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NIXON'S LACK OF TRUST

A couple of other points might be made about these issues. The President continues to demonstrate his distrust in the public and its institutions. If his proposal on the tapes is fair and workable, Judge John Sirica will accept it. The President could then have ignored Cox's complaints, which would have become academic, and let Cox get on with his investigation, which gave promise of doing what it was designed to do.

Cox may have reacted overly strongly to the Nixon compromise. The deal suggested by the President is for him to summarize the disputed tapes and give that summary to the Senate Watergate Committee, meanwhile letting a man chosen by the President, Democratic Sen. John Stennis of Mississippi, hear the tapes and confirm the accuracy of the summary. Cox reacted by saying he wouldn't be a party to such a deal and by threatening to try to have Nixon cited for contempt of court for failing to comply with the court order to give Sirica the tapes. But Nixon's reaction was overly strong, too.

If Judge Sirica rejects the compromise, as he probably should in the interest of truth, then the President's action in driving three good men out of office becomes even more unfortunate.

And finally, if President Nixon had released the tapes promptly, the whole question of a Constitutional confrontation over them would never have arisen.

THE BOMBING OF THE UNIVERSITY OF WISCONSIN

Mr. HOLLINGS. Mr. President, yesterday a powerful editorial appeared in the Charleston, S.C., News and Courier. It concerned the homicidal bombing of a University of Wisconsin research building in 1970, and subsequent events. You will remember, I am sure, that a physicist working in the building was killed in the explosion. Several weeks ago, the perpetrator of this heinous crime was sentenced to 25 years in prison.

His attorneys, however, managed to obtain a mitigation-of-sentence hearing for the guilty party. In arguing for mitigation, Attorney William Kunstler managed the presentation, which included arguments that the war in Vietnam was immoral, therefore, any action designed to impede the conduct of the war was legitimate and moral.

The editorial in the News and Courier exposes this kind of reasoning very forcefully. A civilized society cannot survive according to the law of the jungle that Attorney Kunstler and the others advocate.

The accused individual was charged with murder, and he was convicted of murder. There is no other word to describe his crime. The judge who heard the mitigation hearing fortunately had the good sense to deny the spurious arguments of Kunstler et al.

Mr. President, I ask unanimous consent that the editorial, "A Small Act," which appeared in the November 11, 1973, Charleston, S.C., News and Courier, be printed in its entirety in the RECORD. The column deserves to be widely distributed and read.

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

A SMALL ACT

In the early hours of Aug. 24, 1970, Karleton Lewis Armstrong, a student opposed to United States participation in the Vietnam war, expressed his views by exploding a bomb in the University of Wisconsin Army Mathematics Research Center. It happened that working there at the time, alone, was a physicist, Robert Fassnacht. The explosion killed him.

Armstrong first was charged with murder. Several weeks ago he pleaded guilty to reduced charges of second degree murder and four counts of arson stemming from attacks on several military installations. He was sentenced to 25 years in prison. With the aid of Attorney William M. Kunstler, defender of many anti-war activists, Armstrong obtained a mitigation-of-sentence hearing, hoping to have his prison term reduced.

The hearing was held in Madison, Wis., before Circuit Court Judge William C. Sachjen. Parading before the judge came a strange collection of historians, scientists and political activists in Armstrong's behalf. The war in Vietnam, they argued, was "illegal," and therefore all acts of resistance against it were justified—including the killing of Robert Fassnacht.

"You knew, and I knew," Attorney Kunstler told the judge, "we were cowards. We did not do what Karl Armstrong did because we were middle-aged, perhaps, or because our positions were secure and we didn't want to jeopardize them." Melvin Greenberg, another defense attorney, said that the bombing of the research center was "a small, minute act of violence done to stop that huge, great violence" of the Vietnam war. He criticized what he called the "double standard" which permitted those who directed the Vietnam war to go free, while others like Armstrong were subject to criminal proceedings.

Robert Fassnacht was dead. Judge Sachjen rightly ignored the fiery defense oratory about the Vietnam war. His decision did not mention it. He imposed concurrent sentences on the murder and arson charges, cutting only two years from the original 25-year sentence, presumably allowing for the almost two years Armstrong already has been imprisoned after being captured, on the run, in Toronto by the Royal Canadian Mounted Police.

It seems strange that, at this late date, Attorney Kunstler and the activists whom he and others defend still do not know for whom the bell tolls. It tolls not only for those who gave their lives seeking to defend freedom, but also for the Robert Fassnachts who no longer are among the living.

NEW PROSECUTOR MUST BE FREE OF NIXON HAND

Mr. MONDALE. Mr. President, although Mr. Leon Jaworski has assumed his duties as the special prosecutor appointed by the President, I remain of the view that Congress must act to establish a truly independent prosecutor. The prosecutor must not be appointed by the President, must not be removable at the will of the President, must be truly independent, and must possess all necessary power to go to court to seek relevant evidence.

This country has been repeatedly shaken by the Watergate affair and its aftermath. Public confidence in Government and Government officials is at an all-time low. The first step back on the path to restoration of confidence is to bring those guilty of criminal offenses to justice through a thorough investigation. It is by establishing a truly inde-

pendent prosecutor that we insure that this will be done.

