

UNITED STATES

Congress



OF AMERICA

Congressional Record

PROCEEDINGS AND DEBATES OF THE 93^d CONGRESS
FIRST SESSION

VOLUME 119—PART 27

OCTOBER 18, 1973 TO NOVEMBER 5, 1973

(PAGES 34551 TO 35988)

ing some 8,851 military and 1,200 civilians by 1975; now therefore

Be it resolved by the Legislature of Alabama, both Houses thereof concurring, That we respectfully request the Army to study thoroughly and evaluate carefully the many advantages of keeping its installation at Fort McClellan open and activated to its fullest capacity and that all plans to close its facilities at that place be definitely abandoned as soon as possible.

Be it further resolved, That copies of this resolution be sent to the following:

The Honorable Howard H. Callaway, Secretary of the Army, Department of the Army, Washington, D.C. 20310.

General Creighton Abrams, Chief of Staff, Department of the Army, Washington, D.C. 20310.

Resolved further, That copies of this resolution also be sent to Senators John Sparkman and James Allen and to each member of the Alabama delegation in the House of Representatives of the United States Congress, with the urgent request that each officer do everything in his power which is necessary and appropriate to maintain the military facilities at Fort McClellan and to prevent the closing of its base of operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HASKELL, from the Committee on Interior and Insular Affairs, with amendments:

S. 702. A bill to designate the Flat Tops Wilderness, Routt and White River National Forests, in the State of Colorado (Rept. No. 94-480).

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. WILLIAMS, from the Committee on Labor and Public Welfare:

Harry J. Hogan, of Maryland, to be an Assistant Director of the ACTION Agency.

The above nomination was approved subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

By Mr. ROBERT C. BYRD, from the Committee on the Judiciary:

Thomas Army Rhoden, of Mississippi, to be U.S. marshal for the southern district of Mississippi;

J. Raymond Bell, of New York, to be a member of the Foreign Claims Settlement Commission of the United States; and

Charles R. Work, of the District of Columbia, to be Deputy Administrator for Administration of the Law Enforcement Assistance Administration.

The above nominations were approved subject to the nominees' commitments to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BAYH (at the request of Mr. HART, Mr. ERVIN, Mr. KENNEDY, Mr. BURDICK, Mr. ROBERT C. BYRD, Mr. TUNNEY, Mr. MATHIAS, Mr. ABOUREZK, Mr. BIBLE, Mr. BIDEN, Mr. CASE, Mr. CHILES, Mr. CHURCH,

Mr. CLARK, Mr. FULBRIGHT, Mr. GRAVEL, Mr. HASKELL, Mr. HATHAWAY, Mr. HATFIELD, Mr. HUMPHREY, Mr. INOUE, Mr. JACKSON, Mr. JAVITS, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MONDALE, Mr. MOSS, Mr. MUSKIE, Mr. PASTORE, Mr. PELL, Mr. RIBICOFF, Mr. SCHWEIKER, Mr. STEVENSON, Mr. TALMADGE, Mr. WEICKER, Mr. WILLIAMS, Mr. MONTTOYA, Mr. PROXMIER, Mr. SYMINGTON, Mr. CANNON, Mr. MAGNUSON, Mr. METCALF, Mr. RANDOLPH, Mr. EAGLETON, Mr. CRANSTON, Mr. NELSON, Mr. HUGHES, and Mr. JOHNSTON):

S. 2611. A bill to insure the enforcement of the criminal laws and the due administration of justice; establish an independent special prosecutor. Referred to the Committee on the Judiciary.

By Mr. STEVENSON:

S. 2612. A bill to amend title 28, United States Code, to make the United States liable for damages caused as the result of ultra-hazardous activities in which the United States is engaged. Referred to the Committee on the Judiciary.

