Mr. WILLIAM D. FORD. Mr. Speaker, I rise to speak about a matter of extreme urgency and importance. The activities of the President of the United States have brought our great Nation to the brink of what could be the most serious crisis in our history.

We have reached a point at which we can no longer turn on a television or pick up a newspaper without learning of still another charge of corruption and lawlessness related to the administration of Richard Nixon.

Mr. Nixon, in his tenure as President, has demonstrated a total disregard for the two most crucial elements of our democracy—our laws and our Constitution.

Since Mr. Nixon has taken office, we have seen top White House officials forced to resign because of their participation in and coverup of illegal actions; we have seen two Cabinet members—including an Attorney General—indicted on criminal charges; we have seen former White House aides plead guilty to criminal charges, and we have seen the Vice President of the United States resign his office and submit himself before the court to be convicted for criminally violating our Federal tax laws.

Further, we have watched as President Nixon has done everything in his power to subvert the judicial process and to prevent the gathering of evidence when legitimate attempts are made to seek out and convict persons who have broken our laws.

In light of the events which have occurred during this past weekend, there is little reason to doubt that the President himself has participated in the crimes of his administration—and as a result, the country is in an uproar.

In response to this, yesterday my friend and distinguished colleague from New Jersey (Mr. THOMPSON) and I undertook three separate actions to restore order and justice to our troubled Nation.

First, we cosponsored legislation to reestablish the Office of the Special Prosecutor and safeguard the evidence compiled by the staff of the former special prosecutor, Mr. Archibald Cox.

Second, we cosponsored a House resolution instructing the Judiciary Committee to investigate the official conduct of the President to determine whether he has been guilty of any high crime or misdemeanor.

Third, we took the extraordinary step of introducing a resolution of impeachment—and I might add, Mr. Speaker, we did so very reluctantly. In doing so, we charged President Nixon with committing acts which, in the contemplation of the Constitution, amount to bribery and other high crimes and misdemeanors, and we set forth seven specific allegations.

One charge in our resolution was that Mr. Nixon refused to obey the mandates issued against him by the courts of the United States. This charge was specifically directed at the President's refusal to comply with the court's order to submit to it the White House tapes which were subpenaed by the special prosecutor. Shortly after introducing our resolution, we learned that the President's lawyer, in an abrupt turnabout, announced that President Nixon would comply with the court's mandate and would submit the tapes to the U.S. district court. But let us look, as this morning newspaper did, at what it took to make our President comply with the court's order.

It took the resignations, in protest, of the two top Justice Department officials; the firing of the Watergate special prosecutor and abolition of his office; the breaking of a solemn compact with the U.S. Senate; a call for the President's removal from office by leaders of the AFL-CIO unions representing 13.6 million workers; a virtual breakdown of the machinery of Western Union under the weight of an avalanche of telegrams to Members of Congress calling for Presidential impeachment; the formal beginnings of an impeachment process in the House; an outpouring of critical editorial opinion from around the country, and a raw warning from his own party's congressional leaders that they could not save him unless he changed course.

Now this evening, we are told, Mr. Nixon intends to address the Nation and tell us that all is well—that by handing over the tapes, the crisis is over.

Mr. Speaker, if the President feels that by handing over the tapes he has ended the crisis, he is dead wrong.

The tapes are merely a side issue. The major question is, whether in light of all the evidence, the President has committed any crimes for which he may be impeached. The real issue is whether or not the President is fit or deserving to hold that high office—and this issue is not resolved merely because the President has announced his decision to comply with a court order to hand over the tapes.

The issue of the tapes is only a part of one of several serious charges we have brought against Mr. Nixon. The others still remain.

Mr. Nixon must be called upon to answer the charge that he attempted to corrupt the judicial process by trying to influence a judge who was presiding over a case concerning prior illegal conduct of the President or his agents.

He must be called upon to answer the charge that he deliberately misled the American people by giving false and perjured testimony, through his official agents, to the U.S. Senate with respect to the bombing of Cambodia and other military action.

Mr. Nixon must be called upon to answer the charges of illegal bugging and wiretapping, of accepting illegal campaign donations, of bribery, and of removing the Attorney General solely because he was unwilling to carry out the President's dirty work.

Mr. Speaker, at no time in my 9 years of service in this body have my constituents been so united and vocal in their outrage over any given issue. They have completely lost faith in their President and they are frightened. The Constitution has specifically provided a mechanism to respond to the present situation, and that mechanism is impeachment.

Impeachment is a procedure by which this body makes a determination based on the evidence and facts before it as to whether or not there is sufficient evidence to justify bringing a Federal officer before the Senate to stand trial for a specific charge or charges.

The evidence is now mounting before us, and the people are waiting. The duty and responsibility is now ours alone, and we have an obligation to fulfill it. We can do so only by commencing with impeachment proceedings at once.