In a recent editorial, the Pioneer Press of St. Paul, Minn., expressed the view that "the special prosecutor's office should be taken completely out of his—the President's—sphere of influence." The editorial continues:

President Nixon's record of obstructionism against the Cox investigation speaks for itself. The American people are entitled to a full and absolutely independent conclusion of the work begun under Cox. It is the responsibility of Congress to see that this is provided.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorial entitled "New Prosecutor Must Be Free of Nixon Hand" published in the Pioneer Press of November 5, 1973.

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

NEW PROSECUTOR MUST BE FREE OF NIXON HAND

President Nixon is now trying to derail congressional efforts to assure a fully independent special prosecutor to carry on the Watergate prosecutions and investigations begun by Archibald Cox.

Because of Mr. Nixon's shocking discharge of Cox after he began digging into matters embarrassing to the White House, strong sentiment developed in Congress to establish a special prosecutor's office responsible to the courts and not to the President. This is an eminently fair and reasonable approach. Since the presidency itself is the subject of investigation, and in view of Mr. Nixon's past obstructive actions, the probe should not again be put in charge of anyone subject to dismissal by the President.

Yet this is what Mr. Nixon wants. He authorized his acting Attorney General, Robert Bork, to announce the appointment of Leon Jaworski, a conservative Texas Democrat, to replace Cox as the new special prosecutor. To soften congressional opposition, Bork said Mr. Nixon has promised he will not interfere with Jaworski and will not fire him without the consent of a selected group of congressional leaders from both parties.

Mr. Nixon's record in the Watergate investigations makes such assurances unacceptable. He has denounced the Cox staff as being loaded with hostile lawyers. And at his last press conference he promised cooperation with a new special prosecutor, "but not by having a suit filed by a special prosecutor within the Executive branch against the President of the United States."

Regardless of President Nixon's new assurances, the special prosecutor's office should be taken completely out of his sphere of influence.

Fifty-three members of the Senate are sponsoring legislation which would do this. Their bill would have the special prosecutor appointed by and responsible to federal Judge John Sirica. This legislation, or some reasonable modification, should be enacted, regardless of Mr. Nixon's self-serving opposition.

Nixon might veto such a bill. But Sen. Walter Mondale of Minnesota has an answer to such a threat. He says Mr. Nixon's nominee for a new Attorney General, Sen. William Saxbe, R-Ohio, should not be confirmed by the Senate until the President signs the independent prosecutor measure.

The Senate did not confirm Elliot Richardson as Attorney General until the Nixon Administration had promised not to interfere with Cox's work as special prosecutor. Those promises became "inoperative" (to use a White House term) when Mr. Nixon fired

Cox and thus forced the resignation of Richardson, who refused to concur in the President's action.

President Nixon's record of obstructionism against the Cox investigations speaks for itself. The American people are entitled to a full and absolutely independent conclusion of the work begun under Cox. It is the responsibility of Congress to see that this is provided.

GENOCIDE: MISUNDERSTOOD

Mr. PROXMIER. Mr. President, some people who oppose American ratification of the Genocide Convention do so because they believe that the convention's definition of the word "genocide" dangerously distorts the true meaning of the term. They maintain that article II of the treaty would require each signatory to prosecute any person demonstrating the intent to destroy or harm a single member of a specified ethnic, racial, or religious group. They consider this mandate too broad.

This concern is unwarranted. First, article II of the treaty explicitly states that only the intent to destroy the "whole" or part of such groups would require government action. In 1950 Deputy Under Secretary of State Dean Rusk drew the distinction between crimes of genocide and homicide by noting that the former designated the intent for large-scale violence against members of a specific group while actions against one or two members of a racial or ethnic group would fall in the latter category.

Further, ratification of the Genocide Convention would not increase the number of prosecutions for violence against individuals because the U.S. legal system already considers such violent actions to be criminal offenses. Violence and persecution in any form has long been abhorrent to those upholding the principles of freedom and democracy for all men. Ratification of this document would merely reaffirm our commitment to those principles. After more than 20 years of debate such a reaffirmation is more important than ever.

Mr. President, I ask the Senate to ratify the Genocide Convention as quickly as possible, and make clear America's position against mass violence.

ENERGY CRISIS AND THE CREDIBILITY CRISIS

Mr. MOSS. Mr. President, the lack of credibility of the President of the United States brought about by the ever-widening scourge to which we refer with the generic term, "Watergate," is bringing us within spitting distance of disaster in our energy battle.

The patterns of communication with the public on Watergate and on the energy crisis are strikingly similar. Do you recall, less than a year ago, the initial indignant denials of his knowledge of events surrounding the break in and then each of his later explanations gradually admitting more knowledge, thereby conceding each previous explanation to have been at least partly false.

Now we have had three "energy messages" from the President in less than

a year—and each one exposes a little bit more, and levels with the public a little bit more. But it is almost too late.

A skeptical public will not voluntarily follow the dictates of a President who has strained its faith in his office beyond repair.

