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STATE OF THE CONGRESS—1974

Wednesday evening President Nixon addressed a joint session of Congress, through the medium of radio and television, he also spoke directly to the nation. His State of the Union Address was welcomed by the Congress. It will receive full and cooperative consideration. Whatever the legal difficulties which confront the Administration, the regular business of the nation must come first. The President put it first. Insofar as the Congress is concerned, it will be first.

Tonight, I offer an assessment of where the nation stands and what lies ahead as we see it in the Legislative Branch. The President, alone, speaks for the Executive Branch. One Senator cannot speak for the 100 Members of the Senate. Nor will all 435 women and men in the House of Representatives agree with everything that I have to say. Nevertheless, my remarks are indicative of the prevailing views of the Democratic Majority as reflected in the Leadership of the Congress.

In some respects, of course, these views are on the same wave length as the President's, as for example, when he spoke on Wednesday of his desire to protect the personal liberties of Americans. In others, they differ. It can be no other way. We are a government of separate branches. Our politics remain cast in two major parties.

Twelve months ago the 93d Congress convened after a sweeping victory for a Republican President in the 1972 election. From that same election, however, there also came an increase in the Democratic Majority in the Senate and a continuing Democratic Majority in the House of Representatives. There were those who chose to note the first event but to ignore the second. The facts of the election, nevertheless, were clear. There had been not one but two basic decisions. The people had continued the President in office. At the same time, they had rejected government by one party and government by one branch. And, may I add, subsequent events have underscored the wisdom of this duality of choice.

The Congressional Majority accepted the President's electoral mandate. At the same time, we concluded that there was also a mandate to the Legislative Branch. Therefore, we moved promptly to reinforce the nation's system of checks and balances against an accumulation of power in the Executive Branch. This accumulation did not begin in the present Administration. It had been going on, administration after administration, Democratic and Republican, for decades. Nevertheless, there were, at the outset of the 93d Congress the following evidences of an ominous shift to one-branch government:

- (1) Excessive Executive curtailment of public information in the name of national security;
- (2) Arbitrary Executive impoundment of appropriated funds;
- (3) Unwarranted Executive attacks on the national press;
- (4) Executive pre-emption of sole authority over the Federal budget;
- (5) Multiplying expressions of Executive contempt for Congress and, by extension, for the people who elect the Congress;
- (6) Executive usurpation of sole control over changes in the basic organizational structure of the government; and,
- (7) Illegal invasions of personal privacy

by Executive agents.

To the Congress, these were flashpoints of a danger to freedom and we were determined to act on them. In my judgment, we did what we set out to do. The erosion of the system of checks and balances was halted. A greater Congressional impact began to be registered on all of the basic decisions of the Federal government.

A year ago, for example, this nation's principal concern was to get out of Viet Nam. That was a goal set not in 1973 or 1972 by this Administration. It was set by its predecessor in the distant past. It was a goal reiterated year after year for a half-dozen years. For even more years, Members of Congress had spoken out against the involvement.

But at the beginning of the 93d Congress, we were still in Viet Nam. Americans were still dying in Indochina. The urgency, therefore, was to translate pious words into action that would restore fully the nation's peace. In 1973 that was done. An effective settlement was negotiated with the North Vietnamese by Dr. Henry Kissinger, the present Secretary of State. The final withdrawal of our military forces was achieved under what became an absolute legal insistence by the Congress. Thereafter, the gate to re-involvement anywhere in Indochina was shut tight by legislation.

The bitter and tragic experience of Viet Nam led us, moreover, to act against a repetition elsewhere. Now, any military intrusion into another nation—and, hopefully, we have seen the last—is conditioned on the expressed consent of Congress as prescribed in the War Powers Act. Hereafter, what this nation may find necessary to do abroad in a military sense is a question that must be openly considered. It must be decided not alone by the President. It must be decided by the President together with the men and women in the Congress who answer directly to the people. That is a basic Constitutional concept. That is an essential concept for the continued existence of freedom in this nation.

