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Governmental Affairs

THE NEW YORK TIMES, THURSDAY, OCTOBER 11, 1973

Texts of Charge Against Vice President and of Grand Jury Criminal Information

Special to The New York Times

BALTIMORE, Oct. 10—Following are the texts of United States Attorney George Beall's statement of the charge, to which Vice President Agnew pleaded no contest and of a criminal information returned by the Federal grand jury against Mr. Agnew:

The United States Attorney for the District of Maryland charges that: b. On or about the 23rd day of April, 1968, in the District of Maryland, Spiro T. Agnew, a resident of Annapolis, Maryland, who during the calendar year 1967 was married, did wilfully and knowingly attempt to evade and defeat a large part of the income tax due and owing by him and his wife to the United States of America for the calendar year 1967, by filing and causing to be filed with the District Director of Internal Revenue for the Internal Revenue District of Maryland, at Baltimore, Maryland, a false and fraudulent joint income tax return on behalf of himself and his said wife, wherein it was stated that their taxable income for said calendar year was the sum of \$26,099 and that the amount of tax due and owing thereon was the sum of \$6,416, whereas, as he then and there well knew; their joint taxable income for the said calendar year was the sum of \$55,599, upon which said taxable income there was owing to the United States of America an income tax of \$19,967.47.

GEORGE BEALL
United States Attorney

THE UNITED STATES ATTORNEY FOR THE DISTRICT OF MARYLAND AS OF OCT. 10, 1973 Introduction

The following statement is respectfully submitted to the court by the Government at the arraignment of Spiro T. Agnew. It constitutes a detailed recitation of the facts and evidence developed by the investigation to date, which establish in part the source of the unreported funds which constitute the basis of the charge filed today. The presentation of this statement in court today was a material condition, requested by the Department of Justice, to the agreement reached between the Government and Mr. Agnew.

Summary

I. The relationship of Mr. Agnew, I. H. Hammerman 2d and Jerome B. Wolff.

In the spring of 1967, shortly after Mr. Agnew had taken office as Governor of Maryland, he advised Hammerman that it was customary for engineers to make substantial cash payments in return for engineering contracts with the State of Maryland. Mr. Agnew instructed Hammerman to contact Wolff, then the new chairman-director of the Maryland State Roads Commission, to arrange for the establishment of an understanding pursuant to which Wolff would notify Hammerman as to which engineering firms were in line for state contracts so that Hammerman could solicit and

obtain from those engineering firms cash payments in consideration therefore.

Hammerman, as instructed, discussed the matter with Wolff, who was receptive but who requested that the cash payments to be elicited from the engineers be split in three equal shares among Agnew, Hammerman and Wolff. Hammerman informed Mr. Agnew of Wolff's attitude; Mr. Agnew informed Hammerman that the split of the cash monies would be 50 per cent for Mr. Agnew; 25 per cent for Hammerman and 25 per cent for Wolff. Hammerman carried that message to Wolff, who agreed to that split.

The scheme outlined above was then put into operation. Over the course of the approximately 18 months of Mr. Agnew's remaining tenure as Governor of Maryland, Hammerman made contact with approximately eight engineering firms. Informed periodically by Wolff as to which engineering firms were in line to receive state contracts, Hammerman successfully elicited from seven engineering firms substantial cash payments pursuant to understandings between Hammerman and the various engineers to whom he was talking that the substantial cash payments were in return for the state work being awarded to those engineering firms. The monies collected in that manner by Hammerman were split in accordance with the understanding earlier reached: 50 per cent to Mr. Agnew, 25 per cent to Hammerman and 25 per cent to Wolff. An eighth engineer contacted by Hammerman flatly refused to make payments and, instead, complained—first to his attorney and later to Governor Agnew himself—about Hammerman's solicitation. Wolff, informed of the complaint, reduced the share of work being awarded to the complaining engineer, but decided not to cut that engineering firm off completely from state work for fear of further exacerbating the situation.

Wolff, as chairman-director of the Maryland State Roads Commission, made initial tentative decisions with regard to which engineering firms should be awarded which state contracts. These tentative decisions would then be discussed by Wolff with Governor Agnew. Although Governor Agnew accorded Wolff's tentative decisions great weight, the Governor always exercised the final decision-making authority. Often Wolff would present the Governor with a list of engineering firms competent in Wolff's judgment for a state job, and the Governor would make the final selection of which particular firm would be awarded that job.

Hammerman also successful solicited, at Governor Agnew's instruction, a substantial cash payment from a financial institution in return for that institution's being awarded a major role in the financing of a large issue of state bonds.

II. The relationship between Mr. Agnew and Allen Green.

Shortly after Mr. Agnew's election in November, 1966, as Governor of Maryland, he complained to Allen Green,

principal of a large engineering firm, about the financial burdens to be imposed upon Mr. Agnew by his role as Governor. Green responded by saying that his company had benefited from state work and had been able to generate some cash funds from which he would be willing to provide Mr. Agnew with some financial assistance. Mr. Agnew indicated that he would be grateful for such assistance.

Beginning shortly thereafter, Green delivered to Mr. Agnew six to nine times a year an envelope containing between \$2,000 and \$3,000 in cash. Green's purpose was to elicit from the Agnew administration as much state work for his engineering firm as possible. That purpose was clearly understood by Governor Agnew both because Green occasionally expressed his appreciation to the Governor for state work being received by his company and because Green frequently asked for and often received from the Governor assurances that his company would get further state work, including specific jobs.

Between Mr. Agnew's election and inauguration as Vice President, Wolff contacted Green, at Mr. Agnew's instruction, for the purpose of preparing for Mr. Agnew a detailed written computation of the work and fees which had been awarded to Green's company by Governor Agnew's administration. After assisting Wolff in the preparation of such a compilation, Green subsequently met with Mr. Agnew, who noted that Green's company had received a lot of work from Governor Agnew's administration and stated that he was glad that things had worked out that way. Mr. Agnew then went on to complain about the continuing financial burden which would be imposed upon him by his position as Vice President and to express the hope that Green would not stop his financial assistance to Mr. Agnew. To Green's surprise, Mr. Agnew went on to state expressly that he hoped to be able to be helpful to Green with respect to the awarding of Federal engineering contracts to Green's company.

As a result of that conversation, Green continued to make cash payments to Vice President Agnew three or four times a year up to and including December, 1972. These payments were usually about \$2,000 each. The payments were made both in Mr. Agnew's Vice Presidential office and at his residence in the Sheraton-Park Hotel, Washington, D.C. The payments were not discontinued until after the initiation of the Baltimore County investigation by the United States Attorney for the District of Maryland in January, 1973.

III. The relationship between Mr. Agnew and Lester Matz.

Lester Matz, a principal in another large engineering firm, began making corrupt payments while Mr. Agnew was County Executive of Baltimore County in the early nineteen-sixties. In those days, Matz paid 5 per cent of his fees from Baltimore County contracts in cash

to Mr. Agnew through one of Mr. Agnew's close associates:

After Mr. Agnew became Governor of Maryland, Matz decided to make his payments directly to Governor Agnew. He made no payments until that summer of 1968 when he and his partner calculated that they owed Mr. Agnew approximately \$20,000 in consideration for the work which their firm had already received from the Governor's administration. The \$20,000 in cash was generated in an illegal manner and was given by Matz to Governor Agnew in a manila envelope in Governor Agnew's office on or about July 16, 1968. In handing the envelope to Governor Agnew, Matz expressed his appreciation for the substantial amounts of state work his company had been receiving, and told the Governor that the envelope contained the money that Matz owed to the Governor in connection with that work.

Matz made no further corrupt payments to Mr. Agnew until shortly after Mr. Agnew became Vice President, at which time Matz calculated that he owed Mr. Agnew approximately \$10,000 more from jobs and fees which the Matz firm had received from Governor Agnew's administration since July, 1968. After generating \$10,000 in cash in an illegal manner, Matz met with Mr. Agnew in the Vice President's office and gave him approximately \$10,000 in cash in an envelope. Matz informed the Vice President at that meeting that the envelope contained money still owed to Mr. Agnew in connection with work awarded to Matz's firm by Governor Agnew's administration and that more such monies would be owed and paid in the future. Matz did make several subsequent payments to the Vice President; he believes that he paid an additional \$5,000 to Mr. Agnew in cash.

In or around April, 1971, Matz made a cash payment to Vice President Agnew of \$2,500 in return for the awarding by the General Services Administration of a contract to a small engineering firm in which Matz had a financial ownership interest. An intermediary was instrumental in the arrangement for that particular corrupt payment.

Full Exposition

I. The relationship of Mr. Agnew, I. H. Hammerman 2d and Jerome B. Wolff.

I. H. Hammerman 2d is a highly successful real estate developer and mortgage banker. He has entered into a formal written agreement with the Government, pursuant to which he has tendered his complete cooperation to the Government with respect to the present investigation. Under the terms of this agreement, Hammerman will plead guilty to a charge of violating a felony provision of the Internal Revenue Code. As a result of that plea, Mr. Hammerman will be exposed to a maximum sentence of three years in prison. In return, the Government has agreed not to charge Mr. Hammerman with any other crime relating to the subject matter of this investigation and to bring his cooperation to the attention of the court at the time of his sentencing. The Government has not agreed to make any specific recommendation with respect to the period of incarceration, if any, to which the Government believes it would be appropriate for Mr. Hammerman to be sentenced, and, in particular, the Government has made no representation to Mr. Hammerman that it will

recommend to the court that he be placed on probation.

Jerome B. Wolff is an engineer and also an attorney. He is the president of Greiner Environmental Systems, Inc. Wolff has tendered his complete cooperation to the Government in the present investigation. The Government has not entered into any agreement with Wolff as to what consideration, if any, he may expect in return for his cooperation, other than the assurance that his own truthful disclosures to the Government will not be used against him in any criminal prosecution.

At the Government's request, both Hammerman and Wolff have executed sworn written statements that recount their relationships with Mr. Agnew. Their testimony, the corroborative testimony of other witnesses, and various corroborative documents, would prove the following:

Hammerman has known Spiro T. Agnew for many years. When Mr. Agnew ran for Baltimore County Executive in 1962, however, Hammerman actively supported his opponent. The day after the election, Hammerman called to congratulate Mr. Agnew and asked to see him. They met in Hammerman's office and again Hammerman congratulated Mr. Agnew on his victory. Hammerman told Mr. Agnew that he knew all campaigns had deficits, and he offered Mr. Agnew a post-election contribution of \$10,000. Mr. Agnew refused, but he told Hammerman that he would expect a contribution three times as large when he ran for office again.

Between 1963 and 1966, while Mr. Agnew was the Baltimore County Executive, he and Hammerman developed a close, personal friendship. During the period and continuing up until early 1973, they often discussed Mr. Agnew's personal financial situation. Mr. Agnew complained about it, and told Hammerman that he had not accumulated any wealth before he assumed public office, had no inheritance, and as a public official received what he considered a small salary. Mr. Agnew believed, moreover, that his public position required him to adopt a standard of living beyond his means and that his political ambitions required him to build a financially strong political organization. During the period when he was County Executive, Hammerman entertained him introduced him to substantial political contributors, and gave him substantial gifts.

At the outset of the 1966 Maryland gubernatorial campaign, Hammerman found himself in a difficult situation. Some of his closest business associates were involved in the Democratic candidates' campaign, but Mr. Agnew insisted that Hammerman choose between them and him. Hammerman decided actively to support Mr. Agnew, contributed \$25,000 and raised an even larger amount in campaign funds for Mr. Agnew. Hammerman was one of Mr. Agnew's financial chairmen and devoted considerable time, energy and money to his campaign. After he became Governor and later Vice President, Hammerman continued to entertain him, travel with him and provide him with other financial benefits. These benefits were not related to the monies discussed below.

In the late nineteen-fifties, while Wolff was Deputy Chief Engineer and later Assistant Director of Public Works for Baltimore County, Mr. Agnew became a member of the Baltimore County Board of Zoning Appeals. Mr. Agnew

and Wolff became acquainted as a result of Wolff's appearances as a witness before the Board.

Wolff left employment with the County approximately six months after Mr. Agnew took office as County Executive. Mr. Agnew and he became good friends between 1963 and 1967 while Wolff was in business as a consulting engineer, and Wolff became an unofficial adviser to him. Mr. Agnew arranged for him to receive contracts from the County. Wolff greatly admired Mr. Agnew and believed that Mr. Agnew was sincerely attempting, with considerable success, to do a good job as County Executive.

Questions From Friends

Friends in the consulting business asked Wolff, while Mr. Agnew was County Executive, how much Wolff was paying for the engineering work that he was receiving from Baltimore County. They seemed to assume that he was paying, as it was well known in the business community that engineers generally, and the smaller engineering firms in particular, had to pay in order to obtain contracts from the County in those days. Only a few of the larger and well established firms were generally considered to be immune from this requirement.

