about the cleanup, are now taking action to preserve and assure public access to the shoreline of this restored river.

The chapter entitled "Environmental Status and Trends" indicates that the air quality in our cities is improving. Further progress will occur as the Clean Air Act continues to be carried out.

As in an area of national concern, our progress should inspire us to get on with the job that still remains. In my National Resources and Environment Message in February, I resubmitted the bills for Congressional action and also submitted several new proposals. Some of the most important measures— including proposals for the regulations of land use and the control of toxic substances— have been before the Congress for 2½ years. Pending before the executive branch is a special proposal from the Department of the Interior to prohibit the use of such substances as can do to create urban environments air quality in our cities is improving.

concern, our progress should inspire us to my National Resources and Environment have been before the Congress for pressing environmental issue before the Nation. How we use our land is fundamental to all other environmental concerns. There is encouraging evidence that the American people have reached a new perception and appreciation for this challenge. In our past, we wrestled a nation out of wilderness. We cleared and developed the land. If we despotted it, there was always fresh land over the horizon, or so it seemed. But now we know that there must be limits to our use of the land, not only limits imposed by nature on what the land can support, but also limits set by the human spirit— for we need beauty and order and diversity in our surroundings.

I believe that land use regulation should be administered by a network of local governments, where responsive leaders are most likely to understand the choices that have to be made. Moreover, I am also convinced that Federal legislation is needed now both to stimulate and to guide the range of controls that States must institute. I urge the Congress to enact my proposal for land use control, a proposal which would authorize Federal assistance to encourage States and communities to develop regulations to protect lands of critical environmental concern and to control growth and development which has a regional impact.

I also urge the Congress to act quickly to prevent the continued ravaging of our land and water through uncontrolled mining. My proposed Mined Area Protection Act would establish Federal requirements to regulate surface and underground mining. By requiring mining operators to post adequate performance bonds and satisfy stringent Federal reclamation standards, this legislation would require that mined lands be restored to their original condition or to a condition as nearly as possible that land can support. We need the fuels and minerals that are now in the earth, but we can—and must—secure them without despoiling and devastuating our landscape.

There is other important land use legislation pending before the Congress which also deserves prompt enactment. This legislation was intended to assure that needed generating facilities are constructed on a timely basis with full consideration of environmental values. The Natural Resource Land Management Act would provide a management policy emphasizing, strict environmental safeguards for one-fifth of our Nation's land area that is managed by the Bureau of Land Management.

Because a number of differing values and perspectives must be reconciled, the regulation of land use will never be a simple matter. The "Perspectives" chapter of this report describes the anti-growth sentiment emerging in some communities and points to the need to reconcile controls on unwanted growth with provision for essential regional development. The chapter on "The Law and Land Use Regulation" discusses the balance which must be struck between the need to protect private property rights and the need to preserve the environment. This is not a question to be dealt with from Washington, however, but one that State and local governments and courts must work out. The Council's chapter on this subject should be helpful to these groups, the legal profession and private citizens in developing a more complete understanding of this important issue.

In the final analysis, the struggle for environmental quality rests with the citizens of our Nation. The chapter on "The Citizens' Role in Environmental Improvement" shows that concern for the environment is not merely a passing fad but rather has become an integral part of American life.

The Fourth Annual Report of the Council on Environmental Quality demonstrates our considerable progress in arresting environmental decay. It also helps to chart the path we must follow if we are to continue this progress in the future. I commend the members and staff of the Council for their efforts in producing this valuable document, and I urge the Congress and the public to give them our full and careful consideration.

RICHARD NIXON

THE WHITE HOUSE, SEPTEMBER 17, 1973

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. Nunn) laid before the Senate messages from the United States submitting sundry nominations, which were referred to the appropriate committees. (For nominations received today, see the end of Senate proceedings.)

MESSAGE FROM THE HOUSE— ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. BUTLER, the majority floor leader, informed the Senate that the Speaker had affixed his signature to the enrolled joint resolution (H. J. Res. 65) authorizing the President to proclaim the period of September 15, 1973, through October 15, 1973, as "Johnny Horizon '76 Clean Up America Month," and directing the President to transmit a proclamation and sundry recommendations to the States and the people of the United States for their adoption as a memorial day throughout the Nation.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore (Mr. Nunn). Under the previous order, the distinguished Senator from Minnesota (Mr. Mondale) is now recognized for not to exceed 15 minutes.

