of farm real estate, which gained $66 billion in value in a single year. Agricultural credit has increased in importance during the past two decades, and it now represents about 4 percent of the nation's capital market. Agriculture's debt capital market, in turn, has been a major source of funds for farmers, accounting for about 35 percent of total farm debt. This figure has remained relatively constant over the past three decades. It has been estimated that the debt to asset ratio of farmers who were in the agricultural sector in 1970 was about 43 percent. However, this figure may have declined slightly in the 1970s due to changes in the nature of the agricultural sector.

Mr. MONDALE. Mr. President, several days ago, a thoughtful column appeared in the Minneapolis Star. Entitled "Measuring the Limits of a Pardon's Force," this article explores the historical debate over the nature and power of the pardon in an evaluation of the recent pardon of former President Nixon. I believe that Austin C. Wehrwein, who authored this column, has raised important questions in connection with the pardon power, questions which deserve careful consideration in light of recent events.

Mr. President, I ask unanimous consent that the full text of Mr. Wehrwein's article be printed in the Record, along with an excerpt from a speech which I delivered at American University that appeared with it in the Star.

There being no objection, the material was agreed to be printed in the Record, as follows:

[From the Minneapolis Star, Sept. 10, 1974] MEASURING THE LIMITS OF A PARDON'S FORCE (By Austin C. Wehrwein)

Richard Nixon owes a debt of gratitude to the British kings against whose system the colonists revolted in 1776 that is as heavy as his debt to President Ford.

It was their kingly power to "wallow away the legal stain" with a pardon that the Supreme Court in 1867 wrote "shall have power to grant reprieves and pardons for offenses against the United States except in cases of impeachment."

The imported doctrine was that he who held a royal pardon was in the eyes of the law innocent as if he had never committed the offense.

So when the founding fathers were fashioning the Constitution, Alexander Hamilton wrote in an essay on the royal prerogative of pardons that was a departure from the English model and that his "views on the financing of modern agriculture."

Capital, he said, is the lifeblood of American agriculture. If its flow is cut off or even curtailed, there is no way the economy of the United States can be restored to full health. Adequate credit at reasonable rates must be given top priority to assure the kind of productivity that will enable this Nation and its neighbors around the world to produce even more-to feed this country and the world.

The right to private possession of farms is more sacred than the right to the property or interests of the State. It is the inherent right of property, which is protected by the law of God in all ages, to be held for all time.

In the case of the power to pardon treason, it is the constitutional amendment, which merely says the President "shall have power to grant reprieves and pardons for offenses against the United States except in cases of impeachment."

But when the pardoning power was conferred upon the President, the doctrine was that he who held a royal pardon was in the eyes of the law innocent as if he had never committed the offense.

And when the pardon is full, it releases the punishment and blots out the existence of the crime, so far as the law is concerned, as if it had never been committed."

"If," the justice continued, "granted before conviction, it prevents any of the penalties and disabilities, consequent upon conviction, from attaching; if granted after conviction, it removes the penalties and disabilities, and restores to him all his civil rights; it makes him, as it were, a new man, and gives him a new credit and capacity."

There is one catch, Field warned: "There is a danger in the fact that once a pardon has been granted, the offender is as innocent as if he had never committed the offense."

Impressive, Justice Miller stated the nature of the power a bit less grandiloquently. The pardon power, he said, "relieves the party from all penalties, or in other words, from all that was inflicted for his offense." But it relieves him from nothing more."

Nixon might well ruefully agree he included as a candidate his last great fiasco as public reaction to any washing away of a stain is concerned.

Either way, it is ironic for Nixon perhaps
that one ramification of the Garland rule is that courts hold that a pardon restores a person's competency as a witness. And in an old Ohio case, the court was so serious even though a full pardon is obtained by fraud it restores civil rights and privileges.

Who was the Garland whose pardon by the first president of the United States a 69-year-old use of royal rhetoric? A. H. Garland of Little Rock, an eminent attorney who practiced before the Supreme Court prior to the Civil War, and then a senator in the Confederate Congress.

Johnson in 1865 granted him a postwar "true cause," of course, is any pardon he had played in the rebellion but conditioned it on a loyalty oath required by the U.S. Congress as the law said he must. The gist of the point was that the pardon taking it swore he had never supported the Confederacy in any way. For Garland that was a true Catch 22 trap.