The past year also witnessed major contributions from the Congress over a range of domestic questions. New farm legislation was passed calling for the removal of all limitations on the production of food. Hopefully, this legislation will undo some of the damage done by subsidized sales of grains abroad at bargain-basement prices.

Last year, we sold millions of tons of grain to the Soviet Union. This year, the Soviet Union is offering to sell some of it back to us—at almost three times the price. Who pays for this sort of film-flam? The people of the nation pay for it in the skyrocketing costs of all foodstuffs.

In the last session, Congress acted twice on its own initiative to try to keep Social Security benefits in line with rising prices. The way was also cleared for building the Alaska pipeline. New emphasis was given to urban mass transportation. Measures were adopted to encourage emergency medical services and health maintenance systems throughout the nation. Legislation of significance to veterans became law after a Presidential veto. To be sure, the achievements were not earth-shaking. Nevertheless, they represented a sustained and sober effort on the part of Republicans and Democrats alike. They were the work of one session of a two session Congress. During the current year, it is my expectation

that we will move to consider these additional major measures:

An effective National health insurance system which covers all Americans;

An expansion of Housing assistance so that those of limited means will once again be able to pay for a home;

Reform of private pension systems which will recognize that millions of Americans move from place to place and from job to job and that the accumulation of private retirement credit, in effect, should do the same;

A fair minimum wage that underwrites a modest standard of living in the face of an explosive inflation;

A system of no-fault automobile insurance;

An increase of Congressional control over the budget, to the end that the President's more than \$300 billion in spending requests will be reduced;

A renewed commitment to excellence in education after years of administrative indifference.

There will be time to try, too, to bring about more equity in the tax structure. The system now favors, too much, those who have more, over those who have less. It favors, too much, income from substantial wealth already accumulated as against income derived from pay-check to pay-check and from personal savings that are small or almost non-existent.

That is the way the legislative program for the coming session is beginning to take shape. It is the first order of business. It will be pursued deliberately.

At this point, I wish to speak with the utmost candor on the Congress and Watergate and the related questions of impeachment and resignation. I raise these matters reluctantly. Nevertheless, they must be raised because they have been widely discussed by the public and, on Wednesday, reference was made to them by the President. The question of a Presidential resignation, as in the case of a Vice-Presidential resignation, is not one for the Congress. The President has stated his intentions bluntly in that regard. Insofar as the Congress is concerned, that closes the matter of resignation.

Impeachment is a responsibility of the Congress. The question is now before the House of Representatives where it belongs at this time under the Constitution. It is being handled properly and deliberately. On the basis of available information, I would anticipate that it will be dealt with fully in this session.

What has been done by the Senate Watergate Committee is also within the Constitutional responsibility of the Congress. That work, too, I would anticipate, will be completed during this session in legislative recommendations.

The question of impeachment and the matters of the Watergate hearings create onerous responsibilities for the Congress. They are also inescapable responsibilities. They have had to be assumed in order to cleanse the political processes of the nation. The members of the Congressional Committees which are pursuing them—members of both parties—deserve every support in these endeavors.

As for the crimes of Watergate—and there were crimes—they cannot be put to rest by Congress. Nor can any words of the Presi-

dent's or from me mitigate them. The disposition of crimes is a function of the Justice Department and the Courts. Insofar as I can see, Mr. Leon Jaworski, the special prosecutor, is doing his job and so, too, are the courts. There the matter must rest for however long may be necessary. Whether it is months or years, there are no judicial shortcuts.

Looking ahead, in ten months the Senate and the House of Representatives will face the people in an election. That event will test the record of the past two years. More important, it will be an affirmation of freedom at a critical moment in our history. The transitory political lives of elected officials are not what will matter most in November. It is the political life of the nation that is involved most deeply.