THE PRESIDENCY AND WATERSHED: AN AGENDA FOR REFORM

Mr. MONDALE. Mr. President, for nearly a month now, President Nixon has "counterattacked" on Watergate. He has tried hard to convince the American people that Watergate is paralyzing both the Congress and the Nation.

The President believes that in order to terminate Watergate and restore our business, we must move beyond Watergate—and perhaps forget it in the process.

I believe the President has misread the will of the people, and misrepresented the actions of the Congress.

The new Congress has not simply been caught up with the Nation's business, but they also are desperately trying to uncover the lessons of Watergate. To do that, we need a continuation of the fact-finding process which has been underway in the Senate.

The Congress also wants to move beyond Watergate. But we have been tending to the Nation's business while Watergate has been investigated. And we will continue to act responsibly while this investigation continues.

What unites the Congress and the American people is a desire not to simply prolong Watergate, but to learn from it; not to immobilize the country, but to spur us to action; not to devote less attention to the pressing issues facing the Nation, but to guarantee that never again will we have a wholesale violation of the liberties of American citizens resulting from a lawless abuse of power.

What this Congress and this President are looking for is a way to turn our Government away from lawlessness, and back to freedom.

Almost 200 years ago, Thomas Jefferson foresaw the problem. He said: "We must have liberty to yield and government to gain ground."

I strongly believe that Watergate has given the American people the will to reverse this trend, and the desire to restore our Constitution. The White House all too ready to suppress basic freedoms.

The American people want an end to illegal bombings carried out for over a year with the knowledge of the Congress or the people.

The American people want an end to illegal contributions exacted from corporation presidents, to financially overwhelm the political opposition.

The American people want an end to wiretapping without court orders, and burglarizing of the homes and offices of private citizens.

The American people want an end to spying and espionage which sacrifice our
liberty to a conception of national security which bears no relationship to reality.

The American people want an end to the transformation of Government agencies into illegal arms of a few powerful men in the White House. The American people want an end to Presidential grooming and sabotage which destroys the fair chance of the people to choose their leaders in free elections.

In short, Watergate has given us a new resolve both to meet the problems we face as a nation, and to realize that the greatest problem we face is protecting our liberty against a government which would erode, and in the end, destroy it.

The changes that are required will not come easily. For what we will need are reforms to insure that those who govern can never again, through their power, strip away the freedom which has made our Government unique.

This is the emergency business which we must attend to. These are the concerns that must take us beyond Watergate.

Central to maintaining our freedom, and returning accountability of government to the people, are changes in the institutions of campaign spring and sabotage which destroys the fair chance of the people to choose their leaders in free elections.

While we need reform, we do not need retribution.

We need a strong Presidency. But we also need an open and legal Presidency, with strong safeguards to protect against the abuses of Presidential power.

For every abuse of Presidential power we have witnessed, there are easy solutions which would both cure the immediate problem, but emulate the Presidency in the process.

In fact, the Presidency is made more real by the bloated state in which we now find the Presidency.

In recent years, in both Democratic and Republican administrations, the American people seem to have gone beyond simple respect for the office of the Presidency. Instead, we have begun to create a monarchy out of an office intended to be the bulwark of a democracy.

Sensing this feeling, recent Presidents have found it hard to resist the temptation—often aided by a weak Congress—to accrue more and more power, and the perquisites which go along with that power.

Now, the Presidency has become larger than life, and larger than the law.

We have created an office whose only restraint is the collective consciences of the men who occupy positions of power. We have created an office so seriously at variance with many of our democratic ideals and traditions that it marks itself as an easy target.

We have allowed modern-day Presidents to flee from reality, shielded by perquisites that may cost the American taxpayer $100 million per year.

No one knows the exact cost in dollars. The White House would not tell us.

But we do know this. Today, when the President wishes to travel, a fleet of 27 planes valued at more than $80 million is at his disposal. For example, a more, costing between $5 and $8 million each are now being purchased.

