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areas in the region presently served by rail service." In a 4-county area in southeastern Illinois—Wayne, Edwards, Wabash, and White counties—the DOT proposal would eliminate rail services for 21 of 29 communities and for 17 grain elevators. The Executive Director of the Greater Wabash Regional Planning Commission estimates that the four counties could lose as many as 2,000 jobs which would affect almost 8,000 family members. He estimates that the area could lose over 10,000 potential jobs.

I come back, therefore, to my main point, that it is incumbent upon the USRA to consider all the factors set forth in the Act. Financial viability is one. But the Senate Commerce Committee also set forth as one of "the two basic goals" of the Act: "the establishment and maintenance of a rail service system adequate to meet the rail transportation needs and service requirements of the region."

That is what we in Illinois want—and that is what the Congress required. We are not given it in the DOT report. But the Congress also established a process for the development of a balanced system.

If the final system plan does not balance all the factors set forth in the law and endangers our economy and our prospects for growth, then the Congress will disprove it—and that would be more unfortunate. It is all up to the USRA now. I have every reason to believe the USRA will do its duty well.

SPECIAL OLYMPICS

Mr. BENTSEN. Mr. President, over the Memorial Day weekend some 2,200 handicapped children gathered in Austin, Tex., for the Texas Special Olympics. The Olympic games have represented for years both the highest standard of athletic competition and the most competitive forum for amateur athletes. The special olympics in Austin, carries forward that tradition in a unique way.

The special olympics is a forum for true champions and is an event that reminds us all of what can be accomplished by those with the desire to win no matter what the obstacles.

The handicapped children who participated in the special olympics did not set any new world competitive records, but they did give personal performances that rival the achievements of any athlete.

The special olympics are sponsored nationally by the Joseph P. Kennedy Foundation and the Texas competition is under the auspices of the Texas Association for Retarded Children. District meets were conducted in every area of the State and in all some 12,000 handicapped children competed in these events.

The goal of the special olympics is to give those with handicapped skills an opportunity to perform to the best of their ability in the company of those with similar abilities. It is an important development in an overall national effort to afford the handicapped the training, the help and the generous spirit which can help lead to normal lives for them all. I want to congratulate the organizers of this special olympic event and the young athletes who gave such tremendous performances.

I ask unanimous consent that an article from the May 3, 1974, Austin American-Statesman on the special olympics be printed in the RECORD.

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

SPECIAL OLYMPICS EXPECTS 2,200

More than 2,200 mentally handicapped participants are expected in Austin this week for the sixth annual Texas Special Olympics (TSO) State Meet at the University of Texas.

"The state meet is the culmination of year-long athletic training and competition in cities all over Texas," said Mary Jane Boswell, a member of the TSO board of directors. Approximately 12,000 mentally handicapped children and adults participated on the local level and in 30 district meets, he explained.

Special Olympics was begun and is sponsored nationally by the Joseph P. Kennedy Jr. Foundation. There are Special Olympics programs in every state and some foreign countries.

The TSO Program is a division of the Texas Association for Retarded Citizens. This year's state meet is sponsored locally by the Austin State School, Travis State School, Austin-Travis County Mental Health-Mental Retardation Center and the Austin Association for Retarded Citizens.

"The emphasis is not so much on competition and winning as it is on participation," Ms. Boswell said. Every mentally handicapped person has a chance to participate and be a winner because each participant competes against others with similar abilities and skills, she explained. There is a place for the blind child or a person with cerebral palsy just as there is a place for the athletes who rival top University Interscholastic League competitors, she added.

The Special Olympics is not just an event with emphasis on athletics. "For many, it is the first time they have left their home towns or a state school. It is a chance for socialization, to make new friends, to see a part of the world and life that were only dreamed of before," Ms. Boswell explained.

One of the highlights of the state meet will be the opening ceremonies and parade of athletes Thursday at 6:30 p.m. in Memorial Stadium. This is the event where all participants gather to show their "true colors" with all the pomp and circumstances of the real Olympic games.

Participating in these ceremonies will be Secretary of State Mark White; City Councilman Bob Binder; Beverly Campbell, coordinating director of the Kennedy Foundation; the First Cavalry Band of Fort Hood; the Marine Corps Color Guard and the Ben Hur Shrine Srekoj Clowns.

The Bexar County Sheriff's Mounted posse will ride the Olympics torch from Houston, site of the 1973 state meet, to San Antonio, site of the 1972 state meet, to Austin.

The meet will be held Thursday, Friday and Saturday at the University of Texas. Track, field and gymnastic events will take place in Memorial Stadium and swimming will be in the Gregory Gymnasium pool. Participants will be housed in Jester Dormitory.

IMPEACHMENT

Mr. MONDALE. Mr. President, article II, section 4 of the Constitution provides:

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.

Article I, section 2 vests "the sole power of impeachment" in the House of Representatives, and article I, section 3 describes the Senate's "sole power to try all impeachments."