BLACK CAUCUS DEMANDS MOVE ON IMPEACHMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. STOKES) is recognized for 5 minutes.

Mr. STOKES. Mr. Speaker, as chairman of the Congressional Black Caucus I wish to share with my colleagues in the House a joint statement issued by members of the caucus.

This statement is in response to the large number of inquiries as to the position of our organization relative to the question of the impeachment of Richard Nixon. Today the Congressional Black Caucus issued the following news release:

CAUCUS DEMANDS HOUSE MOVE ON IMPEACHMENT

The Congressional Black Caucus, sharing an opinion held by millions of Americans, is dismayed and shocked by recent actions on the part of Richard M. Nixon. In the opinion of the Congressional Black Caucus, the decisions to discharge Archibald Cox and abolish the office of Special Prosecutor were both irresponsible and unconscionable. The totality of recent events culminating in the resignation of the two highest Justice Department officials unnecessarily precipitated a constitutional crisis. The end result represents not only an insult to the intelligence of American citizens but also an assault on established governmental institutions and more fundamentally the Constitution itself.

The call for impeachment of Richard Nixon is neither new nor unique. Members of the Congressional Black Caucus introduced impeachment resolutions as long as two years ago, based upon the strong contention that Nixon was carrying on an illegal war in Southeast Asia. Nixon's adventurism in Indochina was—and is—both illegal and impeachable, and the cascade of ensuing executive crimes—the ITT, Vesco, milk and wheat deals, Watergate and all its associated criminal activities, the shady campaign contributions and payoffs, and Nixon's bevy of illegal impoundments of critical social program funding—only further serve to strengthen the position that Richard Nixon should—and must—be removed from office.

The Congressional Black Caucus urges the leadership of the House of Representatives immediately to define and establish procedures and mechanics for dealing with consideration of the impeachment of Richard Nixon. We further urge that these procedures be made known to all members of the House and to the American people without delay.

The Members of the Congressional Black

Caucus oppose any consideration of Gerald Ford's nomination for Vice President of the United States. The consensus is that to do so before the question of impeachability of Richard Nixon is resolved constitutes utter misinterpretation of basic priorities. Therefore, the Congressional Black Caucus recommends that the Democratic Leadership of the House instruct the Judiciary Committee to hold in abeyance any consideration of Gerald Ford until a full and thorough determination has been made concerning the pending serious charges of high crimes and misdemeanors against the nation by Richard Nixon.

The Nixon agreement to comply with the order of the Court to release the tapes is a complete vindication of Mr. Cox's insistence that Nixon comply with the Court's order. The Congressional Black Caucus therefore insists that Richard Nixon now reestablish this independent Prosecutor's Office and that Mr. Cox be reappointed immediately. Only in this manner will the American people be assured of an honest, objective and vigorous pursual of all ramifications of Watergate in the original manner promised by Nixon when he promised an investigation which would be pursued "fully and fearlessly, wherever it may lead."

The Congressional Black Caucus strongly recommends that all citizens concerned about this current crisis make their concerns known to the leadership of the House immediately. Contact Carl Albert, Speaker; Thomas P. O'Neill, Jr., Majority Leader; John J. McFall, Majority Whip and Peter W. Rodino, Jr., Chairman, Committee of the Judiciary.

CONSUMER PROTECTION AGENCY AT NLRB

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida (Mr. FUQUA) is recognized for 5 minutes.

Mr. FUQUA. Mr. Speaker, we shall soon consider on the floor of this House proposals for creation of a Consumer Protection Agency which will advocate the interests of consumers in Federal decisionmaking. For this reason, I wish to continue my effort to avoid the confusion experienced in the last Congress when similar bills were considered.

A Government Operations Subcommittee, on which I serve, is now considering three CPA proposals. The bills are H.R. 14 by Congressman ROSENTHAL, H.R. 21 by Congressmen HOLIFIELD, HORTON, and others, and H.R. 564 by Congressman BROWN of Ohio and myself.

The major difference among the bills is that H.R. 14 and H.R. 21 would both allow the CPA to appeal the final decisions of other agencies to the courts while the Fuqua-Brown bill would not grant this nonregulatory agency so extraordinary a power.

As you know, I have asked those Federal agencies which would be subject to the CPA's advocacy rights to list their 1972 proceedings and activities which would be subject to CPA action and to delineate them by the several categories set forth in the bills.

I have been introducing their replies in the RECORD, and have already inserted material from six small agencies: the Defense Supply Agency, the Cost of Living Council, and four of the banking regulatory agencies.

Today I wish to call to your attention the proceedings and activities of another small, but important and highly visible, agency which would be subject to the CPA's power under the proposed bills, the National Labor Relations Board.