When he wishes to talk with advisers from anywhere in the world, a communication network estimated to cost $35 million per year to operate is at his command.

When he travels on world diplomacy, the trips can cost $5 to $10 million each. And his travels to San Clemente this year alone have cost the American taxpayer over $1 million.

When he wishes his homes appointed in the style befitting a royal head of state, it is done, and we are only now learning how many millions it has all cost.

And when he wants to equip White House offices with the splendor and worth of a Gilbert and Sullivan comic opera, it is done without question.

Obviously, the President must be able to communicate instantly, in case of emergency. He must have adequate security. He must be able to travel on important official business.

But the extravagance of the Presidential "establishment" breeds isolation. And, in the wake of Watergate, this isolation may become more dangerous on the part of the American people, who may wish to eliminate not only the frills, but also much that is necessary.

We are in danger of public sentiment confusing travel that is essential with needless pleasure trips to "southern" or "western" White Houses, and reacting against both equally strongly.

And we are in danger of a public confused and disturbed with politics in general, seizing on the overblown sense of Presidential self-importance and condemning not only the excesses, but also the essence of the Presidential office.

There obviously are excesses which should and must be eliminated.

In particular, in Congress we must insist accountability in the expenditure of public funds, so that we will not suffer further erosion in public respect for the Presidency.

But there is a much more fundamental accountability which hangs in the balance today. It is nothing less than the mutual respect which makes our democracy possible.

This accountability thrives on an active, honest relationship between the President, the Congress, and the people. It needs the constant test of political reality—the clash of opinions, in full view of the American public, which should mark effective political give-and-take in a democracy.

This is the openness which creates strength for: the office of the Presidency.

This is the candor which breeds respect for the head of our Government.

But this respect can only come from a sense of trust felt by the American people. If this trust is lost, we, the people believe that the President is open in his dealings and accountable for his actions.

This openness has become more and more difficult with the passage of time.

In recent years, the physical isolation of the President from the people has of necessity increased, because we still bear in our collective consciousness the tragic events of Watergate.

Physical isolation has made it more difficult for any President to get the feel of the American people. Yet this contact is essential. As George Reedy has observed:

"The most important problem of the Presidency is that of maintaining contact with reality."

Maintaining this contact is a difficult, constant struggle, but a struggle richly worth the effort.

In recent years, Presidents have relied on the media and the Congress to provide them with a reliable feedback network. Yet President Nixon has sought refuge in the comforting atmosphere of a White House where political expediency seemed to make reality a luxury.

He has conned the news media and has had little but contempt for the Congress.

As John Gardner recently stated: President Nixon has created a curious and unprecedented one-way communication with the American people, and we can't reach him. We can see him but he can't hear us. He is always with us but there is no dialogue.

And this is precisely why we now face the crisis of confidence produced by Watergate. For there has never existed in our collective consciousness the tragic event of Watergate.

We are living in an age of instant communication, with the threat of instant annihilation. One does not have to deny the President the right to respond in case of external attack, or the right to manage an ever-more-unmanageable Government. But we must insist with greater frequency than ever before that those who exercise this trust are accountable to the people through the Congress and through responsible executive branch officials.

This will not be easy. But, as Anthony Lewis recently remarked: The framers of the American Constitution did not design our system for the convenience of the governors. They were interested in the governed—in their right and duty to participate in the decisions of public life.

The need for accountability is particularly important as the White House staff continues to grow—and continues to take over functions previously exercised by the Cabinet agencies.

It may surprise many Americans to know that only since 1939 has there been a formal White House press corps. By tradition, Presidents through Herbert Hoover were permitted only one administrative aide. And, only in 1937 did President Roosevelt seek to reorganize the White House staff. The President's Committee on Administrative Management, in recommending greater staff assistance, stated:

"These assistants probably not exceeding 71: in number would have no power to make decisions or issue instructions in their own right. They would not be interposed between
the President and the heads of his departments. They would remain in the background, issue no orders, make no decisions... emit no public statements.

How far we have come in only 30 years. Take, for example, the Domestic Council. Created in 1970—not by statute, but by Executive order and reorganization plan—the Domestic Council was to provide policy advice to the President on a variety of domestic issues.