It is Wolff's belief, based upon his experience and his understanding of the experience of others, that engineering firms generally have to struggle for 10 to 15 years in order to become established. During this period, and for some time thereafter, they generally make payments — sometimes through middlemen — to public officials at various levels of government throughout Maryland in order to receive public work. Sometimes they reach a point where they are sufficiently established as qualified engineers that they do not generally have to make illegal payments in order to obtain a fair share of the public work.

It was Wolff's belief that a certain close associate of Mr. Agnew's (referred to hereafter as "the close associate" or "the middleman") was his principal middleman in Baltimore County. The close associate courted engineers, developers, and others and bragged a great deal about his relationship with Mr. Agnew. Although Wolff was in a favored position with Mr. Agnew, on two or more occasions while Mr. Agnew was County Executive, the close associates requested money from Wolff in return for contracts Wolff wanted or had obtained from the county. Wolff paid him \$1,250 in cash in April, 1966, and in addition made a payment to another associate of Mr. Agnew's, ostensibly as legal fees. Wolff's present recollection is that he also made one or two other payments to the close associate.

Another Middleman Seen

It was Wolff's belief that another individual also acted as a middleman for Mr. Agnew. Wolff learned from others that a certain Baltimore engineer was paying for work through that other individual. It is Wolff's recollection that, in his office, Mr. Agnew once remarked to Wolff that the engineer in question was paying 10 per cent for the work that he received from the county. Wolff inferred from Mr. Agnew's comment that Mr. Agnew was surprised that that engineer was paying as much as 10 per cent, in view of the fact that the going rate was generally 3 per cent. Through conversations with still another en-

gineer, Wolff learned that he also was making payments for county work.

During Mr. Agnew's 1966 campaign for Governor, Wolff gave him \$1,000 in cash as a campaign contribution. Wolff also worked in Mr. Agnew's campaign; Wolff knew that he had a potential personal stake in Mr. Agnew's candidacy, as Mr. Agnew had sometime earlier indicated to him the possibility that he might appoint Wolff as chairman-director of the State Roads Commission if Mr. Agnew were elected Governor.

Wolff had first become acquainted with Hammerman during the period when Wolff had been an assistant engineer employed by the Baltimore County Public Works Department. Hammerman considered Wolff to be a brilliant engineer, and Wolff had handled in an efficient manner various problems that Hammerman had had with county agencies in connection with Hammerman's building ventures. A close personal friendship had developed between them. Hammerman had been so impressed with Wolff that he had advised him that if he ever decided to leave county government, Hammerman would retain him as the engineer for his building projects. After Wolff had left county government in 1963 and established his own engineering business, he had done virtually all of Hammerman's engineering work.

After his election as Governor, Mr. Agnew told Hammerman that he intended to appoint Wolff chairman-director of the Maryland State Roads Commission. Hammerman objected strenuously because he wanted to retain Wolff's engineering services. Mr. Agnew responded, however, that Hammerman should not be too upset about Wolff's appointment because, Mr. Agnew told Hammerman, "You won't lose by it."

On or about March 1, 1967, Wolff took office as Governor Agnew's appointee as the chairman-director of the state roads commission. Governor Agnew had Wolff monitor every consulting engineering and construction contract that came through the state. It became obvious to Wolff that, in view of the provisions of the state road commission legislation, he would in effect control the selection of engineers and architects for contracts to be awarded by the state roads commission, subject only to the ultimate decision-making authority of Governor Agnew.

Shortly after Wolff took office, Governor Agnew asked Hammerman to come to his office in Annapolis, Md. At this meeting, Governor Agnew advised Hammerman that there was in Maryland a long-standing "system," as he called it, under which engineers made substantial "cash contributions" in return for state contracts awarded through the state roads commissions. Governor Agnew referred to the substantial political financial demands that would be made on both himself and Hammerman, and said, in effect, that those who would be benefitting (the engineers) should do their share. Governor Agnew said that Hammerman could help him by collecting cash payments from the engineers, and told him to meet with Wolff to set things up.

Hammerman subsequently met with Wolff and told him of the discussion he had had with Governor Agnew. Wolff readily agreed to participate and suggested that the payments be equally divided among the Governor, Hammerman and Wolff. Hammerman then met again with the Governor and told him of the

suggested division of the payments. Governor Agnew at first replied that he did not see why Wolff should receive any share of the money, but he agreed to the division as long as he received 50 per cent of the total payment. He told Hammerman that he didn't care what Hammerman did with his share.

Hammerman went back to Wolff and told him that Mr. Agnew insisted on 50 per cent of the money, and that Hammerman and Wolff should equally divide the rest between themselves. Wolff agreed.

Implementation Described

Over the course of the subsequent 18 or 20 months that Mr. Agnew served as Governor of Maryland, the scheme agreed to by Mr. Agnew, Hammerman, and Wolff was fully implemented. Wolff kept Hammerman informed as to which engineers were to receive state contracts and Hammerman kept Wolff informed as to which engineers were making cash payments. It was soon generally understood among engineers that Hammerman was the person to see in connection with state roads engineering contracts. As a result Hammerman soon found himself meeting with individual representatives of certain engineering firms. They would inform Hammerman of their interest in obtaining state work, and Hammerman would reply he would see what he could do. In some cases an engineer would specify the particular work in which he was interested; in most cases, the engineers would not specify any particular job.

There was no need for Hammerman to make coarse demands or to issue threats because the engineers clearly indicated that they knew what was expected of them. The discussions were generally about "political contributions," but the conversations left no doubt that the engineers understood exactly how the system worked—that is, that cash payments to the Governor through Hammerman were necessary in order for their companies to receive substantial state contracts. The "contributions" were almost always in cash, and many of them were made when there was no campaign in progress.

No Specification On Amount

Although Wolff had told Hammerman that "contributions" should average between 3 per cent and 5 per cent of the contract amount, Hammerman did not specify any exact amount to be paid, and accepted any reasonable sum. Sometimes the "contribution" was made in one payment, sometimes in several. When a contract was about to be awarded to one of the engineers who was known to be willing to make payments, Wolff would advise Hammerman that the engineer had been selected for a certain job. Hammerman would then contact the engineer and congratulate him. His congratulations were intended as signals that a cash "contribution" was due, and the engineer would then meet Hammerman and bring him the money.

Pursuant to his understanding with Mr. Agnew and Wolff, Hammerman retained 25 per cent of the payment and delivered to Wolff his 25 per cent share. Hammerman generally held Mr. Agnew's 50 per cent share in a safe-deposit box until Mr. Agnew called for it. From time to time Mr. Agnew would call Hammerman and ask how many "papers" Hammerman had for him. It was understood between Mr. Agnew and Hammerman that the term "paper" referred to \$1,000 in cash. Hammerman would

tell Mr. Agnew how many "papers" he had and Mr. Agnew would ask Hammerman to bring the "papers" to him. Hammerman would then collect the cash from the safe-deposit box and personally deliver it to Mr. Agnew to his office in Annapolis or in Baltimore or wherever else Mr. Agnew would designate.

Cash Was Transferred

The cash which Wolff received from Hammerman was initially kept in Wolff's home. It was then transferred to two, and later, three safe-deposit boxes, two in Baltimore and one in Washington. Most of the money was spent on ordinary personal expenses over a period of more than four years. A small portion of it was used by Wolff to make payments to other public officials in order to obtain work for the two consulting firms which he had sold before he had become chairman of the state roads commission, but in which he still had a financial interest. Wolff kept detailed contemporaneous documents on which he recorded the dates, amounts, engineering firm, sources of the monies that he received from Hammerman as his share of the proceeds of the scheme. These records are among a large volume of corroborative documents that Wolff has turned over to the United States Attorney's office.

The selection process for the state roads contracts generally worked in the following manner: Usually, based upon previous discussions with Governor Agnew, Wolff would make preliminary decisions with regard to the consulting engineering and architectural firms to be awarded contracts. He would then obtain the approval of the State Roads Commission. Governor Agnew would then make the final decision.

During Mr. Agnew's tenure as Governor of Maryland, Wolff met with him from time to time to discuss the status of various projects and the decisions, which had to be made with respect to engineering, management and sometimes architectural contracts. Wolff generally prepared agendas for these meetings in advance. Governor Agnew appeared to have confidence in Wolff's technical ability and generally accorded substantial weight to Wolff's preliminary decisions as to which consulting firms should be awarded contracts, generally concurring with Wolff's selection. Where important or unique projects were involved, Wolff would present Governor Agnew with a list of several possible firms from which Governor Agnew would select the firm to be awarded the contract.

Governor Agnew always had and from time to time exercised the power to make all final decisions.

Several factors influenced Wolff in his own decision-making in the selection process outlined above:

1. It was the basic premise of Wolff's selection process that an engineering firm had to be competent to do the work before it could even be considered for a contract. Any engineering firm which, in Wolff's judgment, was competent to perform a certain assignment which might be given consideration.

2. Both Governor Agnew and Hammerman would from time to time ask Wolff to give special consideration to a particular engineering firm, which might or not be making cash payments, and he would then try to do so. He remembers, for example, that the Governor on one or more occasions asked him to give work to two specific engineering firms. Hammerman also recom-

mended to Wolff, presumably because of Hammerman's friendship with one or more particular engineers, that work be given to at least one company that, according to Wolff's understanding, had not made any cash payments.

3. Wolff's decision-making (and he recalls that this was a matter that he discussed with Hammerman in particular) was intended to avoid substantial and noticeable deviations from general fairness — that is, he tried to avoid a situation in which any firm reserved more or less work than could be justified on a purely legitimate basis. Wolff always viewed the process as one of accomplishing competent public work for the state of Maryland, very similar to that which would have been accomplished if all the selections had been made strictly on their merits, while at the same time serving the mutual ends of Mr. Agnew, Hammerman, and himself.

Appearance of Fairness

Wolff believed it was important not to deviate too obviously from the appearance of fairness and even-handedness in the selection of engineers. For example, he became aware—he believes, initially as a result of a conversation he had with Governor Agnew — that Hammerman had apparently approached a certain engineer to solicit cash payments in connection with potential state work, and that the engineer had complained to Governor Agnew that state contracts should not be awarded on this basis.

The Governor was very upset, as Wolff understood it, because Hammerman had apparently been especially heavy-handed with the engineer, and apparently because the Governor felt that the engineer might make his complaint public. For these reasons, Wolff continued thereafter to give the engineer's firm some work.

The investigation also established that the same engineer also complained to his attorney, a close personal friend of Mr. Agnew's, about Hammerman's solicitation. Shortly after the engineer had complained to his attorney, and several months before the engineer complained directly to Mr. Agnew, the attorney met with Mr. Agnew and gave him a detailed account of Hammerman's solicitation and of his client's outrage. He warned Mr. Agnew that Hammerman's activities could undermine all the attorney believe Governor Agnew was attempting to accomplish.

Although he indicated that he would look into the matter, Mr. Agnew never reported back to the attorney. He did several months later meet personally with the engineer, at the attorney's insistence, but the investigation has established Mr. Agnew did nothing what ever to stop Mr. Hammerman's continuing solicitations of cash payments from engineers in return for state work and that he (Mr. Agnew) continued for several years thereafter to accept his 50 per cent share of these cash payments.

4. The fact that a certain firm was making cash payments was a definite factor in the firm's favor. It was, therefore, accorded special consideration in the decision-making process. Holt believes that a comparison of the amount of work given to certain firms before, during and after Governor Agnew's administration would confirm this.

On the other hand, there were times when a firm was selected for a specific job without regard to whether or not the firm was making cash payments. Some local Maryland firms had outstanding expertise in certain fields of engineering. This made them obvious choices for certain jobs, whether or not

they were making cash payments. Even such firms, however, can never be completely sure that such considerations would be decisive in the decision-making process, so that even some of those companies were vulnerable to solicitations for cash payments.

5. Various other factors worked for or against particular firms or individuals in the selection process. For example, Wolff definitely favored Lester Matz and Allen Green, and their companies, not only because he understood they were making cash payments directly to the Governor, but also because Wolff was receiving money from certain illegal dealings that he had with Matz and Green that did not involve Governor Agnew. Conversely, one engineering firm was disfavored by Wolff because in his view that firm had taken positions contrary to the best interests of the Commission.

The evidence accumulated to date, both testimonial and documentary, establishes that Hammerman obtained, and split with Mr. Agnew and Wolff, cash payments from seven different engineering firms in return for State engineering contracts, and from one financial institution in return for a lucrative arrangement with the State involving the financing of certain State bonds. Those seven engineering firms and the one financial institution will not be named in this statement in order to avoid possible prejudice to several presently anticipated prosecutions.

It is worth noting, however, that Hammerman specifically recalls discussing with Mr. Agnew whether or nor the particular financial institution would be awarded the lucrative State bond business, and that during that discussion Mr. Agnew commented that the principals at the particular financial institution in question were "a cheap bunch" who "don't give you any money." Mr. Agnew informed Hammerman that he did not intend to award that institution the bond business in question unless a substantial "contribution" were made. Hammerman carried that message to the appropriate person; a substantial cash "contribution" was made; the institution got the bond business.

