NIXON'S LACK OF TRUST

A couple of other points might be made about these issues. The President continues to demonstrate his lack of trust in the institutions that he had 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, 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 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 will, in the interest of truth, then the President's action in driving three good men out of office becomes even more understandable.

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

THE BOMBING OF THE UNIVERSITY OF WISCONSIN

Mr. HOLLINGS. Mr. President, yesterday, a personal 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 for him, apparently for his cooperation with the prosecution. 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 impose 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 to print this editorial entitled "New Prosecutor Must Be Free of Nixon Hand" published in the Charleston News and Courier.

[NEW PROSECUTOR MUST BE FREE OF NIXON HAND]

Mr. MONDALE. Mr. President, although 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. It is the will of the President, the Special Prosecutor, to 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 to those who will face criminal charges the same legal defenses to justice through a thorough investigation. It is by establishing a truly independent prosecutor that we are able to act quickly to establish a truly independent prosecutor that we assure that this will be done.

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

The editorial continues:

President Nixon's record of obstructionism and bias has made the Cox investigation speaks for itself. The task of the special prosecutor is to bring 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 print in the Record the editorial entitled "Fen 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]

Mr. MONDALE. Mr. President, although 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. It is the will of the President, the Special Prosecutor, to be truly independent, and must possess all necessary power to go to court to seek relevant evidence.

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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's office. 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 investigations, 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.

Jaworski's recent 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 defended his 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. They would require that 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. That is a veto-proof majority for a new Attorney General, Sen. William Saxbe, R-Ohio, should not be confirmed by the Senate. The Senate should take the entirely independent prosecutor measure.

The Senate did not confirm Elliot Richardson as Attorney General until the Nixon Administration had promised him the Attorney General's office would not interfere with the watergate investigation. Those promises became "inoperative" (to use a White House term) when Mr. Nixon fired
Mr. PROXMIRE. 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 partial success, such commitment 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 or parting 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 leaves 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.

We can, 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." We can see that 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 what 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.

It may be 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 SKEWERS 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. It is hard for us now to imagine so circumstant in seeking out legal authority when he set up the plunbers' group in the White House.

As 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 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. The President's April message made no mention of the auto industry and the buying public toward producing and using smaller and lighter cars. Yet, President Nixon also refused to consider a tax on high-horsepower cars and, according to Gov. John Love at the White House press briefing Wednesday night, there is 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 shutdowns that will have painful economic impact.

The Nixon administration's rationale for staying away from higher gasoline taxes is that they are regressive—they would hit the people who are already the wealthiest. But there are ways to solve that problem. And there certainly can be no worry that 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 increase in gasoline use that is now devoted to the production of gasoline, mostly for autos. This would permit higher energy use, for example, of 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. As the President's call for a "Manhattan Project" sense of urgency, if he really intends for the nation to be independent of Mideast oil, there is a commitment so far to development of alternative sources of energy.

Mr. Ernest Frankel of M.I.T. points cut that transport of petroleum from either coal or oil shale in a "socially acceptable way" would come to about $6 a barrel by the early 1980's, compared to present day 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 advances from oil shale or coal would probably become cheaper.

Thus, Frankel says, "There is not only an alternative but a economically and politically attractive solution. Both coal and shale deposits are larger than the world's total oil reserves.

Beyond that, there is natural and solar energy. Is Mr. Nixon giving enough attention to their potential? A concerted effort should seriously be made to look into microbial sources of energy. Many scientists suggest that this is an unexplored field; for example, methane can be produced from animal waste and synthetic hydrocarbons and ethyl alcohol can also be produced from microbial sources.

The kind of commitment that would de­mand a half-hearted measure of auto control now would be ineVitable, but this is not the time to throw controls out the window, making the country have the 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. Appraeement, 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 oil 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 cut off the consuming country after the other, and $12 a barrel will look cheap.