The NLRB, in 1972, held 2,900 unfair labor practice and representation proceedings. The chairman of the NLRB asserts that the agency "would not be classed as a consumer-oriented agency." However, in response to my request the AFL–CIO submitted a legal opinion to our subcommittee which stated that—

It is possible to imagine instances in which the CPA might wish to take a position contrary to the position of a union in NLRB proceedings.

It should be noted that, should the CPA participate in NLRB adjudications—as the AFL–CIO memorandum observes—it would join the general counsel of the NLRB as a second prosecutor against the union. The union would thus be faced with double prosecution. And, remember, the CPA has the right to carry its attack on the union into the courts by appealing an unfavorable NLRB final decision under two of these bills, but not the Fuqua-Brown bill.

The Rosenthal and Holifield-Horton bills would grant the CPA the right to appeal whenever anyone else had such a right. These bills would allow the CPA, whenever the CPA determined there was sufficient consumer interest, to intervene fully in an NLRB proceeding and then to have the unchallengeable right to appeal the resulting decision. Further, even where the CPA did not take part in the agency proceeding, the CPA could appeal the agency decision to the courts, except where the court makes certain unlikely special findings.

The Fuqua-Brown bill, however, would not allow the CPA to appeal any final decisions of its sister agencies to the courts. While the NLRB letter lists only 1,200 decisions in 1972 as appealable, it also lists new areas of jurisdiction for the NLRB, and consequently for the CPA: Horse racing, dog racing, and symphony orchestras.

While the CPA would not be likely to find a sufficient consumer interest in all or even most of the proceedings of the NLRB, the technical legal power to do so, and to appeal them, would be granted by some CPA bills. Only the Fuqua-Brown bill would withhold that power.

I might add that, for the six small agencies already reported, the number of actual 1972 decisions technically appealable by the CPA under all bills except the Fuqua-Brown bill is now approximately 1 million annually. I say "actual decisions" because under the other two bills, the CPA could appeal refusals to act as well as action. And, I repeat, we have only considered six tiny agencies.

Mr. Speaker, for these important reasons, I insert in the RECORD information from the National Labor Relations Board and the opinion letter of the associate general counsel of the AFL–CIO, which shows how the proceedings of the NLRB would be subject to the CPA advocacy powers as proposed in the various bills now in subcommittee.

NATIONAL LABOR RELATIONS BOARD,
Washington, D.C., September 14, 1973.

Hon. DON FUQUA,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FUQUA: Your letter of September 7, 1973, requesting responses to seven questions dealing with our Agency's operations and the impact if an independent Consumer Protection Agency (CPA) were created under H.R. 14, 21, and 564, has been carefully reviewed.

As you are undoubtedly aware, the National Labor Relations Board is a quasi-judicial Agency whose two principal functions are to investigate questions concerning employee representation and to resolve them through elections and to investigate and prosecute unfair labor practices brought against employers and unions. Except for rulemaking, the Board has no statutory authority to initiate proceeding *sua sponte*, and an unfair labor practice charge or election petition must be filed to invoke our jurisdiction. Any "person" may file a charge or petition. Representation proceedings under Section 9 of our Act are not subject to the adjudicatory provisions of the Administrative Procedure Act while unfair labor proceedings are so subject. Our rulemaking proceedings under Section 6 of the Act are subject to the APA and permits interested parties to participate through submission of written data, views or arguments, with or without oral argument.

With this background in mind, the following responses to your questions follows:

Question 1: Proposed Rule Making—1972.

Answer: (a) Exercise of jurisdiction over the Horseracing and Dogracing Industries (July 18, 1972).

(b) Offers of Reinstatement to Employees in the Armed Forces (August 4, 1972).

(c) Exercise of jurisdiction over Symphony Orchestras (August 19, 1972).

Question 2: Regulations, rules, etc., subject to APA Sec. 556, 557 proposed during 1972.

Answer: None.

Question 3: Administrative Adjudications subject to 556, 557.

Answer: All unfair labor practice proceedings numbering approximately 1200 in 1972.

Question 4: Adjudications imposing directly fines, penalty, etc.

Answer: None.

Question 5: Excluding proceedings subject to 5 U.S.C. 554, 556, 557, what proceedings on the record were held by the Agency in 1972.

Answer: All representation hearings, approximately 1700 in calendar year 1972.

Question 6: A list of representative public and non-public activities.

Answer: (a) Oral arguments monthly before the Board in actual cases (public).

(b) Budget hearings in House of Representatives and Senate (basically nonpublic).

(c) Administrative meetings of Board Members on administrative matter (nonpublic).

(d) Budget meetings of Chairman and budget officer (nonpublic).

(e) Rules Revision Committee Meetings (nonpublic).

(f) Panel of Board Members—on pending cases (nonpublic).

(g) Board agenda on pending cases (nonpublic).

(h) Selection Committee meetings on Regional Directors (nonpublic).

(i) Meetings with American Bar Associa-