Green and Matz Contributions

Hammerman also remembers that, while Mr. Agnew was Governor, Hammerman observed that Allen Green and Lester Matz, two engineers whom he had known for some time, were receiving very substantial amounts of State Bonds work. Hammerman mentioned that fact to Wolff and, since he had not received any money from Green and Matz, asked Wolff if he should approach them. Both Green and Matz had indicated to Wolff that they were approach them. Both Green and Matz had indicated to Wolff that they were making their payments directly to the Governor. Wolff therefore told Hammerman that both Green and Matz were making "contributions" and that Hammerman should "stay away." Hammerman did so.

It is Wolff's understanding and belief that both Green and Matz continued to make cash payments directly to Mr. Agnew after he had become Vice President. Wolff bases this conclusion on conversations that he has had with both Green and Matz since January, 1969, in which each of them has indicated to Wolff that he had made payments directly to the Vice President.

At a certain point, which Wolff believes was after Mr. Agnew's election as Vice President in November, 1968, but prior to his inauguration as Vice President on January 20, 1969, Mr. Ag-

new asked Wolff to determine the details of payments that had been made by the State Roads Commission under his administration to the engineering company owned and operated by Allen Green. Wolff then discussed this request with Green, who subsequently prepared a list that he submitted to Wolff. Wolff then prepared a final list, a copy or duplicate of which he gave to Mr. Agnew. When Wolff handed Mr. Agnew the list, they did not discuss it to any extent, according to Wolff's present recollection. Mr. Agnew just put it away.

Wolff would testify that much of his understanding concerning Mr. Agnew's actions and reactions to specific situations was inferential, since he and Mr. Agnew did not discuss Wolff's relationship with Hammerman or others or the fact that he and Mr. Agnew were acting, either jointly or individually, in a corrupt manner. Wolff believes his relationship with Mr. Agnew flourished because of their mutual sensitivity to their own positions and their mutual respect for one another. He does recall, however, an occasion on which he was in the Governor's office in the State House, Governor Agnew and he were standing in front of the fireplace after a meeting, and the Governor said to Wolff in substance: "Look after yourself but be careful."

II. The relationship between Mr. Agnew and Allen Green.

Allen Green is the president and one of the principal owners of Green Associates, Inc., a Maryland engineering company which has, over the years, performed various types of engineering work.

Green has signed a formal written agreement with the Government under which he has agreed to plead guilty to a criminal felony violation of the Internal Revenue Code that will expose him to a maximum sentence of three years in prison. He has given the Government his complete cooperation in this investigation. In return, the Government has promised him that he will not be prosecuted for any offense related to this investigation other than the one to which he will plead guilty, and that at his sentencing the Government will bring his cooperation to the attention of the Court. The Government has expressly refused to promise Green that it will recommend to the Court at his sentencing that he be placed on probation.

At the Government's request, Green has executed a sworn written statement detailing his relationship with Mr. Agnew. Green's testimony, the corroborative testimony of other witnesses, and various corroborative documents would prove the following:

Green has been an engineer in Maryland for 21 years. During this period, he has often made cash payments on behalf of his company in return for various State and local consulting contracts and in order to remain eligible for further contracts. He used cash for the simple reason that checks could have been traced and might have led to the discovery of these illegal payments. These payments formed a pattern over the years and reflected his understanding, based upon experience, of the system in which a firm such as his had to participate in order to insure its survival and growth in the State of Maryland. This system had developed long ago in Maryland and in other States as well.

Engineering contracts have not been awarded on the basis of public bids in Maryland. Instead, the selection of engi-

neers for State roads contracts has rested exclusively in the discretion of public officials — in Maryland, the Governor and the members of the State Roads Commission. They have had virtually absolute control. There are many engineering companies which seek contracts, but price competition was not allowed under the ethical standards of this profession until October of 1971. Therefore, engineers are very vulnerable to pressure from public officials for both legal and illegal payments. An engineer who refuses to pay can be deprived of substantial public work without effective recourse, and one who pays can safely expect that he will be rewarded.

A few companies developed in time, a size, expertise, and stature that insulated them to some extent from this system. One or two developed an expertise, for example, in large bridge design, that other local companies could not match. One or two grew so large and had been awarded so many substantial contracts that the State could not do without their services unless out-of-state consultants were employed. In these ways, a few companies in effect "graduated" in time from the system to a position of lesser vulnerability, and they could afford to resist and perhaps in some instances, refuse to participate. In fact, Green believed that his own company was in recent years in the process of moving into this class.

It was seldom necessary, in Green's experience, for there to be any express prior agreement between an engineer and a public official in Maryland. Under this system, which each State administration perpetuated, the connection between payments and contracts rested on a largely tacit understanding under which engineers knew that if they did not pay, they would not receive very many contracts and that if they did pay, they would receive favored treatment. Therefore, when a politician requested a payment or when an engineer offered one, it was not necessary for anyone expressly to refer to the connection between payments and contracts because everyone understood the system, and could rely upon it without actually talking about it.

Green came to know Spiro T. Agnew, in mid-1963, when Mr. Agnew was the County Executive for Baltimore County, Maryland. Although his company received some engineering contracts from the county, Green does not recall making any cash payments to Mr. Agnew or to anyone in his administration during these years. Green cultivated his relationship with Mr. Agnew, and occasionally had lunch with him. By 1966, they had developed a close relationship.

In connection with Mr. Agnew's successful 1966 campaign for Governor, Green gave him approximately \$8,000 to \$10,000 in campaign contributions. He did so in part because he genuinely admired Mr. Agnew and believed that he would make an excellent Governor. He also knew, however, that Mr. Agnew would be grateful for his support, and he anticipated that Mr. Agnew would express his gratitude by giving the Green company state work if he were elected.

After the inauguration, Green met with Governor Agnew on several occasions in his new offices, usually in Baltimore, but sometimes in Annapolis. At one of these meetings Governor Agnew expressed his concern about the substantial financial obligations and requirements imposed upon him, by virtue of

his new position. He told Green that, as the titular leader of the Republican party in Maryland, he would need substantial funds in order to support his own political organization. In addition, he believed that he would be called upon to provide financial assistance to other Republican candidates around the state.

Furthermore, he complained that it was extremely difficult for a person in his limited financial situation to bear the personal expenses of high public office, in the sense that his new position would require him, he believed, to adopt and maintain a life style that was beyond his means. He said that he had served as County Executive at substantial financial sacrifice because of the small salary and that, although the Governor's salary represented an increase in income, it would still be insufficient to meet the additional demands that he believed his new position would impose upon him.

Complaints by Agnew

This was neither the first nor the last occasion upon which Mr. Agnew mentioned to Green his concern about his personal financial difficulties. He had voiced similar complaints while County Executive, and he continued from time to time to mention his personal financial difficulties thereafter.

Green inferred from what Mr. Agnew said, the manner in which he said it, and their respective positions that he was being invited in a subtle but clear way to make payments. He, therefore, replied that he recognized Mr. Agnew's financial problems and realized he was not a wealthy man. Green told him that his company had experienced successful growth and would probably continue to benefit from public work under the Agnew administration. He, therefore, offered to make periodic cash payments to Governor Agnew, who replied that he would appreciate such assistance very much.

On the basis of Green's experience, he had developed a policy that, where required, he would make payments in amounts that did not exceed an average of 1 per cent of the fees that his company received on public engineering contracts. This informal calculation included legitimate political contributions, as well as cash payments. He knew that many politicians believed that engineers were wealthy and often demanded payments in much greater amounts, frequently 5 per cent and sometimes higher. Although he believed that some engineers made payments in these amounts he knew that such percentages were unrealistic, given the economics of the engineering industry. An engineering firm could not, in his judgment, make a profit on public work if payments in these excessive percentages were made. He had come to the conclusion that his company could not afford to pay more than 1 per cent and, in areas where more was demanded, he had simply refused to pay and had sought work elsewhere.

Therefore, Green calculated, largely in his head, that it would be appropriate for him to make approximately six payments a year to Mr. Agnew in amounts of \$2,000, \$2,500 or \$3,000 each.

The exact amount to Green for such purposes at the time of the payment. After the meeting at which this subject had first been discussed, Green scheduled appointments with Governor Agnew approximately six times a year. At the first such meeting, he handed an envelope to Governor Agnew that

contained between \$2,000 and \$3,000 in cash. Green told the Governor that he was aware of his financial problems and wished to be of assistance to him. Governor Agnew accepted the envelope, placed it in either his desk drawer or his coat pocket, and expressed his gratitude. Over the next two years, they gradually said less and less to each other about each payment; Green would merely hand him an envelope and Governor Agnew would place it in either his desk drawer or his coat pocket with little or no discussion about it.

During these meetings, Green and Governor Agnew would discuss a number of matters, but Green almost always made it a point to discuss state roads contracts with him. Indeed, Green's principal purpose in meeting with him was always to increase the amount of work that his company received from the state. They would discuss state contracts in general, and frequently, specific upcoming road and bridge contracts in particular. Green would express his desire that his company receive consideration for proposed work, and would occasionally ask for specific contracts that he knew were scheduled to be awarded by the State Roads Commission. Green knew from experience, and from what he learned from Wolff that Governor Agnew played a substantial role in the selection of engineers for State Roads Commission work. Governor Agnew would often tell him in these meetings that his company could expect to receive substantial work generally, and on occasion, he promised Green specific contracts. On other occasions, however, Governor Agnew would tell Green that a contract had already been or was to be committed to another company.

Green admits that his principal purpose in making payments to Governor Agnew was to influence him to select the Green Company for as many state roads contracts as possible. Based upon his many years of experience, it was his belief that such payments would probably be necessary and certainly helpful in obtaining substantial amounts of State Roads commission work.

With one exception (to be related later in this statement), Mr. Agnew never expressly stated to Green that there was any connection between the payments and the selection of the Green company for State contracts. According to Green, the understanding was a tacit one, based upon their respective positions and their mutual recognition of the realities of the system; their relationship was such that it was unnecessary for them to discuss openly the understanding under which these payments were given and received. The circumstances were that Green gave Governor Agnew cash payments in substantial amounts and asked for contracts, and from time to time, Governor Agnew told him that contracts would be awarded to the Green company.

Green paid Governor Agnew approximately \$11,000 in each of the years he served as Governor of Maryland (1967 and 1968). Green generated the necessary cash to make these payments through his company by various means that violated the Internal Revenue Code and that were designed to obscure the purpose for which the cash was used.

Green also recalls that during the early part of the Agnew Administration, the Governor occasionally asked him to evaluate the competency of certain engineering companies which he was considering for State Roads Commission work. On at least one occasion,

the Governor also asked him if certain companies could be counted upon to provide financial assistance if State work were received.

Under the Agnew Administration, the Green company received substantial work from the Maryland State Roads Commission. It was awarded approximately 10 contracts, with fees approximating \$3,000,000 to \$4,000,000.

On a few occasions during these years Green was asked by Jerome B. Wolff if he was taking care of his "obligations" with respect to the substantial State work that the Green company was receiving and Green replied that he was.

Green saw little or nothing of Governor Agnew between his nomination as the Republican candidate for Vice President in the summer of 1968 and the election in November. He made some campaign contributions by check to the Nixon-Agnew ticket in the 1968 election.

List of Contracts Prepared

In November or December, 1968, after Mr. Agnew was elected Vice President but before his inauguration, Wolff came to Green with a list that he had prepared of the contracts that the Green company had received from the State Roads Commission under the Agnew administration. Wolff told Green that Governor Agnew had asked him to prepare the list, and Green concluded that the list had been requested and could possibly be used as a means of assessing what he owed to Governor Agnew in return for those contracts.

Wolff and Green discussed the contracts and fees and, in effect, bargained about the matter. Green argued that some of the contracts that appeared on the list had in fact been awarded to his company under the Tawes administration and that the Agnew administration was simply implementing a contract for which the selection had been made previously. Wolff, however, reminded him that the Agnew administration could have canceled at least some of the contracts, or could have awarded portions of the contracts to other firms. Subsequently, Green prepared a revised list of his own and submitted it to Wolff.

Some time thereafter, but still before the inauguration, Green met with the Vice President-elect in his Baltimore Governor's office. He gave Mr. Agnew a payment during the meeting. Mr. Agnew began the conversation by making some reference to the list and indicated that the Green company had received a lot of work from the State Roads Commission. Mr. Agnew said that he was glad that things had worked out that way.

He then reiterated that he had been unable to improve his financial situation during his two years as Governor and that, although his salary as Vice President would be higher than his salary as Governor, he expected that the social and other demands of the office would substantially increase his personal expenses. For these reasons, he said, he hoped that Green would be able to continue the financial assistance that he had been providing to him over the preceding two years, and, Mr. Agnew continued, he hoped he could be helpful to Green with respect to Federal work.