The President asked for and received funds to run the office with no oversight by Congress. The Domestic Council, then Director of the Council, without requiring his confirmation. He proceeded to displace agency heads and Cabinet officers as the chief domestic policymaker to the President. And, we now learn, using the Domestic Council payroll, he hired Egil Krogh and Gordon Liddy to undertake illegal activity connected with Watergate, and the reprehensible break-in of Daniel Ellsberg's psychiatrist's office.

All of this without presidential scrutiny. It was a shocking example of illegal conduct initiated by the White House, and implicitly sanctioned by a docile Congress.

And the Domestic Council is merely one example of an ever increasing White House staff.

From 1955 to 1970, the Executive Office of the President grew by about 24 percent. In just 3 years—from 1970 through 1972—it grew by 25 percent.

And we still really do not know how many hundreds of detailees from Cabinet agencies are working in the White House.

While the President was calling for economy in Government, the number of "ungraded" personnel, not accountable under civil service regulations—increased from 113 in 1970 to 261 in 1973.

As a House subcommittee recently noted:

Historically, these ungraded jobs have been restricted to, and used primarily in, the housekeeping functions of the executive residence. . . . The current Administration has made a basic policy change in the use of this authority. Now many high level policy employees are being employed without regard to civil service regulation.

Since 1970, nine new offices within the Executive Office of special "President" have been created. They have usurped power from existing agencies and departments, and have done so with an arrogance that has often astounded longtime observers of the White House.

Most importantly, this has resulted in power flowing away from executive agencies and officers accountable to the Congress, and being exercised by White House aides not accountable either to the Congress or the people, shielded by so-called executive privilege, and not subject to confrontation.

Any President should be applauded for efforts to bring an essentially unmanageable Government under control.

But an attempt to improve management can be allowed to jeopardize our democracy.

No rationale of efficiency can be allowed to decrease the accountability of those to whom power is given.

This President, and any other President, needs a group of advisers who are his own people, who can exist outside the normal agency structure and provide advice directly from a White House staff.

But when those people cease giving advice, and begin to usurp power from the Secretary of State or the Secretary of Health, Education, and Welfare or the Administrator of the Office of Management and Budget, we have sacrificed accountability on the altar of expediency.

This is the type of "efficiency" which led to Watergate.

And this is the type of government which can never win the confidence of a free people.

For without the accountability of those who manage, freedom may be lost forever. Without the restraint which responsibility creates, "management" may succeed democracy as the ethic of our Government.

Two weeks ago, I offered a number of amendments to the White House budget appropriations bill which sought to foster this sense of accountability.

The President, instead, has attempted to express in one tangible way a congressional desire to regain access to the decision-making apparatus in the executive branch. They were not vindictive, nor did they attempt to "punish" the President for Watergate.

Instead, they sought to advance a sense of responsibility to the American people, which has steadily declined in the White House for decades. As George Reedy recently put it:

"The trouble with the White House is that in the past few decades it has grown into an institution which felt it did not have to take other people into account.

We must regain this sense of accountability, and the Congress, while redefining the powers of the President, should realize that we must find other means of achieving this end.

First, we need a series of laws to end forever the abuses of power which were initiated in Watergate. We need strictly legislative prohibition of law enforcement agents from violating the civil rights of individuals, and to prohibit any spying or wiretapping or espionage for political ends.

And we need laws to prevent the corruption of agencies of the Federal Government by those in positions of power. We must insure that the most sensitive agencies in Government—the FBI, the CIA, the Internal Revenue Service, and the Justice Department—are never again used for political purposes. I will be introducing legislation to accomplish this purpose.

In short, we need legislation to reaffirm our Nation's commitment to the law, and to express our belief that this respect for the law must apply to even the most powerful.

Only if those in the highest positions of power who can be held to the law can we ever hope to raise our children with respect for our country and her laws. These are the principles which have made our Nation great, and we must use the lessons of Watergate to renew that commitment and restore that faith.

Second, we must require confirmation by the Senate of every important officer within the Executive Office of the President.

Legislation we have passed—but which is not yet law—will help to accomplish that end by requiring confirmation of the head of OMB and the Council on International Economic Policy.

