office of the President, or dereliction of duty so grave as to undermine the Government or threaten the destruction of the Nation.

I certainly do agree with the Beacon-Journal editorial that there seems to be no way left except impeachment to restore the faith of the people in the President's integrity, impartiality and ability to govern. Certainly, we cannot continue any longer than absolutely necessary with a Presidency so crippled as this one has become. Public relations campaigns such as the recent "Operation Candor" cannot restore the lost faith, for the simple reason that millions upon millions of Americans no longer believe what their President says. Obviously, nothing he says can cure this dreadful situation. That can only be done by objective facts, objectively determined and objectively presented to the Congress and to the public.

Mr. Speaker, the House has no choice, in my opinion, but to dig out those facts, present them to a candid world, and let the chips fall where they may. If the facts are against the President, he should be expeditiously removed from office. If they are not, he should be cleared.

The Beacon-Journal editorial follows these remarks.

NO WAY SEEMS TO BE LEFT EXCEPT IMPEACHMENT ROAD

A year ago, impeachment of a president was unthinkable. Today, it is not only thinkable, it is discussed openly by serious men. Unfortunately, Richard Nixon has given us good reason to think and talk seriously of impeachment.

Impeachment is not conviction; it is indictment by the House of Representatives. And it serves a duel purpose. The impeachment process is not only the constitutionally prescribed method of removing a president from office; it is also a way—perhaps the only way—a president in the situation Mr. Nixon now finds himself can be cleared.

A full-blown House investigation and Senate trial would do much to clear the air around the President or to remove him from office. In either case, the nation would have more confidence in its president than it does now.

Mr. Nixon's credibility was somewhere close to zero when it was revealed that 18 minutes of a taped conversation between the President and his former aide, H. R. Haldeman, had been erased. The conversation three days after the Watergate break-in was the first between the President and his chief of staff after the burglary.

The story of the erasure was followed by a farfetched tale told by the President's personal secretary, Rose Mary Woods, of how she "accidentally" erased the tape during a telephone conversation. Her loyalty to her boss may be laudable, but her story defied belief.

The question of what was erased remains. Was it the weather that Nixon and Haldeman were talking about? Maybe some off-season trade by the Washington Redskins? Haldeman's notes say the subject under discussion was Watergate.

Mr. Nixon was in full swing with what he called "Operation Candor" at the time the latest disclosure was made. He was rushing around the country, much as a candidate on a campaign trip, trying to rally support. He was making public appearances, which we welcomed, and he seemed to be gaining a little.

In Memphis, he told Republican governors that if there were any more Watergate-related bombs he was not aware of them. Then came the missing 18 minutes, prompting Oregon Gov. Tom McCall to remark that it "shows a lack of comprehension of what a bombshell is."

We suspect that Mr. Nixon has now slipped to a new low. Under examination, Operation Candor appears to have been nothing more than undelivered promises. We hope that Mr. Nixon can and does deliver on his promises; that he can and will prove that he is "not a crook."

But we cannot wait forever, or even until January 1977, when his present term expires. And we have had too much evasiveness from the White House to rest our hopes on voluntary resolution by the President of any of the nagging questions about his integrity.

At the time of the furor over the missing tapes of conversations between the President and John Dean and between the President and John Mitchell, we said the President should be given one more chance to prove himslef. He has had that chance, and has used it to produce 18 minutes of blank tape, undelivered promises and continued obfuscation.

It would be foolish to suggest that the United States could not stand another 38

months of the kind of constantly battered non-leadership it has had for the past eight months. The strength of this country is such that it can stand almost anything. But why should the nation subject itself to an administration that is distrusted, disbelieved and suspected of being morally bankrupt when there is a constitutionally viable alternative?

It is now considered possible that the Senate Watergate committee will not resume its hearings. That would cause no great damage to the cause of justice. The committee has served its purpose, but there may be little more of use it can contribute.