This was the only occasion upon which Green can now recall that Mr. Agnew made any such express statement to him about the connection between payments and favors. Green did not believe that it was necessary expressly to refer to specific favors in return for payments. Indeed, through-

out Mr. Agnew's gubernatorial tenure, it had never been necessary to state expressly that Green would receive anything in return for the payments that he had made, because a tacit understanding on this matter was more than sufficient to satisfy Green and to accomplish his purposes.

Green replied by telling Mr. Agnew that he would be willing to continue to be of financial assistance, but that he was not certain that he could continue to make payments in amounts as great as those he had made during the previous two years. Green knew that contracts awarded by the Agnew administration would generate income to his company over the next several years, and that therefore he could continue to make payments for several years. Green also hoped that his company's Federal work might increase in amount, as a result of Vice President Agnew's efforts on his behalf.

He did tell Mr. Agnew of one important concern: that the new administration in Annapolis might take credit for, and possibly demand payments in connection with, projects that had actually been awarded to the Green company by the Agnew administration. Mr. Agnew, however, confidently indicated that he did not believe that would happen.

Green continued to make cash payments to Mr. Agnew after he became Vice President. Payments were made three or four times a year and were personally delivered to Mr. Agnew by Green either in the Vice Presidents office in the Executive Office Building in Washington or at his apartment in the Sheraton Park Hotel in Washington. Green made his last payment during the Christmas season in December of 1972.

As Green recalls it, these payments invariably amounted to \$2,000 each. As before, the money was always in a plain envelope, and the two men were always alone when the payment was made.

Fearful on Tapes

Green particularly recalls the first occasion upon which he paid money to Mr. Agnew in his offices in the Executive Office Building. Green was quite impressed with Mr. Agnew's office and position and felt very uncomfortable about the transaction that was about to occur. In addition, Green had some concern that the conversation between him and Vice President Agnew might be overheard or even taped. For all of these reasons, Green did not believe that it was appropriate or wise to continue to speak of personal financial assistance. Therefore, he stated to the Vice President that this money was part of his continuing and unfulfilled commitment to Mr. Agnew with respect to "political contributions." Thereafter, Green usually made a similar statement when he delivered money to Mr. Agnew in his Executive Office Building offices. Green recalls that on the first occasion he made such a statement to Mr. Agnew. Green raised his eyes to the ceiling in order silently to suggest to Mr. Agnew the reason for the unusual and inaccurate statement.

In 1969 and 1970, Green paid Mr. Agnew \$8,000 a year, four payments of \$2,000 each in both years. In 1971 and 1972, he paid Mr. Agnew \$6,000 a year, three payments of \$2,000 each in both years.

In Green's meetings with Vice President Agnew, he frequently asked about Federal engineering contracts for his company, and Mr. Agnew generally indicated to him that he was attempting to be as helpful as he could. Green soon realized, however, that the Vice Presi-

dent did not exercise any substantial control over Federal work, and, in fact, the Green company received only one Federal job during this period.

The payments were discontinued after December 1972, because of the investigation conducted by the United States Attorney's office into corruption in Baltimore County, Maryland.

Over the six year period between 1966 and 1972, Green's cash payments to Mr. Agnew totalled approximately \$50,000.

III. The relationship between Mr. Agnew and Lester Matz.

Lester Matz has been an engineer in Maryland for approximately 24 years. He is the president of Matz, Childs and Associates, Inc., and Matz, Childs and Associates of Rockville, Inc., two Maryland engineering companies. John C. Childs is his principal business associate in these two companies. Matz has tendered his complete cooperation to the Government in this investigation. The Government has not entered into any agreement with him as to what consideration, if any, he may expect in return for his cooperation, other than the assurance that his own truthful disclosures to the Government will not be used against him in any criminal prosecution. At the Government's request, Matz has executed a sworn written statement that recounts his relationship with Mr. Agnew. His testimony, the corroborative testimony of Childs and other witnesses, and various corroborative documents, would prove the following:

Between 1956 and 1963, Matz and Childs supplied various engineering services to private developers, principally in the metropolitan Baltimore area. Although they wanted to do as much public work as possible for the Baltimore County Government, they found it extremely difficult to receive any substantial amount of county work. They observed that a relatively small number of engineering companies received most of the substantial county engineering work during these years, and that most, if not all, of these companies were closely associated with County Administration or public officials. They simply could not break into this group, despite their repeated efforts to do so.

They, therefore, welcomed Mr. Agnew's candidacy for Baltimore County Executive in 1962 because they believed that his election would present their company with an opportunity to be one of the few engineering companies that, they believed, would inevitably form around his administration and receive most of the substantial county engineering work. Matz had known Mr. Agnew casually for possibly two years, and during the 1962 campaign, he and Childs made a \$500 cash contribution directly to Mr. Agnew.

Prior to the 1962 election, Matz had also worked professionally with one of Mr. Agnew's close associates. Indeed, by this time the three of them (Mr. Agnew, Matz and the close associate) had already begun to develop what would in the next four years become a close personal friendship. Very shortly after Mr. Agnew assumed office as County Executive for Baltimore County, Matz was contacted by the close associate.

During this conversation the close associate told Matz that the two of them were going to make a lot of money under the Agnew administration. Although he did not elaborate on this comment, Matz inferred from what he said during this conversation that under the Agnew administration, the two of them could expect substantial favors

from the Baltimore County government.

Shortly thereafter, Matz was invited by the close associate to meet with Mr. Agnew. At this meeting there was no specific discussion about payments for county work, but Mr. Agnew told Matz that he had a lot of "confidence" in his close associate. Matz inferred from what Mr. Agnew said during this meeting that he should work through the close associate and make any payments through him.

After Mr. Agnew became County Executive, the close associate contacted Matz and asked him to prepare a chart which would set forth the amounts of money that could reasonably be expected from engineers on the various kinds and sizes of consulting contracts that the county generally awarded. Matz calculated the profits that could generally be anticipated under the various types of contracts, and he determined that, on the average, 5 per cent of the fee was not unreasonable, although the percentage varied depending on the size and nature of the contract. He gave a copy of the chart to the close associate.

The chart showed the expected profit on each type of contract and the percentage that engineers could reasonably afford to pay on it. Matz later showed his retained copy of this schedule to Mr. Agnew in his office and told him that he had given a copy to the close associate. Mr. Agnew looked at the chart and thanked Matz for his effort on the matter. Matz cannot recall today whether Mr. Agnew returned the copy to him.

Not 'Political Contributions'

When Matz gave a copy of this schedule to the close associate, he was told that he would be expected to make payments to the close associate for county contracts. The close associate said that as Matz's company received fees from the county, payments were to be made to him in the appropriate percentages: 5 per cent on engineering contracts and 2½ per cent on surveying contracts. He led Matz to believe that this money would be given to Mr. Agnew. These payments were not described by the close associate as "political contributions;" they were payments made in return for contracts.

Thereafter, Matz discussed this proposition with Childs. They were not surprised that payments would be necessary because it was generally understood that engineers had been making such payments for consulting work in a number of Maryland jurisdictions. They agreed that this would be a satisfactory arrangement. In fact, they were delighted that they would be among the small group of engineers who would be close to the Agnew administration and that they would, therefore, receive their share of the substantial county engineering consulting work. Although the 5 per cent payments were not insubstantial, the company could afford to make them, and Matz and Childs both believed that the payments would make a substantial difference in the amount of work that their company would receive from the county.

During the balance of Mr. Agnew's tenure as County Executive, Matz and Childs would find out what contracts were coming up in the county, and Matz would then contact the close associate to ask him for as many of these contracts as possible. The close associate always seemed well aware of the work to be let, and, from time to time, he would advise Matz that his company had been awarded a particular contract. Matz then knew that, under their arrangement, the necessary payments were due, and he would therefore deliver the

required cash payments personally to the close associate in the latter's office.

On most occasions, Matz placed the necessary cash in plain white envelopes. Usually he paid in installments rather than in one total payment in advance. Matz and Childs believed that even if they had refused to make these payments, their company would have received some county contracts, but that as before, the company would not have received any substantial amount of work. In short, they believed that the payments made a great difference in the amount of work they received.

Methods of Raising Cash

At first Matz and Childs personally generated the necessary cash to make these payments. As the size of the various cash payments they were making increased, however, they found it necessary to employ other methods by which to generate these cash funds in their company. These methods violated the Internal Revenue Code and were

During the first year or two of the Agnew administration in Baltimore County, the company's county work increased. Matz, however, was not satisfied because he believed that his company was entitled to an even larger share of the county's work, due to his reliability in making payments. He told the close associate that he was dissatisfied, and the close associate arranged a meeting with Mr. Agnew.

The three men met at Mr. Agnew's house. At this meeting, Matz complained that his company had not received enough county work. Both Mr. Agnew and the close associate promised that they would help the company to receive more county work, and in particular, Mr. Agnew told him that he would speak on Matz's behalf to the appointed county officials who were nominally responsible for the selection of engineers for county consulting contracts.

In the 1966 gubernatorial campaign, Matz and Childs made campaign contributions to Mr. Agnew, in part because they believed that Mr. Agnew would make an excellent Governor. They also, however, had another substantial reason for supporting Mr. Agnew. Under Governor Tawes's administration, their company had not received any substantial amount of work from the Maryland State Roads Commission. They realized that their inability to secure any substantial amount of state work was the result of the fact that they were not among the small group of engineering firms that were closely associated with the Tawes administration and that had received most of the state work awarded by that administration. Both men were, therefore, excited about Mr. Agnew's candidacy because they believed that if he were to be elected Governor, their company could begin to receive substantial amounts of work from the State Roads Commission by continuing to make payments to Mr. Agnew through his agents.

Several months after the Agnew administration took office, the State Roads Commission began to generate new projects and to award new contracts, and Matz's company began to receive substantial amounts of State work. On several occasions during the spring and summer of 1967, the close associate called Matz and attempted to perpetuate the arrangement under which payments had been made for contracts in the past. Matz was reluctant, however, to continue this arrangement, for several reasons.

First, he knew that if he paid Governor Agnew through any middleman, the credit to which he was entitled by virtue of these payments would be somewhat diluted because the middleman himself would receive a substantial portion of the credit. Second, he suspected that the close associate had, without Mr. Agnew's knowledge, retained for himself some of the money that had been paid to him by Matz between 1963 and 1966. Third, he knew that Mr. Agnew believed that the close associate had given him poor advice on certain matters that had resulted in bad publicity and embarrassment to Mr. Agnew.

Sometime early in Governor Agnew's administration, Matz met with Governor Agnew alone in his offices. During this conversation Matz told Mr. Agnew that he believed that the close associate lacked the discretion necessary safely to represent Mr. Agnew's interests and that sooner or later he would lead the two of them into trouble. Therefore, rather than continuing to pay through the close associate, Matz suggested that his company establish a savings account into which he would deposit the money that he owed on State contracts. After Mr. Agnew left office, Matz could pay him the money accumulated in this account, perhaps under the guise of legal fees. Governor Agnew liked the idea, and at a later meeting he referred to the idea again with approval.

These factors and, in particular, these conversations with Mr. Agnew, led Matz to conclude that he could dispense with the close associate and pay Mr. Agnew directly. He therefore told the close associate that he would take care of his obligations directly. Subsequently, however, he abandoned the savings account idea because he feared that it would involve too many records of payments and thereby lead to the disclosures of the scheme. Instead, he decided to make his cash payments to Mr. Agnew directly.

Taking Care of 'Obligations'

The amount of work that Matz's company received from the State Bonds Commission continued to increase substantially, and, on at least one occasion, Matz was asked by Wolff if he was taking care of his "obligations" with respect to his contracts. Matz told Wolff that he was taking care of his obligations "directly."

Although Matz's company received several substantial State contracts in 1967, he made no payments that year. On the basis of his experience, he assumed that he would have to pay 5 per cent of the fees that his company received from the State on these contracts. The contracts and fees that their company was receiving from the State Roads Commission were much more substantial than those it had ever received before, and Matz and Childs therefore decided that they would defer payments until after they had received fees from the State.

No payment was made until the summer of 1968, by which time Matz knew that he was behind in his obligations. He was anxious to fulfill them because he wanted to maintain his reputation as a man who could be trusted to fulfill his obligations, in order to insure that he would continue to receive substantial amounts of work from the State Roads Commission. Although his company was in a financial position to make the large payment that was due, he knew that it would be extremely difficult to generate safely the substantial amount of necessary cash, particularly if he continued to rely exclusively upon his usual meth-

ods for generating the money with which to make cash payments.

Outside the Company

Sometime in late June or early July, 1968, Matz calculated that he owed Governor Agnew approximately \$20,000 on the basis of 5 per cent of the fees that his company had already received from the state. He reviewed this calculation with Childs, who agreed with it. They did not believe that they could safely generate this amount of cash from within the company and, therefore, decided to go outside the company.