However, we also need a systematic review of every other important policy-related position within the Presidential establishment to determine those for which Senate confirmation would be appropriate.

We must condition confirmation on the pledge that these officials will appear before Congress to testify and will produce appropriate documents which Congress requests.

And we should consistently stress the important difference between advice—which the President certainly needs from officials in the Executive Office of the President—and the type of illegal operations such as the Office of Management and Budget has exercised.

Third, we need legislation which I have already introduced to provide for a question and report period, during which the Senate would have the right to question key executive branch officials—on radio and television—concerning vital matters of public policy.

At the present time, Cabinet officers and many agency heads have lost much of their authority to officials within the White House. Only if the Cabinet officials and agency heads are required to defend their actions on the floor of the Senate—in full view of the American people—will we be able to reassert these officials' rightful responsibility.

If a Cabinet officer must defend policy before the Nation, he will insist that he has a role in the formulation of that policy from the outset.

As Congress deals with the Cabinet agencies, which must assert its power. Not to strip the President of his power to govern, but to insure the ultimate strength of that Presidential authority by increasing the equality and openness of both the legislative and the executive branches.

The American public cannot be deceived by Presidential statements proclaiming his responsiveness to the Congress or congressmen asserting their willingness to strengthen our own role in Government, unless real action is forthcoming from both branches.

Furthermore, we must therefore reassert the constitutional responsibilities of the Congress over waging war, the execution of treaties, and the budgetary process.

We must use many of the substantive powers which we have always possessed, but often failed to exercise.

This year, both Houses of Congress have moved to regain the waging powers of Congress. Without depriving the President of the ultimate executive power in emergency situations, these bills seek to assure that never again will the President—without consultation with the Congress—commit American resources and American troops to extended combat.

The 55,000 deaths of the Vietnam war have shown us vividly the results of a presidency unchecked in its power and...
a Congress unwilling to apply such a check.

We must reassert the power of the Senate to advise and consent in the making of treaties by the American Government. In recent years, executive agreements have been used by every President not only to dispose of routine diplomatic matters, but to bypass the constitutional provision requiring Senate ratification of treaties. In 1930, our Government entered into 30 treaties and only 11 executive agreements. In 1972, we entered into only 20 treaties, but 287 executive agreements.

This dramatic shift toward the use of executive agreements to bypass the Senate must be stopped. Legislation we have passed would give us this power. This legislation must be approved and signed by the President.

We must also reassert congressional oversight in the entire budget process. We need strong anti-impoundment legislation to insure that the will of Congress is not thwarted by arbitrary executive branch action.

The Senate set up the Office of Management and Budget to insure cooperation with the Congress.

The Office of Management and Budget was created as the successor of the old Bureau of the Budget, but while the Bureau of the Budget was responsive and accessible to Congress, OMB was created without formal statutory authorization. Its head has not been subject to Senate or House confirmation. The President is the only member of the executive branch who has not been subject to such confirmation.

Any reassertion of congressional power will not be without struggle. In fact, Congress may often be forced to go to the courts, as we have done with increasing frequency in recent months, to insure that Presidential and executive branch actions are not above the law.

Fifth, to aid in this process, we need an Office of Congressional Counsel, similar to the OMB. It would give Senators and Congressmen an in-house capability to bring suit against illegal executive branch actions. I will shortly introduce legislation to create such an office.

In recent months, just on the Impoundment question alone, over 20 cases have been decided. These cases have dealt with housing funds, with OEO funds, with funds appropriated under the Water Pollution Control Act amendments, with Agriculture Department emergency loan funds, with veterans cost-of-instruction funds, with Indian education and mental health and Neighborhood Youth Corps and library services funds.

In virtually every instance the outcome has been the same—ruling after ruling has held that the Impoundment of funds appropriated by the Congress was contrary to law.

Yet these lawsuits had to be brought using private lawyers. These lawyers have performed magnificently, but to fulfill the purposes to insure compliance with the law, we need an Office of Congressional Counsel.

We need this congressional counsel to insure that no officer required to be confirmed by the Congress can exercise authority until his name has been sent to the Senate and confirmed.