The case now belongs in the House, where Rep. Peter Rodino's Judiciary Committee is moving at a painfully slow pace with its investigation to determine if impeachment is warranted.

We believe it is.

The House has more than enough to justify indictment: Watergate, bombing of Cambodia, illegal impoundment of funds appropriated by Congress, the secret police unit known as the plumbers, the milk deal and others. Perhaps none warrants conviction, but any or all warrant a full hearing in which all sides are presented. And while the President might now for some not-yet-explained reason refuse to admit evidence in his own defense, if he has any he would surely present it to the Senate if his continuation as President depended on it.

It is difficult for anyone to admit making a mistake, and more than 61 pct. of the American voting public cast their ballots for Richard Nixon little more than a year ago. There is no doubt that an overwhelming majority of Americans preferred Mr. Nixon to Sen. George McGovern. The Beacon Journal joined with most other newspapers in endorsing Mr. Nixon.

But the Richard Nixon we endorsed, and the Richard Nixon most Americans voted for, is not the Richard Nixon we now know.

The choice is no longer Nixon or McGovern. The Senate moved swiftly in approving the nomination of House Minority Leader Gerald Ford as vice president. The House should do the same. Rep. FORD is no standout; he may, in fact, stand by a monument to mediocrity. But by all accounts he is honest, and that counts a great deal these days.

Mr. FORD appears to represent basically the same views the country understood Mr. Nixon to hold on election day 1972. And he is, of course, a Republican, the same as Mr. Nixon. His approval as vice president would remove a major barrier now standing between Mr. Nixon and Impeachment: The man next in line for the presidency is a Democrat, House Speaker CARL ALBERT.

For a Democratic Congress to impeach and convict a Republican president—especially one elected in a landslide—so that a Democrate could assume the nation's highest office would be unspeakable; with Mr. FORD no such problem exists.

The fear has been expressed that impeachment would tear the country apart. That was a convicting line until it became apparent that the Watergate scandal was not about to go away. The continuing scandal is at least as divisive as an impeachment proceeding would be, and impeachment would have an end in sight. Republican insiders are worried that Watergate is likely to be around through the 1974 elections; an orderly, fair impeachment proceeding could easily be over well before next November.

Three things should be remembered about impeachment:

It is only an indictment, not a conviction;

It could clear the President; force him to submit evidence that he would not, for whatever reason, submit voluntarily;

It is a process approved by our founding fathers in the Constitution and meant to be used when necessary.

We hope that in any impeachment proceeding the President can clear himself. But we would be willing to abide by whatever verdict the Senate returned. If the Senate cleared the President from any involvement in "high crimes and misdemeanors" it would be far better than another Operation Candor, possibly followed by another blank tape.

It is now up to the House. It must proceed with the confirmation of GEARALD FORD as vice president. And, distasteful as it surely must be, the House must proceed to impeach President Richard Nixon.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. PATMAN on tomorrow, after other special orders and the business of the day, to address the House for 60 minutes and include extraneous matter.

(The following Members (at the request of Mr. TREEN), to revise and extend their remarks, and to include extraneous matter:)

Mr. RONCALLO of New York, for 30 minutes, on Tuesday, December 11.

Mr. MCCLOSKEY, for 60 minutes, on Monday, December 11.

Mr. MILLER, for 10 minutes, today.

Mr. KEMP, for 15 minutes, today.

Mr. SYMMS, for 5 minutes, today.

Mr. HANSEN of Idaho, for 10 minutes, today.

(The following Members (at the request of Mr. DINGELL), to revise and extend their remarks, and to include extraneous matter:)

Mr. METCALFE, for 30 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Mr. EILBERG, for 5 minutes, today.

Mr. ROSENTHAL, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Mr. ROONEY of Pennsylvania, for 10 minutes, today.

Mr. LEHMAN, for 5 minutes, on December 7.

EXTENSIONS OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. HUTCHINSON, and to include extraneous matter.