The framers of the Constitution were realists. They were confident that the people had the ability to make self-

government work; but they were skeptical of human nature and feared what might happen if the President were accorded unlimited power.

As a result, the Constitution was carefully designed with many checks and balances to prevent the excessive use of power which might threaten American freedom.

One of the checks and balances built into the Constitution was impeachment. The framers gave the legislative branch the power to remove a sitting President, in the words of the Constitution, for "treason, bribery, or other high crimes and misdemeanors."

Entirely apart from the debate over what constitutes an impeachable offense, it is clear from the constitutional debates, as well as the face of the document itself, that the framers intended to empower the legislative branch to remove the head of the executive branch. It is abundantly clear that impeachment was codified as a cornerstone of our constitutional structure.

Why was the impeachment mechanism included? The framers envisioned circumstances where the 4-year term would not be sufficient to check the aggregation or abuse of power by the executive. In the words of Harvard's Raoul Berger:

It was because the separation of powers left no room for removal by a vote of no confidence that impeachment was adopted as a safety valve, a security against an oppressive or corrupt President and his sheltered ministers.

James Madison put it this way, when, in his Journal, he wrote:

(Madison) thought it indispensable that some provision should be made for defending the Community against the incapacity, negligence or perfidy of the chief Magistrate. The limitation of the period of his service was not a sufficient security. He might lose his capacity after his appointment. He might pervert his administration into a scheme of peculation or oppression . . . In the case of the Executive Magistracy which was to administered by a single man, loss of capacity or corruption was more within the compass of probable events, and either of them might be fatal to the Republic.

The framers wanted a way to remove a sitting executive. They chose impeachment; they vested the power in the House; they placed the trial in the Senate.

Surely, the power of impeachment is the most solemn power entrusted to the legislative branch, involving as it does the removal of the head of a coordinate branch of government. Nevertheless, the power of impeachment is one of the indispensable—possibly the most indispensable—elements of the system of checks and balances that the framers constructed to keep official power within bounds.

If the House were to vote a bill of impeachment, the trial would take place in the Senate. As a Member of that body, and a potential juror in an impeachment trial, I must not, and I will not, prejudge the question of whether the President should be impeached or the nature of the evidence for or against the President. I cannot, however, remain silent on the

question of access to evidence essential to an impeachment inquiry.

The power of impeachment is the prerogative of the House of Representatives. Its power is sole; the scope of its exercise must be absolute. In exercising the power of impeachment, the House must be able to investigate, must be able to study, must be able to make an informed judgment as to whether grounds for impeachment—under any of the various definitions—exist.

Yet, we all know too well of the "stonewalling" that has confronted the House Judiciary Committee as it has carried on its impeachment inquiry. To its request for relevant materials, it received delay and excuses. To its initial subpoena for needed materials, it received partial transcripts. To its latest subpoena, it received defiance.

Mr. Nixon has clearly defined his attitude toward the impeachment process: It is up to me, he says, to define those offenses for which I am accountable via the impeachment process; and it is, above all, up to me, he says, to decide which evidence might be used in an impeachment investigation.

If Mr. Nixon's view of impeachment is accepted, either through congressional acquiescence or congressional indifference, impeachment becomes a sunken ship on the constitutional waters. Impeachment becomes nothing more than an empty gesture, subject to Executive veto.

To disregard this vital element of our constitutional system—to read the impeachment clause as mere surplusage—is to demean the Constitution and to throw its carefully constructed equilibrium out of balance.

There is only one way to hold a sitting President accountable. And a President must be accountable. It rests with the House of Representatives to hold the President accountable.

When we denigrate impeachment, we denigrate a device which the framers regarded as essential to a republican form of government. When we ignore impeachment, we ignore an important element in our system of checks of balances. When we allow impeachment to be frustrated by Presidential fiat, we frustrate the Constitution.

Throughout the past several months, as various investigative bodies—the grand jury, the Senate Watergate Committee, and the House Judiciary Committee—have been seeking to get to the truth behind the Watergate scandal, President Nixon has repeatedly argued that he is, by his refusal to cooperate with these bodies, protecting the Presidency. He says that his reliance upon "executive privilege," "national security," and simple defiance is necessary to preserve the integrity and independence of the Office of the President.

Far greater than any alleged threat to the Presidency, is the threat to the future viability of Congress as a coordinate branch of government. The total frustration of the impeachment power will be the ultimate castration of Congress.

In the words of columnist and editor George Will:

If Mr. Nixon gets away with his doctrine nullifying the Constitution's impeachment provision—that is, if he sticks to his doctrine and still manages to finish his term then the first business of the 95th Congress when it convenes January, 1977, should be to amend the Constitution, deleting all language that suggests impeachment applicable to presidents.

We should make the 95th Congress do that, and then we should forbid all Congresses to do anything else of consequence, ever.