Matz approached an old client and friend of his who was in a business in which he customarily dealt in large sums of cash. Since Matz knew that he would be receiving substantial fees from the state within the next several months, on which he would owe Governor Agnew approximately an additional \$10,000, he told his friend that he needed \$30,000 in cash in the very near future. He did not disclose to his friend why he needed this money.

They agreed upon the following scheme: Matz's company would by corporate check "lend" his friend \$30,000; his friend would then generate \$30,000 in cash through his own company which he would return to Matz. The "loan" would be repaid to Matz's company by \$1,700 quarterly checks for principal and Matz would return these "loan repayments" to his friend in cash. This scheme was satisfactory to Matz because his regular procedures were adequate to generate \$1,700 in cash on a quarterly basis.

The friend reluctantly agreed to assist Matz in this manner. He immediately generated \$20,000 in cash, which he delivered to Matz. Matz showed this \$20,000 in cash to Childs before he delivered it to Governor Agnew. The friend promised that he would supply Matz with the additional \$10,000 in cash as soon as he could generate it, and he did so within the following several months. Thereafter, the "loan" repayment scheme was implemented.

Matz then called Governor Agnew's office and set up an appointment with the Governor. The meeting occurred in mid-July, 1968. Matz met with the Governor alone in his office and handed him a manila envelope that contained \$20,000 in cash. Matz expressed his appreciation for the substantial state contracts that his company had received and told the Governor that the envelope contained the money that his company "owed" in connection with these contracts. The meeting was a very short one and very little else was said.

To the best of Matz's present recollection, he made no further payments for state work to Mr. Agnew while he was Governor of Maryland. During the 1968 national campaign, however, Matz's firm contributed to Mr. Agnew's campaign. He also acted as a fund raiser for Mr. Agnew in 1968. Matz also recalls that at some point in 1967, Governor Agnew called him and asked him to contribute \$5,000 to Newlson Rockefeller's campaign for the Republican Presidential nomination, a campaign which Mr. Agnew was then publicly supporting. Matz asked if he wanted cash or a check, and Mr. Agnew asked for a check which Matz subsequently sent to him. When Rockefeller later withdrew, Mr. Agnew returned the money to Matz with a letter.

A couple of months after Mr. Agnew had assumed the office of Vice President, Matz decided that it was time for his company to make another payment in connection with contracts that had

been awarded by the State of Maryland under the Agnew administration. He was willing to make this payment, even though Mr. Agnew no longer controlled the contracts awarded by the Maryland State Roads Commission, because he wanted to maintain his reputation as a man who would meet his obligations in order to influence Vice President Agnew to assist him in securing federal engineering contracts for his company.

Appointment Set Up

Matz called the Vice President's office in Washington and set up an appointment to meet with Mr. Agnew. On a piece of yellow legal-size paper, Matz calculated the sum then owed to Mr. Agnew for work received by Matz's company from the State of Maryland. He took this piece of paper with him when he went to the Vice President's office. He met with Mr. Agnew, showed him the calculations, and briefly reviewed them for him. He then handed him an envelope, containing approximately \$10,000 in cash. Matz told him that the envelope contained the money that his company "owed" in connection with the State Roads Commission contracts that he had been awarded under Mr. Agnew's administration in Annapolis. Mr. Agnew placed this envelope in his desk drawer.

Matz also told the Vice President that the company might "owe" him more money in the future as these contracts continued to generate fees, and that he would fulfill these obligations. They agreed that Matz was to call Mr. Agnew's secretary when he was ready to make the next payment and to tell her that he had more "information" for Mr. Agnew. This was to be a signal to Mr. Agnew that Matz had more money for him. After this meeting, Matz returned to Baltimore and told Childs of the payment. He also told Childs that he was shaken by his own actions because he had just made a pay-off to the Vice President of the United States. Matz also told Wolff, who was then working or about to begin working on the Vice President's staff, that he had made a direct payment to the Vice President.

Although Matz believes that he made several additional cash payments totaling approximately \$5,000 to the Vice President, he never completely fulfilled his obligations to Mr. Agnew with respect to the State Roads Commission contracts, in part because Mr. Agnew had very little, if any, influence with respect to Federal engineering contracts. Sometime in late 1970 or early 1971, Matz received a telephone call from

the close associate who told him that there was an upcoming Federal project and that some or all of the engineering contracts could be controlled by the Vice President. He told Matz that, as usual, he would be expected to make a payment in order to receive a contract. At first, Matz resisted on the ground that he was entitled to this job without a payment by virtue of his prior payments, but the close associate insisted, and Matz agreed to a payment of \$2,500. Matz asked that the contract be awarded to a certain small company in which Matz, Childs and Associates had an interest, and that small company was later awarded the contract. Thereafter, Matz received another telephone call from the close associate, during which they agreed that the payment would be made in the Vice President's office.

Matz contacted the president of the small company and explained that a payment was necessary in connection with the contract. The man at first balked and refused to make any such payment, but he subsequently agreed to participate. An appointment was then made for Matz to meet with Vice President Agnew in the latter's office in Washington. This meeting occurred in the spring of 1971. The evidence is somewhat contradictory as to whether or not the close associate was present at the meeting. Matz placed an envelope containing the \$2,500 cash on the Vice President's desk and stated that the envelope contained the money required for the contract. When he left the meeting, the envelope had not been removed from the desk, but moments later Matz re-entered the office and noticed that the envelope was gone. Matz received \$1,000 from the president of the small company as his contribution to this payment.

In the spring of 1972, the close associate called Matz and asked him for \$10,000 for the 1972 Nixon-Agnew campaign. Matz declined. When the close associate continued to press him, Matz complained about these solicitations to Mr. Agnew, who told Matz to say that he gave at the office.

Respectfully submitted,

SET CSC — — —

George Beall

United States Attorney

Barnet D. Skolnik

Assistant United States Attorney

Russell T. Baker, Jr.

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Ronald S. Liebman

Assistant United States Attorney

October 10, 1973

NEW YORK TIMES

19 October 1973

Soviet on Agnew Case: Typical of U.S. Politics

Special to The New York Times

MOSCOW, Oct. 18—The Soviet press, in its first extended commentary on the resignation of Vice President Spiro T. Agnew, says that the case was "a model illustration of the pernicious and all-pervading influence of money" in American politics. The commentary, which yesterday in the Government newspaper *Izvestia*, was

striking because the Soviet press, radio and television have totally avoided comments on the Watergate affair and had not mentioned charges against Mr. Agnew until he resigned. Then, very brief, straight-forward news accounts of his resignation were run.

Izvestia advised the Soviet public that only high position and the Administration's desire to avoid a scandalous trial had saved Mr. Agnew from imprisonment.

NEW YORK TIMES
11 October 1973

Texts of Statements Read in U.S. District Court by Richardson, Agnew and Hoffman

Special to The New York Times

BALTIMORE, Oct. 10 — Following are the texts of statements read in United States District Court here today by Attorney General Elliot L. Richardson, Vice President Agnew and Federal Judge Walter E. Hoffman in connection with the sentencing of Mr. Agnew:

Richardson Statement

May it please the court, I am, like every other participant in these proceedings, deeply conscious of the critical national interests which surround them. The agreement between the parties now before the court is one which must be just and honorable, and which must be perceived to be just and honorable, not simply to the parties but above all to the American people.

From the outset of the negotiations which have culminated in these proceedings, the Department of Justice has regarded as an integral requirement of any agreement a full disclosure of the surrounding circumstances, for only with knowledge of these circumstances can the American people fairly judge the justice of the outcome. One critical component of these circumstances is the Government's evidence. In accordance, therefore, with the agreement of counsel, I offer for the permanent record of these proceedings an exposition of the evidence accumulated by the investigation against the defendant conducted by the office of the United States Attorney for the District of Maryland as of Oct. 10, 1973. Because this exposition is complete and detailed, it is sufficient for present purposes simply to state that this evidence establishes a pattern of substantial cash payments to the defendant during the period when he served as Governor of Maryland in return for engineering contracts with the State of Maryland. Payments by the principal in one large engineering firm began while the defendant was County Executive of Baltimore County in the early nineteen-sixties and continued into 1971. The evidence also discloses payments by another engineer up to and including December, 1972. None of the Government's major witnesses has been promised immunity from prosecution, and each of the witnesses who would testify to having made direct payments to the Vice President has signed a sworn statement subject to the penalties of perjury.

In the light of the serious wrongdoing shown by its evidence, the Government might have insisted, it permitted by the court to do so, on pressing forward with the return of an indictment charging bribery and extortion. To have done this, however, would have been likely to inflict upon the nation serious and permanent scars. If would have been the defendant's right to put the prosecution to its proof. The Department of Justice had conceded the power of Congress, once an indictment had been returned, to proceed by impeachment. The Congress could well have elected to exercise this constitutional power. If the Congress chose not to act, the defendant could, while retaining office,

either have insisted upon his right to a trial by jury or have continued to contest the right of the Government to try an incumbent Vice President. Which ever of these courses were followed would have consumed not simply months, but years—with potentially disastrous consequences to vital interests of the United States. Confidence in the adequacy of our fundamental institutions would itself have been put to severe trial. It is unthinkable that this nation should have been required to endure the anguish and uncertainty of a prolonged period in which the man next in line of succession to the Presidency was fighting the charges brought against him by his own Government.

On the basis of these considerations, I am satisfied that the public interest is better served by this Court's acceptance of the defendant's plea of nolo contendere to a single count information charging income tax evasion.

There remains the question of the Government's position toward the sentence to be imposed. One possible course would have been to avoid this difficult and painful issue by declining to make an affirmative recommendation. It became apparent, however, in the course of the negotiations that without such a recommendation no agreement could be achieved. No agreement could have been achieved, moreover, if that recommendation did not include an appeal for leniency.

I am firmly convinced that in all the circumstances leniency is justified. I am keenly aware, first, of the historic magnitude of the penalties inherent in the Vice President's resignation from his high office and his acceptance of a judgment of conviction for a felony. To propose that a man who has suffered these penalties should, in addition, be incarcerated in a penal institution, however briefly, is more than I, as head of the Government's prosecuting arm, can recommend or wish.

Also deserving of consideration is the public service rendered by the defendant during more than four and one-half years as the nation's second highest elected official. He has been an effective spokesman for the executive branch in the councils of state and local government. He has knowledgeably and articulately represented the United States in meetings with the heads of other governments. He has participated actively and constructively in the deliberations of the Government in a diverse range of fields.

Out of compassion for the man, out of respect for the office he has held, and out of appreciation for the fact that by his resignation he has spared the nation the prolonged agony that would have attended upon his trial, I urge that the sentence imposed on the defendant by this court not include confinement.

Agnew Statement

My decision to resign and enter a plea of nolo contendere rests on my firm belief that the public interest requires swift disposition of the problems which are facing me. I am advised that a full legal defense of the probable charges against me could consume several years. I am concerned that intense media in-

terest in the case would distract public attention from important national problems—to the country's detriment.

I am aware that witnesses are prepared to testify that I and my agents received payments from consulting engineers doing business with the State of Maryland during the period I was Governor. With the exception of the admission that follows, I deny the assertions of illegal acts on my part made by the Government witnesses.

I admit that I did receive payments during the year 1967 which were not expended for political purposes and that, therefore, these payments were income taxable to me in that year and that I so knew. I further acknowledge that contracts were awarded by state agencies in 1967 and other years to those who made such payments, and that I was aware of such awards. I am aware that Government witnesses are prepared to testify that preferential treatment was accorded to the paying companies pursuant to an understanding with me when I was the Governor. I stress, however, that no contracts were awarded to contractors who were not competent to perform the work and in most instances state contracts were awarded without any arrangement for the payment of money by the contractor. I deny that the payments in any way influenced my official actions. I am confident, moreover, that testimony presented in my behalf would make it clear that I at no time conducted my official duties as County Executive or Governor of Maryland in a manner harmful to the interests of the county or state, or my duties as Vice President of the United States in a manner harmful to the nation, and, further assert that my acceptance of contributions was part of a long-established pattern of political fund-raising in the state. At no time have I enriched myself at the expense of the public trust.

In all the circumstances, I have concluded that protracted proceedings before the Grand Jury, the Congress and the courts, with the speculation and controversy surrounding them, would seriously prejudice the national interest.

These, briefly stated, are the reasons I am entering a plea of nolo contendere to the charge that I did receive payments in 1967 which I failed to report for the purposes of income taxation.