Mr. HUTCHINSON to revise and extend his remarks and include letter of opinion from the Department of Justice, following the remarks of the gentleman from California (Mr. DANIELSON).

Mr. RODINO, and to include extraneous matter.

Mr. LANDGREBE, immediately following conference report on the District of Columbia home rule bill.

(The following Members (at the request of Mr. TREEN), and to include extraneous matter:)

Mr. RONCALLO of New York in 3 instances.

Mr. WYMAN in two instances.

Mr. LOTT.

Mr. STEELE.

Mr. SANDMAN.

Mr. HANRAHAN.

Mr. NELSEN.

Mr. FRENZEL.

Mr. BAFALIS in five instances.

Mr. KEMP in three instances.

Mr. HOSMER in two instances.

Mr. PETTIS.

Mr. SYMMS.

Mr. MARTIN of Nebraska.

Mr. WIDNALL.

(The following Members (at the request of Mr. DINGELL), and to include extraneous matter:)

Mr. BOLLING.

Mr. BIAGGI in five instances.

Mr. RARICK in three instances.

Mr. GONZALEZ in three instances.

Mr. ROONEY of Pennsylvania.

Mr. VANIK in two instances.

Mr. HUNGATE.

Mr. EILBERG.

Mr. STOKES.

Mr. HARRINGTON in three instances.

Mr. JONES of North Carolina.

Mr. ANDREWS of North Carolina.

Mr. SISK.

Mr. BYRON in 10 instances.

Mr. HOLIFIELD.

SENATE JOINT RESOLUTION REFERRED

A joint resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S.J. Res. 133. Joint resolution to provide for the establishment of the American Indian Policy Review Commission; to the Committee on Interior and Insular Affairs.

ENROLLED BILL SIGNED

Mr. HAYS, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 8877. An act making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending June 30, 1974, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 1443. An act to amend the Foreign Assistance Act of 1961, and for other purposes; and

S. 1747. An act to amend the International Travel Act of 1961 to authorize appropriations for fiscal years 1974, 1975, and 1976, and for other purposes.

BILLS PRESENTED TO THE PRESIDENT

Mr. HAYS, from the Committee on House Administration, reported that that committee did on December 5, 1973, present to the President, for his approval, bills of the House of the following title:

H.R. 974. An act designating the Texarkana Dam and Reservoir on the Sulphur River as the "Wright Patman Dam and Lake";

H.R. 1284. An act to amend title 5, United States Code, to improve the administration of the leave system for Federal employees.

H.R. 1694. An act for the relief of Ossie Emmons and others;

H.R. 3436. An act to provide for the conveyance of certain mineral rights in and under lands in Onslow County, N.C.;

H.R. 5379. An act for the relief of John B. Clayton;

H.R. 6007. An act for the relief of Swift-Train Co.;

H.R. 6768. An act to provide for participation by the United States in the United Nations environment program;

H.R. 7210. An act for the relief of George Downer and Victor L. Jones; and

H.R. 8528. An act to provide for increasing the amount of interest paid on the permanent fund of the U.S. Soldiers and Airmen's Home.

ADJOURNMENT

Mr. DINGELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Friday, December 7, 1973, at 12.

EXECUTIVE COMMUNICATIONS, ETC.

1614. Under clause 2 of rule XXIV, a letter from the Secretary of the Army transmitting the annual report of the Department of the Army on contracts for military construction awarded without formal advertisement covering fiscal year 1973, pursuant to section 704 of Public Law 92–545; to the Committee on Armed Services.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. HALEY: Committee on Interior and Insular Affairs. S. 1529. An act to authorize the Secretary of the Interior to enter into agreements with non-Federal agencies for the replacement of the existing American Falls Dam, Minidoka project, Idaho, and for other purposes; with amendment (Rept. No. 93–701). Referred to the Committee of the Whole House on the State of the Union.