Even now, some of our citizens, when offered the President's voluntary energy program the other evening are saying "Let him stay home and go to work and save the jet fuel" and "Let's see an example of Nixon's personal conservation."

Hobart Rowen said it very well—"Nixon sidesteps bold measures on energy"—and I ask unanimous consent that the article from the Washington Post of November 11, 1973 be printed in the Record for the use of the Senate.

The President's April message on energy was considered a disappointment even by industry.

The President, I submit, is playing politics with energy and is judging the crisis against how the people will react. He is afraid to endanger his 32 percent rating by telling them the truth about energy and moving drastically to correct the problem.

I say it is time he stopped insulting the intelligence of American citizens and leveled with them.

The Senate, in a bipartisan effort led by Senator JACKSON, under the Fuel and Energy Study has been working long and hard for almost 3 years on the energy shortage. Legislation is forthcoming.

As Rowen says, the Nation cannot wait.

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

NIXON SIDESTEPS BOLD MEASURES ON ENERGY

(By Hobart Rowen)

President Nixon's latest stab at an energy program is a step beyond his previous inadequate efforts, but it still falls far short of the mark.

It is nearly unbelievable, at this stage of the crisis, that the President could not find the authority to make a nationwide speed limit of 50 miles per hour mandatory.

Would that the President had been so circumspect in seeking out legal authority when he set up the plumbers' group in the White House!

As Gov. John Love admitted to reporters, a speed limit—which would save more energy than any other single step—"needs a national push." It can't be left to the states or to voluntary compliance by citizens.

Well-informed sources indicate that it was only in response to insistent demands by many state governors that the President, at the last minute, agreed to ask for congressional approval for the use of daylight saving time throughout the year.

It is clear to everyone who has studied the energy problem that in the short run, the most hopeful prospect of reducing wasteful consumption of energy is in the curtailment of the private use of automobiles.

This requires much more than appeals to the public to use car pools and mass transit. It requires tough measures to force the auto industry and the buying public toward producing and using smaller and lighter cars.

Yet, the administration steadfastly refuses to consider a tax on high-horsepower cars and, according to Gov. John Love at the White House press briefing Wednesday night, a substantial additional tax on gasoline itself.

It perpetuates the notion that somehow gasoline rationing may yet be avoided. The

reaction by Sen. Henry Jackson (D-Wash.) is more realistic: gasoline rationing is inevitable—and so are some industrial shut-downs that will have painful economic implications.

The Nixon administration's rationale for staying away from higher gasoline taxes is that they are regressive—they would hit lower-income people harder than the wealthy. But there are ways to solve that problem. And there certainly can be no worry about the regressivity of a penalty tax on the huge gas guzzlers.

The point is that bold ways have to be pursued to cut down on the 50 per cent of U.S. oil refinery production that is now devoted to the production of gasoline, mostly for autos. This would permit higher refinery runs for heating oils, and for the special fuels used by railroads and airlines.

The halfway measures outlined in the President's speech suggest that some policy makers must be clinging to the hope that Kissinger's magic touch in Mideast diplomacy will soon have Arab oil flowing again.

But if there is more than rhetoric in the President's call for a "Manhattan Project" sense of urgency, if he really intends for the nation to be independent of Mideast oil needs, there is a distressing lack of commitment so far to development of alternative sources of energy.

Prof. Ernest Frankel of M.I.T. points out that production of petroleum from either coal or oil shale in a "socially acceptable way" would come to about \$6 a barrel in the early 1980's, compared to median predictions of around \$7 a barrel for petroleum by that time. (Some estimates for Mideast and South American oil run much higher.)

As the technology improves, oil from shale or coal would probably become cheaper. Thus, says Frankel, "There is not only an alternative but an economically and politically attractive solution," since U.S. coal and shale deposits are larger than the world's total oil reserves.

Beyond that, there is nuclear and solar energy. Is Mr. Nixon giving enough attention to their potential? A concerted effort should seriously be made to look into microbiological sources of energy. Many scientists suggest that this is an unplowed field: for example, methane can be produced from animal waste and urban sewage. Hydrogen and ethyl alcohol can also be produced from microbiological sources.

The kind of commitment that would demand every possible conservation measure in the short run, and every possible exploration of alternative sources for the long haul, is still lacking.

The Nation shouldn't wait until next summer to ration gas; it ought to cut back sharply on gasoline supplies now, and get more out of the refineries for home heating and essential industry.

The nation must also be assured that in its drive to boost energy supplies, it will prevent the oil companies from making windfall profits. Some price increases will be inevitable, but this is not the time to throw controls out the window, making the consumer the scapegoat for short-sighted planning by industry and government over the past several years.

It is also not a time for the Western world to allow itself to become divided by the Arab strategy of embargo. Appeasement, as Leonard Silk pointed out in the New York Times the other day, won't work any better in the Mideast than it did in Munich.

One can understand the concerns in Western Europe and Japan, which get the bulk of their oil supplies from the Arab countries. But this country, Europe and Japan badly need to come together, share existing resources and develop new ones. If they don't, the Arab countries will pick off one consuming country after the other, and \$12 oil will look cheap.