By Mr. MCGOVERN:

S. 2613. A bill to amend section 2 of the National Housing Act to increase the maximum principal amount of home improvement loans which may be insured thereunder and to increase the maximum maturity of such loans. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HUGHES (for Mr. EAGLETON):

S. 2614. A bill to amend the Economic Stabilization Act of 1970 to provide for the application of price controls to certain export sales. Referred to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARTKE:

S. 2615. A bill to establish an Office of Counsel General in the legislative branch of Government, and for other purposes. Referred to the Committee on Rules and Administration.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BAYH (at the request of Mr. HART, Mr. ERVIN, Mr. KENNEDY, Mr. BURDICK, Mr. ROBERT C. BYRD, Mr. TUNNEY, Mr. MATHIAS, Mr. ABOUREZK, Mr. BIBLE, Mr. BIDEN, Mr. CASE, Mr. CHILES, Mr. CHURCH, Mr. CLARK, Mr. FULBRIGHT, Mr. GRAVEL, Mr. HASKELL, Mr. HATHAWAY, Mr. HATFIELD, Mr. HUMPHREY, Mr. INOUE, Mr. JACKSON, Mr. JAVITS, Mr. MCGEE, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MONDALE, Mr. MOSS, Mr. MUSKIE, Mr. PASTORE, Mr. PELL, Mr. RIBICOFF, Mr. SCHWEIKER, Mr. STEVENSON, Mr. TALMADGE, Mr. WEICKER, Mr. WILLIAMS, Mr. MONTTOYA, Mr. PROXMIER, Mr. SYMINGTON, Mr. CANNON, Mr. MAGNUSON, Mr. METCALF, Mr. RANDOLPH, Mr. EAGLETON, Mr. CRANSTON, Mr. NELSON, Mr. HUGHES, Mr. JOHNSTON, Mr. PACKWOOD, Mr. HUDDLESTON, and Mr. HARTKE):

S. 2611. A bill to ensure the enforcement of the criminal laws and the due administration of justice; establish an independent Special Prosecutor. Referred to the Committee on the Judiciary.

INDEPENDENT SPECIAL PROSECUTOR ACT OF 1973

Mr. BAYH. Mr. President, the very essence of Democracy is that the people consent to be governed under a system in

which they vest their faith and confidence. That system, and thus the strength of the Government, are dependent on maintaining the public's faith and confidence.

Today, as never before in our history, that faith and confidence are shaken, to such an extent, that our system of government is facing a crisis of unprecedented proportions.

If we are to govern effectively and responsibly, the Congress must set out as its first order of business the difficult, but absolutely essential, goal of reestablishing the public faith and confidence from which all else proceeds in a democracy. And no amount of high-sounding lip-service will do the necessary job; the need is for immediate, constructive action to restore the faith of the American people in their governmental institutions.

In determining the appropriate course of action, Mr. President, we need only to look at the source of the problem. The American people, with good cause, regard the President's dismissal of Special Prosecutor Archibald Cox, and the forced resignations of the two top officials at the Department of Justice, as sufficient evidence that equality under the law is not being maintained and that justice is not being served.

Thus, the one thing we can do here in Congress to reverse this tidal erosion of confidence is to enact, speedily, legislation to create a new special prosecutor whose independence will be above reproach. That prosecutor must not answer to Congress, nor to the President. That prosecutor can answer only to the American people. Indeed, by the public outcry which has ensued since Mr. Cox was dismissed, it may be said that the public has demanded of us that we act in this regard.

To this end, I am introducing this measure today for Senator HART, myself, and Senators ERVIN, KENNEDY, BURDICK, ROBERT C. BYRD, TUNNEY, MATHIAS, ABOUREZK, BIBLE, BIDEN, CASE, CHILES, CHURCH, CLARK, FULBRIGHT, GRAVEL, HASKELL, HATFIELD, HATHAWAY, HUMPHREY, INOUE, JACKSON, JAVITS, MCGEE, MCGOVERN, MCINTYRE, MONDALE, MOSS, MUSKIE, PASTORE, PELL, RIBICOFF, SCHWEIKER, STEVENSON, TALMADGE, WEICKER, WILLIAMS, MONTTOYA, PROXMIER, SYMINGTON, CANNON, MAGNUSON, METCALF, RANDOLPH, EAGLETON, CRANSTON, NELSON, HUGHES, JOHNSTON, PACKWOOD, HUDDLESTON, and HARTKE.

I send the bill to the desk and ask that it be appropriately referred, and I ask unanimous consent to have the bill printed in the RECORD following my remarks.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

(See exhibit 1.)

Mr. BAYH. I should say that this measure, which is of great import, is the product of joint labors. I believe that special note should be directed at the leadership and the focal point of the joint effort—namely, the distinguished Senator from Michigan (Mr. HART), who is unable to be here and to introduce the