To excise Watergate and what it implies before it becomes fatal to liberty is a fundamental responsibility of this government. The people have a right to an electoral system free of shenanigans, capable of yielding honest, responsible and responsive government, open to all, and shaped to meet the needs of all.

The people of this nation, in their overwhelming number, do not want government by the whim or the will of the most powerful and influential. That is the nub of the problem. It is incumbent on us to foreclose an excessive intrusion of great wealth, whether corporate, labor, personal or whatever, into the electoral process. That is a solemn and urgent obligation.

We have taken steps in law in the direction of fulfilling that obligation. Citizens, for example, can now indicate on the front page of their income-tax returns whether or not they wish a dollar of their taxes to go to defray election costs at no additional cost to themselves. These funds will be impartially divided to finance future political campaigns. Certainly, I would urge all Americans to use this income tax device to register their concern for the integrity of free elections.

In my judgment, we shall not come finally to grips with the problem except as we are prepared to pay for the public business of elections with public funds. We are moving in that direction, as I have already indicated, with the income tax earmark. There are other measures under consideration in Congress which will accelerate the process. I would hope and expect that the President will join with the Congressional leadership in supporting these efforts to clean up the campaign-financing mess. If it was in 1972 that Watergate arose, and in 1973 that it was investigated, may it be said that it was in 1974 that the matter was finally ended in a new system of open elections openly paid for. I urge the support of the people of the nation in that resolve.

What Watergate did to public confidence with regard to the nation's politics, the energy crisis has done in the realm of the nation's economy. Grave uncertainties have arisen. It is not merely a question of long lines at the filling stations, and slower speeds on the highways. The implications of the shortage are seen to extend far beyond the gas tank into every aspect of our society. Today, the petroleum situation threatens the jobs, the business and even the basic maintenance of the homes of millions of Americans. We have become aware, suddenly, of an abject dependency on decisions made by governments five thousand miles away and by a handful of executives in petroleum companies scattered around the world.

To be sure, oil shortages had been forecast for years. But, the message was either not received or ignored. The use of ever-increasing amounts of energy and, in particular, of petroleum-derived energy was stimulated in this nation as basic to prosperity. Now, we have shifted gears. The watchword has changed from consumption to curtailment. The people of the nation have been quick

to recognize the need. They have displayed, over all, a remarkable degree of self-discipline in meeting the problem. And that has been the single most important element in preventing a national catastrophe.

The recent agreement between Egypt and Israel will also be of significance in this connection. The President and Secretary of State Kissinger have acted with notable astuteness on the interplay of the Middle East conflict and other aspects of the international situation and the energy question. While I am on this subject, I would like to commend the peripatetic Mr. Kissinger. His achievements extend far beyond the Middle East as, for example, in the improvement of relationships with China and the Soviet Union.

In the year ahead, I would hope that the President and the Secretary of State will turn to such questions as the reduction—not just the limitation—but the reduction of arms on a mutual basis. Hopefully, this wasteful financial burden and the drain on the resources of the nation which it entails may be reduced, and military spending can be cut, not increased, as the President has already requested in his State of the Union message.

There is also the need for a new look, south, at our relations with a Latin America that is changing rapidly. It may well be that in the excellent ties which we have maintained with Mexico—ties in which regular meetings of the Congresses of the two countries play a major role—there will be found a prototype for a new cooperation with the other American republics.

Under the stress of the energy shortage and other economic difficulties, there is the danger of a crumbling of international cooperation, notably, as it involves our relations with Western Europe and Japan. That, indeed, would be the final straw. The consequences of devil-take-the-hindmost economic policies among free nations would be disastrous to all concerned and might well initiate the general erosion of world peace. In that connection, the President is to be commended for convening a meeting this month to consider our common plight with the representatives of several European nations and Japan.