Richard Nixon's impeachment "strategy" is but another instance of Presidential usurpation of congressional prerogatives. The warmaking power is vested in Congress by article I. Yet, we all know of the serious Presidential incursions on that power. The Congress has the power to appropriate money, the President may veto legislation, but the item-veto was rejected by the framers. Yet, we know the impoundments that more than 20 Federal and State courts have ruled illegal.

If Richard Nixon is successful in usurping the congressional impeachment function, he will have cast the ultimate stone against a coordinate branch of government.

It will, indeed, be a strange version of the Constitution that will be operative when the next President takes office. The warmaking power will have mysteriously shifted to the executive branch. Duly appropriated money will only have to be spent when the President finds that prospect attractive. And the President will be totally immune from impeachment.

I ask unanimous consent that the column by Mr. Will, entitled "For Congress: A 'Make-or-Break' Test," from the Washington Post of May 28, 1974, be printed in the RECORD.

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

FOR CONGRESS: A "MAKE-OR-BREAK" TEST
(By George F. Will)

Twelve years ago California voters rejected Mr. Nixon's offer to be their governor, causing columnist Murray Kempton to feel relieved: "Richard Nixon's defeat in California has removed him to that small place in history which belongs to national disasters which did not quite happen."

But it is still too early to write Mr. Nixon off as a national disaster. He seems to want to be a disaster, but the unintended effects of public figures are often more important than their intended effects.

Mr. Nixon did not intend to spend his second term conferring self-respect on Congress, or nullifying the impeachment provisions of the Constitution. But he is going to do one or the other, and whichever it is, we will be better off.

All this became inevitable when Archibald Cox, the first Special Prosecutor, unintentionally became the Anne Boleyn of American history.

Ms. Boleyn, Henry VIII's second wife, gave birth to a girl. Henry did not understand chromosomes, so he did not suffer baby girls gracefully. He terminated the marriage, thereby bringing on the English Reformation and, you might say, the United States.

Similarly, Mr. Cox never really did anything except displease the sovereign, who beheaded Mr. Cox. This caused the impeachment process to clank into what passes for motion in the House of Representatives.

This led ineluctably to the House Judiciary Committee's subpoena for the "best evidence"—the tapes.

The subpoena produced a few custom-tailored transcripts, and a letter from Mr. Nixon telling the committee to stop pestering him.

Mr. Nixon has thrown down the gauntlet in the form of a doctrine. His doctrine is: a President has the right to decide which offenses he will permit himself to be impeached for, and he also has the right to select, trim, polish and edit any evidence used against him.

If Mr. Nixon sticks to this doctrine, and if he is not impeached for sticking to it, it will become the definitive precedent. It will establish presidential control over impeachment inquiries against Presidents. It will mean that Presidents are immune from impeachment.

Of course it is conceivable that Mr. Nixon's assertion of this doctrine may have a dramatic unintended effect.

All Napoleon wanted to do was subdue those rival principalities. But he inadvertently provoked them into becoming modern Germany. Mr. Nixon's aggressive doctrine may provoke the little rival princess on Capitol Hill. They may unite against him in defense of their institution's prerogatives.

Mr. Nixon's doctrine is a potentially lethal blow aimed at the constitutional impeachment process itself. As such it is his worst offense yet, worse even than hiring the people he hired and helping to cover up what they did.

If Mr. Nixon sticks to his doctrine and is not impeached, then perhaps he is right in saying that Presidents should be immune from impeachment. Perhaps Congress is too confused to be trusted with anything as weighty as the impeachment power.

The 93d Congress, now sitting, is a typical Congress. Using anesthetics and forceps, it has extracted a bit of doctored evidence from Mr. Nixon.

If Congress does not think Mr. Nixon's denial of all other evidence—his attempt to destroy the impeachment process—is itself an impeachable offense, then Congress should indeed quit pestering Mr. Nixon. It should stop its impeachment charade.

Worse than unenforced laws are unenforceable laws. Worse still is a constitutional provision that is unenforceable. Worst of all is a constitutional provision that is unenforceable but not recognized as such.

Impeachment, as regards Presidents, may be such a provision. It may offer only the illusion of recourse against abuse of power.

If Mr. Nixon gets away with his doctrine nullifying the Constitution's impeachment provision—that is, if he sticks to his doctrine and still manages to finish his term then the first business of the 95th Congress when it convenes January, 1977, should be to amend the Constitution, deleting all language that suggests impeachment applicable to presidents.

We should make the 95th Congress do that, and then we should forbid all Congresses to do anything else of consequence, ever.

CLEAN AIR ACT AMENDMENTS

Mr. TAFT. Mr. President, on May 14, the Senate passed legislation to amend the Clean Air Act of 1970, to provide a means of dealing with the energy shortages.

H.R. 14368, which I supported, provides for temporary suspension of certain air pollution requirements, requires reports with respect to energy resources, and provides for coal conversion. The authority granted is temporary, in recognition of