Garland sought to get out of it by contending the loyalty oath was unconstitutional, or if it was constitutional the pardon released him from taking it. Field for the power to do so the majority agreed. He held the exclusion that would have prevented Garland from practicing law in and out of federal court was his, for it was constitutional. He held the exclusion that would have prevented Garland from practicing law. He held the exclusion that would have prevented him from practicing law in and out of federal court was his, for it was constitutional. He held the exclusion that would have prevented Garland from practicing law. He held the exclusion that would have prevented him from practicing law. He held the exclusion that would have prevented Garland from practicing law. He held the exclusion that would have prevented him from practicing law.

Field swung into his expansive exposition of the pardon prerogative. In his dissent, Justice Miller said praticing law, not an absolute right, concerning which Congress could prescribe terms for admission, rejection or expulsion of attorneys. Because the power of practicing law was not a punishment, the power the president to pardon has no effect on releasing him from the constitutional penalties.

A lawyer, he said, "may be saved by the executive pardon from the penalities of the law, but is not thereby restored to the qualifications which are essential to admission to the bar." Nixon, of course, has apparently avoided any question about his disbarment by reliving before the public the defense to practice in New York and California.

But there remains a question about the meaning of the pardon as a tacit accusation. How can it be, if it has not committed "offenses," as the constitutional formula puts it? One way out of this impasse, note that he spoke of the pardon's reaching "every offense known to law" and said it can be exercised at any time after the offense's conclusion.

Plainly, to get a pardon, it would seem one must first commit an act that makes a pardon necessary.

[From the Minneapolis Star, Sept. 18, 1974]

PARDON POWER SHOULD BE LIMITED

(By Sen. WALTER MONDALE, in a speech at American University)

I reject the notion that it would have been impossible for Richard Nixon to get a fair trial. That suggestion is an affront to the American jury system, to the American system of justice, to the American people. If we cannot expect equal justice in this case through the judicial system because of Mr. Ford's unfortunate act, I believe we must seek redress in the other branches of government. The constitutional interest might not be best served by a continuing of the impeachment process.

I believe we should consider whether a House vote on impeachment followed by a Senate trial might not provide another much-needed means for fully ventilating the Watergate facts and Richard Nixon's role. At the very least, we can then prevent Richard Nixon from again holding office in this nation.

Congress, as the Constitution says, not only has the power to impeach the president on grounds of treason, bribery, or other crimes and offenses, but has the power to try the impeached president, and do it with a two-thirds vote instead of a simple majority.

In order to prevent abuse of that power, or use of that power in a questionable manner, particularly in cases like this, the qualified majority should be a two-thirds vote of both houses of Congress.

Sunday's events represent a sad chapter in American history. We saw the ultimate cover-up and the ultimate injustice.

As we all consider now where we go from here, how we are to put Watergate behind us in an honorable way, and how we are to prevent the results that may well follow from Sunday's events from ever happening again, I believe we will do well to remember the words of Mr. Field in 1907, words that are as relevant today as then.

"Regardless of the outcome, the value of the pardon is still dependent on the process by which it is administered." If the process is so conducted that the country perceives it as a fair and legitimate measure for restoring the integrity to government, then it will have served a purpose.

ZOO MANAGEMENT

MR. THURMOND. Mr. President, recently there have been some very serious conflicts between curators of zoos and officials of the Animal and Plant Health Inspection Service, APHIS, of the U.S. Department of Agriculture. Managers of zoos naturally feel that the animal exhibits provide an increasingly valuable educational and entertainment purpose in our rapidly urbanizing society.

They also maintain that properly managed zoos provide the best hope of preserving many endangered animal species.

On the other hand, USDA animal health inspection officials are naturally concerned about the possibility of introducing into this country dangerous diseases or pests, which are sometimes found on imported wild animals and birds. They rightly have an obligation to protect our domestic pets and livestock from possible contamination by any importation of diseases or pests.

Several weeks ago I was glad to be of assistance in arranging a public meeting, at which representatives of APHIS and the Columbia Zoological Park discussed problems and mutual concerns.

I offered recommendations for changes in APHIS regulations were presented at this meeting, and I understand that further conferences between zoo management representatives and USDA officials have been planned. I also understand that some bills relating to these matters have been introduced in this session of Congress, and I certainly hope that they will receive thorough study and careful consideration.

Mr. John M. Mehrten, director of the Columbia Zoological Park in Columbia, S.C., recently sent me several copies of a commentary by John M. Chamberlain.