We need this counsel to put legal muscle behind congressional actions, when these actions are thwarted by a Presidency which has little respect for the law.

This congressional counsel is just one of the new tools needed to right an executive-legislative branch imbalance which has become so great that it endangers both the effectiveness of the Congress, and the trust of the people in the Presidency.

Unfortunately, we run the risk of having this reassertion of congressional power seen by the Nation as a challenge to strong Presidential leadership. This is a risk we must take.

We must accept the challenge of Executive illegality and act aggressively to meet it. But over the long term, our efforts should be designed to increase executive-legislative branch cooperation, through a thoughtful study of the institutions of the Presidency.

The second is to create a Commission on the Office of the Presidency, to reexamine the institution of the Presidency.

The commission's overriding purpose should be to examine what has happened, and what can be done to insure that the Presidency remains open and accountable to the American people and Congress.

This investigation should attempt to bring about a permanent realignment of Government. Its central focus should be to increase the accountability of the executive branch and the Office of the Presidency, without hampering the strength of the Presidency or his ability to lead, but without dictating.

This commission would be composed of members of the legislative and executive branches, and distinguished private citizens. I am introducing a resolution to create such a commission today.

Its charter should be broad, as broad as the needs of the Nation for responsible government dictate.

The commission should not be viewed as an excuse to delay important reforms which we need now, and which I have discussed earlier.

Rather, it would offer a longer term view, a chance for the executive and legislative branches to reason together on the basis of mutual respect, and arrive at a working concept of the Presidency which is strong, yet legal; capable of leading, but without dictating.

In short, we need a life-size Presidency—with its faults recognized, its virtues praised, and its interaction with Congress and the courts one of mutual respect. This should be the broad goal of this commission on the Office of the Presidency.

Hopefully, some of its recommendations may result in legislation.

But we cannot legislate an awareness of the importance of constitutional principle. Yet it is a fundamental regard for the intelligence of the American people. We cannot legislate greater Presidential involvement with the Congress or the public.

Yet we can use every resource at our command to make the American people aware of the dangers in an isolated Presidency. We can inform the people of the need for greater, face-to-face dialog with the Congress, the press, and the people.

We can attempt to make the President aware that challenges to his authority and his wisdom can be made in good faith and need not tear down the Republic.

We must preserve the Presidency as the leader of a democracy, willing to observe the liberties of a free people, and eager to involve the Nation in the constant recreation of the American ideal. We must accept the challenge of a President's warning, and insure that liberty for the American people is never again sacrificed to a government all too eager to destroy basic personal freedom in order to preserve its own political power.

For it is precisely the democratic ideal, and the freedom which it creates, that has kept the American experiment thriving for 200 years. As John Gardner has noted:

"When our nation was founded there was a holy Roman emperor, Venice was a republic, France was ruled by a King, China and Japan by an emperor, Russia by a czar and Great Britain had only the barest beginnings of a Democracy. All of these proud regimes and scores of others have long since passed into history and among the world's peoples the only government essentially unchanged is the federal union put together in the 1780's by 13 states of the east coast of North America."

Ours is a unique legacy. It has been created by a respect for the laws and institutions of this Nation which has insured our survival as a republic.

Together, we must safeguard this heritage, without which our democracy cannot stand. Together, we can bring reform out of tragedy, and create a new respect for Government which will strengthen our Nation as we enter our third century of democracy.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from West Virginia (Mr. Robert C. Byrd) is recognized for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, how much time did the senior Senator from Minnesota (Mr. Mondale) have remaining?

The ACTING PRESIDENT pro tempore. The senior Senator from Minnesota had 4 minutes remaining. It was the order recognized the junior Senator from Minnesota (Mr. Humphrey) for not to exceed 15 minutes.

Mr. ROBERT C. BYRD. Mr. President, how much time did the Senator from Nebraska (Mr. Curtis) have remaining?

The ACTING PRESIDENT pro tempore. The Senator from Nebraska had 3 minutes remaining.

Mr. ROBERT C. BYRD. Mr. President, I am aware of the fact that the Senator from Minnesota (Mr. Mondale) and the Senator from Nebraska (Mr. Curtis) be made available to me, for my use.