As for the energy crisis at home, the immediate responsibility of government is to make certain that the shortage does not devastate the economy and that the price of past neglect is borne equitably by all Americans. If that means rationing, then let us not hesitate to use this device. Surely a price roll back will also be considered by the Congress. Surely the tax benefits accorded the major oil concerns on investments outside the United States by this Government, as well as excessive oil profits, will be scrutinized by the Congress.

Critical information on the production and distribution of energy must no longer be closeted in the executive offices of private corporations. It is essential that the facts be uncovered and laid before the nation. Wherever they may operate, if corporations are chartered in this country or receive the benefits and protection extended by the government of the United States, they have an obligation to answer, through the Congress, to the people of the United States.

Let me say that we do not need scapegoats in this situation. But we must have a foundation of fact on which to build a national policy on energy. We have got to know far more than we know now if we are to meet the threat to the nation's well-being. I speak of the threat of widespread business shutdowns, transportation paralysis and a run-away inflation which can only culminate in a severe recession with extensive unemployment and appalling human hardship. That, the people of this nation will not tolerate. That, the Congress of the United States will do all in its power to prevent.

The energy crisis has shocked this nation. In so doing, it has also shown us in a sud-

den flash the precarious manner in which our national economic life has come to be organized. It is all well and good to be concerned at this time with the exhaustibility of petroleum. But what of the exhaustibility of pure air and water? What of bauxite, nickel, tin, iron and copper, and many other materials? Where will the supplies of these and other essentials come from in the years ahead? Indeed, what of food, with the kind of disjointed policies in which exports of wheat are stimulated one year only to compel high-priced imports the next?

To say that we have been extravagant with our resources is to put it mildly. We spend nearly \$3 billion a year on air-conditioning and less than \$150 million on air pollution control. We throw away 60 billion beverage containers a year, yet spend only \$5 million to research recycling techniques. Pollution is building dead seas off the coast of New York, New Jersey, the Great Lakes states and elsewhere. Yet, during the recent recess the President chose to impound \$3 billion that had been appropriated for the treatment of waste.

It would be my hope that the concern of the Government will not stop with the energy shortage. The need is to take a careful look not only at the flashing of this single danger signal but at the whole integrated switchboard of our national existence. It is not enough, for example, for the federal government to spend tens of millions of dollars in a rescue operation to keep the bankrupt Penn Central on the tracks. We need to know where an action of this kind fits into a national rail policy; where that policy, in turn, fits into a total transportation pattern; where that pattern, in turn, fits into the over-all requirements of the nation, today, and for the next decade or more. In short, we need to think ahead and begin to make the hard political choices between what is more important to the nation and what is less, between what is enduring and what is transitory. That is the full scale by which government intervention in the nation's economy, when it must take place, should be measured. Unless we begin soon to develop that scale, the right hand of government will tend more and more to undo or do over what the left hand has just done.

It seems to me that it would be helpful in this connection to bring together on a regular basis representatives of the Executive Branch and the Legislative Branch with those of industry, labor and other areas of our national life. The fusion of ideas and interests from these sources should help us to establish useful economic yardsticks. In turn, we may begin to curb in some orderly way the ingrained tendencies of government to spend vast sums out of force of habit or for exotic and wasteful endeavors—whether military or civilian. Perhaps the resources of the federal government can then be used more effectively and efficiently to promote the national welfare. Perhaps, then, the President's budget—which has now broken the \$300 billion barrier—can be reduced and better framed to meet the over-all requirements of the nation for today and tomorrow.

There is a great deal that is right in this nation. There is a strong, decent, industrious and compassionate people. There is a bountiful land. There is intelligence, inventiveness and vitality. If, working together, today, we will put these attributes to use for the benefit of all, there need be no fear for the nation's tomorrow. That is the responsibility of this government. It is the responsibility of the President, the elected members of Congress, the appointed officials of government and the civil service. Nor is it a responsibility confined to the now. We owe this nation more than a decent present. We owe this nation leadership in the reach for a decent future. In 1974 this Congress—your Congress—will do its part fully in meeting that responsibility.