Mr. MORGAN: Committee on Foreign Affairs. H.R. 11088. A bill to provide emergency security assistance authorizations for Israel and Cambodia with amendment (Rept. No. 93–702). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIGGS: Committee of conference. Conference report to accompany S. 1435 (Rept. No. 93–703). Ordered to be printed.

Mr. PEPPER: Committee on Rules. House Resolution 742. Resolution providing for the consideration of H.R. 11088. A bill to provide emergency security assistance authorizations for Israel and Cambodia (Rept. No. 93–704). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXI, public bills and resolutions were introduced and severally referred as follows:

By Mr. BREAUX (for himself, Mr. BRASCO, Mr. BROWN of California, Mrs. COLLINS of Illinois, Mr. DE LUGO, Mr. DERWINSKI, Mr. FREY, Mr. HELSTOSKI, Mr. JONES of North Carolina, Mr. LEHMAN, Mr. METCALFE, Mr. CHARLES WILSON of Texas, Mr. WON PAT, and Mr. YATRON):

H.R. 11817. A bill to amend the Internal Revenue Code of 1954 to provide an individual tax credit for disaster preparation expenses; to the Committee on Ways and Means.

By Mr. DON H. CLAUSEN:

H.R. 11818. A bill to extend on an interim basis the jurisdiction of the United States over certain ocean areas and fish in order to protect the domestic fishing industry, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. CONTE:

H.R. 11819. A bill to amend title II of the Social Security Act to provide that any individual may qualify for disability insurance benefits and the disability freeze if he has 20 quarters of coverage (and meets the other conditions of eligibility therefor), regardless of when such quarters were earned; to the Committee on Ways and Means.

By Mr. DENT:

H.R. 11820. A bill to terminate the Airlines Mutual Aid Agreement; to the Committee on Interstate and Foreign Commerce.

By Mr. HUNT (for himself, Mr. WYLIE, Mr. TAYLOR of Missouri, Mr. SCHERLE, Mr. KEATING, Mr. ROUSSELOT, Mr. JOHNSON of Pennsylvania, and Mr. PETTIS):

H.R. 11821. A bill to provide for the early commercial demonstration of the technology of solar heating by the National Aeronautics and Space Administration in cooperation with the National Bureau of Standards, the National Science Foundation, the Secretary of Housing and Urban Development, and other Federal agencies, and for the early development and commercial demonstration of technology for the early development and commercial demonstration of technology for combined solar heating and cooling; to the Committee on Science and Astronautics.

By Mr. JOHNSON of Pennsylvania:

H.R. 11822. A bill making appropriations to the Department of Health, Education, and Welfare for the fiscal year ending June 30, 1974, with respect to library resources; to the Committee on Appropriations.

H.R. 11823. A bill to establish an Office of Rural Health within the Department of Health, Education, and Welfare, and to assist in the development and demonstration of rural health care delivery models and components; to the Committee on Interstate and Foreign Commerce.

By Mr. JONES of Alabama:

H.R. 11824. A bill to amend section 15d of the Tennessee Valley Authority Act of 1933 to provide that expenditures for pollution control facilities will be credited against required power investment return payments and repayments; to the Committee on Public Works.

By Mr. KEMP:

H.R. 11825. A bill to amend title XI of the Social Security Act to repeal the recently added provision for the establishment of Professional Standards Review Organizations to review services covered under the medicare and medicaid programs; to the Committee on Ways and Means.

By Mr. MAZZOLI:

H.R. 11826. A bill to establish an Energy Management and Conservation Corporation, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. METCALFE:

H.R. 11827. A bill to amend section 1979 of the Revised Statutes (42 U.S.C. 1983) to permit suits against bodies politic and the District of Columbia with respect to certain violations of civil rights; to the Committee on the Judiciary.

By Mr. MOAKLEY:

H.R. 11828. A bill to establish a Department of Health; to the Committee on Government Operations.