Hoffman Statement

For the past two days counsel for the defendant and the representatives of the Department of Justice have engaged in what is known as "plea bargaining," a practice which has received the judicial approval of the Supreme Court of the United States. As the judge of the court, I have refrained from making any recommendation to the parties involved as I was unaware of the facts involving the alleged charges. The agreement finally reached between the parties, and which has been fully set forth by Mr. Topkis, one of the attorneys for the defendant, and Mr. Richardson, the distinguished Attorney General of the United States, was the result of some relinquishment of rights on both sides. We are all aware of the fact that some persons will criticize the re-

sult and the sentence to be imposed but, in a case such as this, it would be impossible to satisfy everyone.

Once the agreement was reached between the parties, it had to be submitted to the judge for his approval or disapproval. It was late yesterday afternoon when I learned the final details of the negotiations. I insisted that all details would have to be submitted in open court and in the presence of the defendant before any formal approval or disapproval could be given. Such has now been accomplished and it becomes my duty to proceed.

The judge must accept the final responsibility as to any sentence, but this does not mean that he should disregard the negotiations and advices of the parties who are far more familiar with the facts, the national interest, and the consequences flowing from any sentence to be imposed.

As far as the court is involved, the defendant is on trial for willful evasion of income taxes for the calendar year 1967, which charge is a felony in the eyes of the law. He has entered a plea of nolo contendere which, so far as this criminal prosecution is concerned, is the full equivalent of a plea of guilty. Such a plea frequently is accepted in income tax evasion cases as there are generally civil consequences flowing therefrom and the criminal court is not interested in the precise amount of taxes which may be due. The plea of nolo contendere merely permits the parties to further litigate the amount due without regard to the conviction following such a plea. A detailed statement has been filed

by the Department of Justice and refuted by the defendant, all of which are wholly unrelated to the charge of income tax evasion. These statements are the part of the understanding between the parties and are submitted merely because of the charges and countercharges which have received so much advance publicity. Of course, the agreement further provides that the Federal Government will take no further action against the defendant as to any Federal criminal charge which had its inception prior to today, reserving the right to proceed against him in any appropriate civil action for moneys allegedly due. Furthermore, neither this Court nor the Department of Justice can limit the right of any state or organization to take action against the defendant. Since the Department of Justice, pursuant to its agreement, will be barred from prosecuting the defendant as to any criminal charge heretofore existing, the truth of these charges and countercharges can never be established by any judicial decision or action. It would have been my preference to omit these statements and end the verbal warfare as to this tragic event in history, but I am not inclined to reject the agreement for this reason alone.

There is a fundamental rule of law that every person accused of a crime is presumed to be innocent until such time as the guilt is established beyond a reasonable doubt. It is for this reason that I must disregard, for the purpose of imposing sentence, the charges, countercharges and denials which do not pertain to the single count of, in-

come tax evasion. I have so advised counsel for the parties and they are in agreement that this is my duty.

We come then to the charge of income tax evasion which, as I stated, is a felony and a most serious charge in itself. In approving the plea agreement between the parties, I have not overlooked my prior writings and sentences in other income tax cases. Generally speaking, where the defendant is a lawyer, a tax accountant, or a business executive, I resort to the practice of imposing a fine and a term of imprisonment, but provide that the actual period of confinement be limited to a period of from two to five months, with the defendant being placed on probation for the balance of the term. The reason for taking such action is that our method of filing income tax returns is fundamentally based upon the honor of the individual reporting his income, and a sentence of actual confinement serves as a deterrent to others who are required to file their returns.

But for the strong recommendation of the Attorney General in this case, I would be inclined to follow the same procedure. However, I am persuaded that the national interests in the present case are so great and so compelling—all as described by the chief law enforcement officer of the United States—that the ends of justice would be better served by making an exception to the general rule.

I, therefore, approve the plea agreement between the parties.

NEW YORK TIMES
11 October 1973

Agnew-Nixon Exchange

October 10, 1973

Dear Mr. President:

As you are aware, the accusations against me cannot be resolved without a long, divisive and debilitating struggle in the Congress and in the courts. I have concluded that, painful as it is to me and to my family, it is in the best interests of the nation that I relinquish the Vice Presidency.

Accordingly, I have today resigned the office of Vice President of the United States. A copy of the instrument of resignation is enclosed.

It has been a privilege to serve with you. May I express to the American people, through you, my deep gratitude for their confidence in twice electing me to be Vice President.

Sincerely,
SPIRO T. AGNEW

October 10, 1973.

Dear Ted:

The most difficult decisions are often those that are the most personal, and I know your decision to re-

sign as Vice President has been as difficult as any facing a man in public life could be. Your departure from the Administration leaves me with a great sense of personal loss. You have been a valued associate throughout these nearly five years that we have served together. However, I respect your decision, and I also respect the concern for the national interest that led you to conclude that a resolution of the matter in this way, rather than through an extended battle in the courts and the Congress, was advisable in order to prevent a protracted period of national division and uncertainty.

As Vice President, you have addressed the great issues of our times with courage and candor. Your strong patriotism, and your profound dedication to the welfare of the nation, have been an inspiration to all who have served with you as well as to millions of others throughout the country.

I have been deeply saddened by this whole course of events, and I hope that you and your family will be sustained in the days ahead by a well-justified pride in all that you have contributed to the nation by your years of service as Vice President.

Sincerely,
RICHARD NIXON

NEW YORK TIMES
12 October 1973

Transcript of the Attorney General's News Conference on Agnew Resignation

Following is a transcript of a news conference in Washington yesterday by Attorney General Elliot L. Richardson and United States Attorney George Ball of Maryland as recorded by The New York Times. Some questions have been paraphrased because portions of them were inaudible.

OPENING STATEMENT

Mr. Richardson: Good morning, ladies and gentlemen of the press. I wish to make it clear at the outset that it is the purpose of this press conference simply to clarify matters which may have been left somewhat less than clear with regard to the proceedings by which we reached this point.

My office has received numerous inquiries from you and I have not been in a position until now to make myself available to try to answer them. I emphatically believe that it would not serve any meritorious interest to continue to debate charges and countercharges. Our purpose should be to put the matter to rest.

There are two points that I made in court before Judge Hoffman yesterday which I would like to underscore this morning. The first relates to my strong hope that the American people understand and support what has been done. I said yesterday the agreement between the parties now before the court is one which must be just and honorable and which must be perceived to be just and honorable not simply to the parties, but above all to the American people.

From the outset of the negotiations which have culminated in these proceedings, the Department of Justice has regarded as an integral requirement in my agreement, a full disclosure of the surrounding circumstances, for only with knowledge of these circumstances can the American people fairly judge the justice of the outcome.

Second, I wish to urge consideration and compassion again for the Vice President, who has rendered a high service by resigning and relieving the nation of a prolonged and potentially disastrous period of anguish and uncertainty.

I'm firmly convinced that in all the circumstances leniency is justified. I'm keenly aware first of the historic magnitude of the penalties inherent in the Vice President's resignation from his high office and his acceptance of a judgment of conviction for a felony.

To propose that a man who has suffered these penalties should in addition be incarcerated in a penal institution, however briefly, is more than I, as head of the Government prosecuting team, can recommend or wish.

Finally, I would like to commend the Government prosecutors United States Attorney Beall, and Assistant United States Attorneys Skolnick, Baker and Liebman for their tenacious pursuit of justice and their wise counsel. Although they did not always agree with me, particularly with regard to the painful issue of sentencing, I know that they were at all times motivated by the highest regard for the public interest.

I would in addition like especially to commend Assistant Attorney General Peterson for his courageous and dis-

tinguished service in this case. The characteristics of fair and fearless prosecution of justice have been the hallmark of his more than two decades of service to the nation.

I believe Mr. Stewart of Reuters has the first question.

QUESTIONS

Q. What purpose was served by your spreading on the record all of the evidence which you had amassed, had you gone ahead to try him on extortion and bribery. I think many people see this as sort of piling on somebody that's already down.

A. As I said yesterday in court and as I have repeated just now, it has been regarded by the Department of Justice from the outset as essential to any agreement that there be full disclosure of the surrounding circumstances including the evidence assembled by the Government during the course of its investigation. We have had, unfortunately, over recent months a sense that there has been a cover-up in some situations of facts which the public was entitled to know. And in order to achieve and enhance the public confidence in our institutions and justice and the administration of justice, it had seemed to us in the Department of Justice essential, as I said, that the American people be in a position themselves to judge the basis on which this matter has been handled.

This has been the sole reason for the disclosures that we have made and I would emphasize the fact not only was this part of the agreement that it was understood and accepted by attorneys for the Vice President and by the Vice President himself, and with the concurrence of the court, the statement that you referred to was entered into the record of the court proceedings themselves.

Q. Mr. Attorney General, will you tell us precisely what role President Nixon may have played in the decisions in this case, in particular, did the President expressly approve the entering into plea bargaining? Did he suggest parameters, limits or details of the Justice Department's position in that bargaining? Did he expressly approve in advance the final settlement?

A. The President was kept, of course, fully informed at all times. He fully approved each of the major steps that were taken in the course of these negotiations. He did not participate in the negotiations as such. He had, of course, as President of the United States, to be satisfied that the essential elements of what was being done were consonant with the public interest.

Q. The other part of my question—did he suggest any of those elements? Either by omission or by setting parameters or by express suggestion?

A. No, he did not. He was, of course, concerned as all of us were, with the potential consequences of a prolonged and agonizing trial of these issues of fact. And this was a concern, naturally, that he felt, as did, the Vice President himself and those of us who have served in the Department of Justice.

Q. You've completed the criminal aspects of this, I understand, but there are some tax aspects that are still to

be followed. Do you still intend to pursue those civil tax matters with all of the diligence you have been pursuing the criminal matters in light of the exposition of facts set out in your 40-page document?

A. These, Mr. Mollenhoff, are matters before the Internal Revenue Service of the Department of the Treasury. As Judge Hoffman pointed out yesterday, these are not matters that could be concluded in a criminal proceeding and they remain to be worked out, to be pursued further as between the Internal Revenue Service and the counsel for the Vice President.

Q. It is my understanding there is no statute of limitations on the civil aspects of this, and that Mr. Agnew could well be indebted to the Government for penalties of 50 per cent plus several hundred thousand dollars.

A. I would not care to speculate about the possible amounts or the question of whether or not there were penalties. These are not matters within the jurisdiction of the Department of Justice.

Q. Under the conspiracy act of 1970, Title 9, you have civil authority to act against any group or organization having demonstrated a pattern of racketeering activities. Do you intend to use this authority? A. No, this is not a situation any aspect of which, in my view, properly belongs within this scope of that statute.

Q. The allegations in your 40-page document yesterday contained a lot more than one count of income tax evasion. Why did you settle for just one count?

A. Well, of course, the very essence of a negotiated plea is that each side yields something in order to achieve agreement. And while, if satisfying in terms of weight and substance to a grand jury, this evidence could have supported an indictment covering charges substantially more extensive than were covered in the single-count information. And in that event these would have been tried. The consequence of pursuing that course would, as I pointed out, inevitably have been to justify the Vice President in insisting that the Government be put to its proof.

That means, in other words, that we would have had to have very prolonged court proceedings or potential proceedings in the Congress by way of impeachment.

Q. Sir, could you tell us whether the Department initiated the plea bargaining or did Mr. Agnew and his lawyers. A. The Department did not initiate the plea bargaining. We were approached in the first instance—not only in the recent negotiations, but in the earlier period of negotiations that took place in September.

Q. Could you follow up that to describe for us the chronology of plea bargaining, when proposals were made, who made them, and, finally, how did the arrangement get made. You indicated that some of your aides did not agree with the deal on the sentence. Can you tell us exactly how this came about and how the deal was made?

A. There was a period of negotiations in September which failed to achieve

agreement. Negotiations were resumed first by telephone on Saturday of this past weekend and then there was a meeting with counsel for the Vice President on Monday and with the judge, which was followed by an additional meeting with the judge and with counsel on Tuesday afternoon. And it was at that Tuesday afternoon meeting that the final provisions of the agreement were concluded.

Q. Are any individuals still subject to prosecution and incarceration.

A. Yes, they are. The 40-page statement filed with the court yesterday covers the terms of the understanding with the key witnesses on which the statement itself was based. It makes clear that none of these individuals were promised immunity from prosecution. There has been in the case of two understandings with respect to the plea that they would make, but in no instance has any individual been given any promise as to disposition of the case.

Q. Were any efforts made by the White House, by the Vice President or any other outsiders, to quash the investigation. A. No, there were no such efforts.

Q. When you said that the Department did not initiate plea bargaining, in early September—that you were approached,—who were you approached first by—directly or indirectly—counsel for Mr. Agnew or counsel for the White House?

A. The first call I had was a call from the President's counsel asking if I would be willing to meet with counsel for the Vice President.

Q. Under Mr. Agnew's unsupervised sentence, would he be allowed to leave the country?

A. I'm sure that the court would not want to impose any narrow restrictions. This is, of course, a matter for the court. But since the judge made clear that the probation would be unsupervised that, barring some change of circumstance, I suppose that Mr. Agnew would be free to live wherever he chooses.

Q. The President has repeatedly contended that these charges do not relate in any way to the conduct of the Vice President's office as Vice President and yet you developed sizeable information that they do. And that on at least two instances he was awarded—I'm sorry, he received \$2,500 for award of a G.S.A. contract and there was another instance in the 40-pages. Wasn't the President advised of this, or didn't he understand the reasoning you gave him when he said it.

A. He was aware that the investigation touched on this, the \$2,500 matter. But it was, of course, at the time when he learned of this at a very early stage in the investigative process and the charge could not, of course, be considered proven.

And so the President, in effect, was in a position in which it would have been unfair on his part to imply that he believed that there had been proof of wrongdoing by the Vice President in that capacity.

Q. In the final agreement, did you agree on the same penalties that you were holding out for in your original negotiations with the Vice President?

A. I don't want to go into real detail on the negotiations. I think that the public interest is better served by the result than it would be a blow by blow account of the discussions that went on among counsel.

So I'll simply say that as of the matter of disposition, that was deferred until

such time as it became evident that the recommendation of this department would be regarded by the judge as important in the court to the disposition of the matter.

And so that question, therefore, was not squarely reached until after the meeting with Judge Hoffman on Monday and then finally disposed of at the subsequent meeting with him on Tuesday.

Q. It has been said there was disagreement about the terms of the agreement. A. No, I don't believe that in the first place they had reached a firm view as to what the alternative would be. But clearly, this was a matter in which reasonable men, including attorneys, could disagree. And I fully respect their views.

Q. When did you first learn of the dimensions of the case, and when did you first discuss it with the President, and was it your feeling then that he had previously been aware of the investigation?

A. I first discussed it with the President early in August, and I had made members of his staff—first General Haig—aware of it in July. So that he therefore already knew something about the situation as the result of communications to him by General Haig.

No Evidence Withheld

Q. Had he known before July, do you believe? A. I think he was aware, in addition, before that that an investigation was underway because he had been so informed by the Vice President himself.

Q. Did you withhold some of the evidence against the former Vice President or has all the evidence that's come to your attention been made public.

A. All of the evidence that has been developed on the basis that we believed would have been sufficient to submit to a grand jury—if a grand jury were going to be asked to act on this matter as of Oct. 10.

Q. If something new comes up next week that you didn't know about, would you be limited in your prosecution in that area?

A. We would be limited with respect to anything of this kind that antedated the court proceedings yesterday.

Q. In other words, anything in the corruption and fraud area while he was executive officer in Baltimore County, Governor of Maryland, and Vice President. A. Yes.

Q. That would be barred, and anyone who comes forward now with new information would be turned aside, or would be sent to the Internal Revenue Service?

A. The Internal Revenue Service, of course, would only deal with civil aspects of the situation. So far as the Government's investigation is concerned, the Federal Government, and the things that have been touched on are uncovered in the course of that investigation, the matter is closed.

Q. We've been through a period unprecedented in American history. What do you believe the nation can learn from the Agnew case?

A. I would hope first that the nation would feel that the process of criminal justice is one that it can trust and have confidence in. I would hope that it would feel that the interest of the nation has been placed first by all those concerned, including the Vice President himself.

I would hope that most fundamentally all of us would have confidence that

our system works. Indeed, I think this is the most affirmative aspect of all that has taken place over recent months, all the disclosures, the investigations, the indictments. They have exposed the shoddy side of the governmental political process, but they have also demonstrated that the governmental political process is capable of uncovering these things, and uncovering them, taking proper action.

Q. Will the Vice President be called as a witness in any future criminal prosecutions? A. I don't know. He is certainly not immune from being called. As the judge said, other proceedings may, of course, involve his name or his role insofar as that is relevant to proceedings against someone else.

Q. Could I address a question to Mr. Beall? A. Yes.

Q. Mr. Beall, Mr. Richardson has already said that there were some disagreements between them and members of your staff over the question of sentencing. Did you or members of your staff feel that the sentence was too light, that Senator Agnew should have been given a prison sentence?

MR. BEALL: The members of my staff and I had ample opportunity to confer with Attorney General Richardson and Assistant Attorney General Peterson and other persons in the Department of Justice during the whole course of this investigation beginning, I think, with our first personal conference with the Attorney General on July 3.

The System in Maryland

We continually expressed our views as prosecutors, from our vantage point in Baltimore. We continually expressed our concerns about the case itself, the consequences of the case and so on.

And I think I can say in summary, that I could no better articulate the conclusion that was reached than the Attorney General already has. There was honest disagreement among reasonable men, reasonable attorneys, as to what result was proper.

But keep in mind that our vantage point in Baltimore was entirely different than the Attorney General's vantage point in Washington. There was argument over many different aspects of the whole negotiating process. And I think it would be inappropriate to single out any one particular item that came up during the discussion.

Q. In the summary of evidence, Mr. Agnew is quoted, I believe, as saying that he was following a system that had been practiced in Maryland, that he found in place, which suggests this question: Are you now investigating the present Maryland Administration of Governor Mandel and if you are not investigating, why not?

MR. BEALL: That's a good question. The grand jury investigation which began officially in January of this year continues. There has already been action from that grand jury in the form of indictments of other public officials in Maryland, the specific parameters of the grand jury investigation is something that I would purposefully and dutifully like to avoid at this time. We have consistently taken the position notwithstanding your polite objections that grand jury proceedings are secret, that they should be kept from public view and we expect to maintain that posture but nonetheless to continue the investigation into bribery, corruption, kick-backs and political misconduct in the State of Maryland.

Q. You're not ruling it out? A. I can't rule anything out at this time because the investigation continues

and, as I say, the parameters are impossible to precisely define.

Q. A follow-up question on that. There are indications similar symptoms are widespread in other states. Do you feel there is a need for similar investigations in other states and will the Justice Department undertake them?

Mr. Richardson: The Justice Department has in fact under Assistant Attorney General Peterson and United States Attorneys in other districts in the country conducted investigations and launched prosecutions arising out of political corruption. This has been true to a very large extent for example in New Jersey, in New York, in Illinois and in a number of other states and certainly this is a continuing responsibility of the department.

Q. There's a persistent reference in the 40-page document to a close associate of Mr. Agnew, unnamed. Are we to infer from that that you are proceeding against him as an object of the investigation? A. I don't think it would be proper for me to suggest any inference to be drawn from that.

Q. For Mr. Beall. The County Executive of Baltimore County is already under indictment. You indicated at that time your investigation of corruption in Baltimore County was continuing. Is this realistic now to expect that additional indictments against public officeholders in Baltimore County?

Additional Criminal Charges

Mr. Beall: George, I would rather not get into the business of predicting what indictments may or may not come forth from the grand jury in the foreseeable future. I think that you can anticipate that if the investigation continues as I have said it would that there will be additional criminal charges lodged against the subject of the investigation. I'm presuming that the information that we presently have bears up under the microscopic eye of the grand jury proceedings.

Q. I would like to ask a question of Mr. Beall. Do you plan to use the Vice President in pursuing others after giving him immunity? Has there been any consideration of this?

MR. BEALL: I think the Attorney General answered that question essentially earlier.

Q. He did not answer the question as to whether the Vice President would be used in criminal activity. In other words are you giving him blanket immunity. In other words everybody who dealt with the Vice President?

A. The answer to the question is no. But as to whether there may be some discussions with particular persons involved in the investigation.

Q. That sort of information relative to others who were involved in this mess of corruption that goes back for 10 years? A. The investigation is still an open one as far as we are concerned and we have not yet firmly determined what persons may be spoken with and talked to in connection with that investigation.

Q. Mr. Attorney General, you said that the first contact you had on the negotiations was with counsel for the President. Which counsel for the President was that and did he indicate that he was acting at the President's behest?

MR. RICHARDSON: This was a call from Mr. Buzhardt. He did not indicate that he was acting at the President's behest.

Mr. Buzhardt has at various stages during the course of these negotiations served in a capacity of facilitating

communications and this was his initial role as it was his continuing role from time to time.

Question on Leaks

Q. Regarding the charges that were made by Mr. Agnew against the Justice Department and particularly Mr. Peterson about stories that were leaked during the investigation of him, do you feel that the charges were justified and also would you tell us what your investigations of how this information was leaked turned out?

A. I do not feel that the charges were justified, certainly not in the terms set forth in the affidavit from Mr. Agnew's council filed in court, which charges a systematic campaign of leaks from the department. Our own investigation failed to identify any source of leaks in the department. Now obviously I cannot with total confidence assert that no one in the department said anything to a member of the press which could be characterized as a leak. I could only say first of all that we were unable to find anybody in the department who was the source of a leak and we are absolutely confident in any event that we were not responsible for a campaign of leaks.

We have been able to identify, as Mr. Pommerening's report makes clear a number of potential sources of information that found its way to the press outside the Department of Justice itself.

Indeed as my letter to the then Vice President in August made clear, there were many people outside of the department who had information including the witnesses themselves, who were, of course, the original source of our own information.

Q. Your name is mentioned as a possibility for the Vice Presidential nomination. Would you take that nomination if asked by the President?

A. No, I would not. I think it would be highly inappropriate for me as the Government accuser of the Vice President and who in his capacity as Attorney General has been responsible for bringing a criminal information against the Vice President for the investigations that

brought about his resignation to me for one moment to consider it as a potential successor to him.

Q. I'd like to ask whether you had other evidence not contained here that you spelled out to the Vice President's attorneys during his more recent round of negotiations?

A. No, there were some references covering matters under continuing investigation but the investigation has terminated and the disclosures made to the court constitute, as I said earlier, a full summary of the Government's case on that basis.

Q. Is there anything in the agreement that could be considered as implicitly or explicitly preventing the prosecution by state authorities against Mr. Agnew, and in the event of a state prosecution, would you share any of your evidence with the state prosecutors?

A. To answer the first part of the question: No, there's nothing in the agreement that would prevent action by state prosecutors. The judge yesterday made this clear in summarizing for the record the substance of the agreement and the effect of the agreement. If a state prosecutor should initiate action we would then have to consider what steps to take. Of course the full summary filed with the court is already a matter of record.

My own hope would be that it would be considered by state prosecutors as it is by Federal prosecution that the public interest is now best served by

considering this matter to have been dealt with on a basis of fairness and justice in the public interest both state and Federal.

Q. Is there any reason at all to believe that Mr. Nixon knew of Mr. Agnew's misconduct prior to August, 1972?

A. I would be fully confident in asserting that the President had no reason. Of course, this is one of those instances where one is in effect asked to prove a negative. But the—aside from the Vice President's own mention of the fact that an investigation was underway and, of course, the information that came to the President shortly before Aug. 6, from General Haig, the President would not, in my judgment and belief, have had any reason to know.

Q. Did you use the background investigation by the F.B.I. or any others that might have reflected serious question against the Vice President's career, background material that might have been available in 1967 or 1968, to the President?

A. No, we did not. I think it's worthwhile to emphasize as has been stated before, and I think it's apparent on the face of the Government's disclosure in the case, that the development of this evidence arose out of an investigation of the activities of county officials in Baltimore County. Mr. Beall first informed me of the status of the county investigation on June 12 of this year.

At that point there was only one slight indication that evidence might point toward acts of wrongdoing on the part of the then Vice President. It was not until later that month that additional evidence was developed and not until July 3 that the investigation had reached a point where Mr. Beall and his associates felt that it was serious enough in scope so that I should be informed of it. They did inform me fully of it on that date.

Q. Mr. Attorney General, you say that the moral of this whole episode is that the public should have confidence in the system of justice. Is the public going to gather that if a man is high enough he gets off very lightly?

A. I think this is a feeling that some people may have and of course it was the awareness that this would be the reaction of—some of my fellow citizens that led me to try to make as clear as I could in my statement to the court yesterday that the interests of justice as well as the interests of the public were better served in this instance by a disposition that did not involve confinement of the former Vice President in a penal institution. I can only say that I hope that these considerations prove persuasive to the majority of my fellow citizens.

Q. Do you consider that as far as the other targets of the grand jury goes that a precedent has been set in this case?

A. This is, of course, a matter for the court to consider in dealing with any subsequent offenders who may be brought before the court. I do believe that it is desirable that the case of other defendants related to this investigation as a whole should, if the District with the governments closest to the people?

Q. Does this investigation shake the confidence so often expressed in the President's revenue-sharing program with the governments closest to the people?

A. No, certainly not. All I need say on that score is that—mind you, that I came to the Federal Government un-

der this Administration after a tour of duty as United States Attorney for the District of Massachusetts where my efforts were largely devoted to uncovering state-level corruption.

I was Attorney General in Massachusetts and in that capacity followed the period of tenure of Attorney General Brooke, who was largely involved in prosecution of Massachusetts corruption. And I had to deal with that again. And I have always felt that the surest way of eroding both the quality and the integrity of state and local governments is to deal with them on a basis that implies a lack of trust and that does not rest clear-cut accountability on them.