By Mr. ROE:

H.R. 11829. A bill to provide for the temporary suspension of duty on polychloroprene (neoprene) rubber; to the Committee on Ways and Means.

By Mr. WAGGONNER:

H.R. 11830. A bill to suspend the duty on synthetic rutile until the close of December 31, 1976; to the Committee on Ways and Means.

By Mr. FROEHLICH:

H.R. 11831. A bill to provide tax incentives to encourage physicians to practice in physician shortage areas; to the Committee on Ways and Means.

By Mr. KETCHUM (for himself, Mr. ESHLEMAN, Mr. DORN, Mr. RHODES, Mr. WON PAT, Mr. DENHOLM, Mr. TREEN, Mr. ROE, Mr. VAN DEERLIN, Mr. PODELL, Mr. ANDERSON of California, Mr. ROBINSON of Virginia, Mr. RONCALLO of New York, Mr. BYRON, Mr. CAMP, Mr. KEMP, Mr. DEVINE, Mr. MARTIN of North Carolina, Mr. YOUNG of Alaska, Mr. FASCELL, Mr. TALCOTT, Mrs. HECKLER of Massachusetts, Mr. GILMAN, Mr. MITCHELL of New York, and Mr. HAMMERSCHMIDT):

H.J. Res. 845. Joint resolution authorizing increased production of petroleum from the Elk Hills Naval Petroleum Reserve for national defense purposes; to the Committee on Armed Services.

By Mr. KETCHUM (for himself, Mr. WHITEHURST, Mr. YATRON, Mr. FISH, Mr. BAFALIS, Mr. WARE, Mr. MCDADE, Mr. BRASCO, Mr. STUDDS, Mr. BUTLER, Mr. TIERNAN, Mr. FRENZEL, Mr. CONLAN, Mr. WYDLER, Mr. BAUMAN, Mr. DRINAN, Mr. QUILLEN, Mr. BURKE of Florida, Mr. BELL, Mr. WIGGINS, Mr. BROWN of California, Mr. HENDERSON, Mr. YOUNG of South Carolina, Mr. SEBELIUS, and Mr. CONTE):

H.J. Res. 846. Joint resolution authorizing increased production of petroleum from the Elk Hills Naval Petroleum Reserve for naal defense purposes; to the Committee on Armed Services.

By Mr. KETCHUM (for himself, Mr. BROWN of Ohio, Mr. HANNA, Mr. THORNTON, and Mr. BOB WILSON):

H.J. Res. 847. Joint resolution authorizing increased production of petroleum from the Elk Hills Naval Petroleum Reserve for national defense purposes; to the Committee on Armed Services.

By Mr. MILLER (for himself, Mr. COUGHLIN, and Mr. BURGENER):

H.J. Res. 848. Joint resolution proposing an amendment to the Constitution of the United States with respect to the attendance of Senators and Representatives at sessions of the Congress; to the Committee on the Judiciary.

By Mr. VEYSEY:

H.J. Res. 849. Joint resolution authorizing increased production of petroleum from the Elk Hills Naval Petroleum Reserve as an exercise in military preparedness; to the Committee on Armed Services.

By Mr. FROEHLICH:

H.J. Res. 850. Joint resolution proposing an amendment to the Constitution of the United States relating to appropriations; to the Committee on the Judiciary.

By Mr. HOGAN:

H. Res. 740. Resolution to amend the Rules of the House of Representatives with respect to procedure for confirmation of a nominee for the Vice Presidency; to the Committee on Rules.

By Mr. MITCHELL of Maryland (by request):

H. Res. 741. Resolution directing the Committee on the Judiciary to investigate an incident involving the resignation of a certain clerk of the U.S. District Court for the Western District of Kentucky; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. DON H. CLAUSEN introduced a bill (H.R. 11832) for the relief of Sathaporn Virachatiyanukul, which was referred to the Committee on the Judiciary.