I think the best way to improve their quality is to make clear where the responsibility lies. In matters that are of direct and immediate concern to people, and where it is important that their Government be responsive to them and sensitive to local needs.

Q. Will you give us your thoughts on this. Compassion for Mr. Agnew could have come at the end of the road rather than at the beginning of the road, and that a public trial could very well have brought reforms and the greatest deterrent to a repetition of this at any level in the future.

A. This is certainly a point of view that had to be weighed and considered. But, of course, the price of whatever gain might have been achieved in that direction would have been a prolonged anguish and uncertainty associated with the trial of an incumbent Vice President.

Q. Could you tell us when and in what manner the President approved the agreement that was entered in the courthouse yesterday? A. The President didn't pass on the agreement as such in specific terms and conditions. His was a role rather of approving the general direction and the fundamental basis upon which the matter was being handled.

Q. Did you present the outline of the agreement to him after it was reached Tuesday afternoon, and did he comment upon it or give it a clearance for you to go to in court? A. It was presented to him, I believe, by the Vice President himself on Tuesday evening. I did not make any presentation to him.

Q. Persons convicted of felonies in this country are commonly stripped of their civil rights, including the right to vote. Will this occur in Mr. Agnew's case?

A. He can continue to vote, according to the views of an assistant attorney general. There will be no consequence with respect to property rights and there would be no prohibition against his holding office under the Maryland Constitution.

Q. On the tax aspects of this matter, is there any evidence you have that shows that the Vice President paid any tax on the payoff money. In other words, any reports on the income in the earlier years?

A. The tax investigation which was going forward concurrently with the investigation of other aspects of this matter, have not been completed as of yesterday. In the first place, I cannot answer the question. In the second place, since it is now a civil matter pending before the Internal Revenue Service, it would be inappropriate in any event.

Q. The Justice Department was under a certain amount of pressure. Apparently senior Justice officials were supposed to have given sworn depositions yes-

terday. And I'm wondering if that fact had anything to do with the timing of the.

A. Not, certainly, as far as the Department of Justice is concerned. We were looking forward to the opportunity to give our depositions in this matter.

And I might remind you that all of us in the Department of Justice who had any knowledge whatsoever of this case have already subscribed and sworn to affidavits subject to the penalties of perjury. Those affidavits in each instance deny responsibility for being the source of any leaks. Mr. Lydon?

Q. In your concern for the anguish of a drawn-out proceeding, are you not subject to the charge of permissiveness yourself? And wouldn't he, in another day, have called you permissive, even a permissive judge? And, secondly, when you boil it all down, doesn't this amounts—have you not rendered a political bargain here rather than a criminal bargain? He's been allowed to get off without penalties except that he give up the office that apparently the White House always wanted him to give up for the last several months anyhow. In the end, is it not a political judgment rather than a prosecutorial judgment?

A. I think each individual will have to make up his or her own mind about the justice of this result. I believe, as I have said, that it is just, fair and honorable. I have insisted, and have done my best, with my colleagues, to assure that all the facts upon which the result was reached are publicly accessible.

As to the charge of permissiveness, all I can say, Chris, is that, so far any prosecuting role I've ever had, this would be the first time anybody has suggested that.

As to the political aspects about it, of course in the fundamental sense of the word "political," of course it's political. And we are dealing here with issues involving the Government of the United States of America. We are dealing with a situation involving a man next in line of succession—who was next in line of succession to the Presidency itself.

While the Middle Eastern crisis had no direct bearing on the outcome, it certainly is a situation illustrative of the kind of problem that has to be faced, in considering whether the national interest would be served if an indictment were returned and if the Vice President—as was his full right—had insisted upon a trial, either in the Congress, if the Congress had chosen to act, or by a jury of his peers.

Q. There was some thought before you mentioned that the first round of negotiations failed. The Vice President did not want to serve any time in jail.

A. I don't think it would serve any useful purpose to go into this. The process of negotiation, of course, in a matter of this kind, is one in which there were strong interests represented by each side. And the result is one that I think represents a fair balance between those interests.

A Summary Description

Q. Did you inform the President of the details of the investigation as contained in your 40-page statement early on, in August or early September? In other words, when he said that nothing the Vice President did had any relation

to his office of Vice President, he was in fact charged with committing a felony while he was in office.

I'm wondering when the President knew about this and what he based that statement on.

A. The President has never had more than a very summary description of the kinds of evidence developed by the Government investigation. He felt that it was not appropriate for him to be informed of the details of the case.

He did have a broad description, essentially in the same terms that I presented an outline of the case to the Vice President himself on the same day, later in the afternoon after I had seen the President.

The fact that the investigation has touched on actions of the Vice President in his capacity as such, does not constitute a charge. There has been no charge against the Vice President except the charge embodied in the information to which he pleaded nolo yesterday. We have summarized as accurately and fairly as we can the substance of the Government's evidence in order that the American people would have this before them.

But we do not assert that this summary of the evidence is an indictment. It is designed, I've said, for purposes of disclosure and with the recognition that were the information not set forth, the consequence inevitably would have been that there would have been a persisting effort to dig it out, the process would have dragged on, and the result would have been an open ulcer on the body politic.

Q. From your experience in the Agnew case and knowing that Presidential candidates do not know everything about the man that's his running-mate, do you have any recommendations for any strengthening of the screening process in 1976 for the choosing of Vice-Presidential candidates.

A. That's, I think, a very important point, it's one to which I have given some thought, but not enough to have any clear recommendations beyond the obvious point that there clearly ought to be some mechanism that enables the man chosen as his party's standard-bearer to get a more complete picture of the private history of a proposed running-mate.

Q. I have a question for Mr. Beall. Mr. Beall, the summary is not precise, on one point—how much money Mr. Agnew supposedly took. What does the Justice Department claim was the total amount of graft Agnew took in this kickback scheme?

MR. BEALL: I think the Attorney General has already answered that question substantially, when he indicated that the Internal Revenue Service investigation in this case was not complete as of yesterday, and that it is impossible, for that reason, to accurately answer in terms of dollars and cents the amount of monies which may have been involved.

Incidentally, I think it's important to recognize from our standpoint the tremendously effective work that was done by the Internal Revenue Service and by, specifically, the Intelligence Division of the Internal Revenue Service which was the investigative arm of the United States Attorney's Office and the Department of Justice throughout this entire matter.

Thank you very much.

NEW YORK TIMES
13 October 1973

Nixon's Address and Remarks by Ford

Following is a transcript of the address by President Nixon last night in Washington nominating Representative Gerald R. Ford of Michigan to be Vice President and of Mr. Ford's response, as recorded by The New York Times.

President Nixon

Members of the Cabinet, members of the Congress, members of the diplomatic corps, all of our distinguished guests here in the East Room, and my fellow Americans:

I have invited you here tonight so that I could share with all of you, not only in this room but the millions listening on television and radio, my announcement of the man whose name I shall submit to the Congress tomorrow for confirmation as Vice President of the United States.

I shall ask the Congress tonight, and also when I submit the name tomorrow, to act as expeditiously as possible on this nomination because of the great challenges we face at home and abroad today.

We live at a time in which we face great dangers but also a time of very great opportunity.

We can be thankful tonight that for the first time in 12 years the United States is at peace with every nation of the world.

Expansion of Economy

We can also be thankful that we are in the midst of a rising expansion of our economy in which more Americans have better jobs at higher wages than at any time in the history of our country.

But also on the other side we have to recognize the fact that the peace that we have worked so hard to build not only for ourselves but for all the world is now threatened because of a new outbreak of war in the Mideast.

And also we must recognize the fact that the prosperity that we seek is plagued by an inflation which is a burden of the family budget of millions of Americans.

This is the time therefore that we need strong and effective leadership because the hope of the world of peace lies with the leadership that we have here in the United States of America.

And ability to build a new prosperity without war and without inflation lies in the need for strong leadership in the United States of America.

Never in our history has the world more needed a strong America, a united America with both the power and the will to act in the spirit that made this a great country, and it has kept it a free country.

And that is why at this particular time it is vital that we turn away from the obsessions of the past and turn to

the great challenges of the future. This is a time for a new beginning for America, a new beginning in which we all dedicate ourselves to the tasks of meeting the challenges we face, seizing the opportunities for greatness and meeting the dangers wherever they are at home or abroad.

Calls for Support

And I am confident tonight as I stand here before leaders of both parties, I'm confident we shall meet those dangers and also seize those opportunities, I am confident that we shall do so, but we can, and will do so only if we have the support of millions of our fellow American all across this land.

We can and will do so only if we have bipartisan support in the Congress of the United States in matters in which no partisanship should ever enter.

And we can and will do so only if we have strong effective leadership in the executive branch of this Government.

These were the considerations that I had in mind as I considered what man or other individuals to select as the nominee for Vice President of the United States.

Criteria for Job

Let me tell you what the criteria were that I had in mind.

First, and above all, the individual who serves as Vice President must be qualified to be President.

Second, the individual who serves as Vice President of the United States must be one who shares the views of the President on the critical issues of foreign policy and national defense—which is so important if we are to play our great role, our destined role, to keep peace in the world.

And third at this particular time, when we have the executive in the hands of one party and the Congress controlled by another party, it is vital that the Vice President of the United States be an individual who can work with members of both parties in the Congress in getting approval for those programs of the Administration which we consider are vital for the national interest.

It was these criteria that I had in mind when I pondered this decision last night and early this morning in the quiet beauty of Camp David and the man I have selected meets those three criteria.

First, he is a man who has served for 25 years in the House of Representatives with great distinction.

Ladies and gentlemen, please don't be premature, there's several here who have served 25 years in the House of Representatives.

Respect of Both Parties

In addition to that service in the House, I should point out that in that period of time, he has earned the re-

spect of both Democrats and Republicans. He is a man also who has been unwavering in his support of the policies that brought peace with honor for America in Vietnam and in support of the policies for a strong national defense for this country that is so essential if we are to have peace in the world.

And above all he is a man who if the responsibilities of the great office that I hold should fall upon him, as has been the case with eight Vice Presidents in our history, we could all say the leadership of America is in good hands.

Our distinguished guests and my fellow Americans, I proudly present to you the man whose name I will submit to the Congress of the United States for confirmation as the Vice President of the United States, Congressman Gerald Ford of Michigan.

Ladies and gentlemen, Congressman Ford knows the rules that since he now has to be confirmed by both houses his remarks will be very brief.

Mr. Ford

Mr. President, I'm deeply honored and I'm extremely grateful and I'm terribly humble.

But I pledge to you, Mr. President, and I pledge to my colleagues in the Congress, and I pledge to the American people that to the best of my ability, if confirmed by my colleagues in the Congress, that I will do my utmost to the best of my ability to serve this country well and to perform those duties that will be my new assignment as effectively and as efficiently and with as much accomplishment as possible.

Mr. President, with pride I have supported our country's policies, both at home and abroad, aimed at seeking peace worldwide and a better well-being for all of our citizens throughout our great land.

And I will continue to work with you and with the Congress in the further implementation of those policies in the months and years ahead. It seems to me that we want an America, a united America. I hope I have some assets that might be helpful in working with the Congress in doing what I can throughout our country to make America a United America.

And I pledge to you my full efforts and I pledge the same to my colleagues and to the American people.

Thank you very much.

Mr. Nixon

I know that all of you will want to see Congressman Ford and Mrs. Ford. We'll be in the Blue Room if you would like to come by and say hello, congratulate them, and also there will be refreshments, I understand, in the state dining room in case some of you didn't have supper.

Thank you, and good evening.

5 Oct 1973

First Of Three Reports

CIA Expert Traces Growth Of Secret Operations

By Ed. Offley

The Central Intelligence Agency has come a long way, although some think it has taken the wrong direction.

Originally enacted by Congress in 1947, the CIA was charged with gathering and coordinating intelligence produced by it and other federal intelligence agencies. Today, the CIA is much, much more than that: It has evolved into the core of a shadow government, whose edifice is unrecognizable and whose power is unstoppable.

That's the opinion of one government official whose job enabled him to learn more about the CIA than most of its own employees ever could. L. Fletcher Prouty served as the Pentagon's chief support officer for the CIA for nine years from 1955 to 1963. As a full colonel in the Air Force, he was not constrained by the CIA's oath of secrecy.

In late August, 1955, Prouty was ordered to establish a CIA support office in the office of the Secretary of the Air Force. In 1960, he transferred the office to the office of the Secretary of Defense, and later expanded the support facility under the Joint Chiefs of Staff at the Pentagon. Prouty retired from the Air Force Dec. 31, 1963.

Documented History

Prouty has written a documented history of the CIA, which traces its birth under the National Security Act of 1947, through the "activist" directorship of Allen W. Dulles, who brought the agency into clandestine operations, and through the CIA's deceptive role in getting the United States into the Vietnam War.

"The Secret Team" (1973, Prentice-Hall), presents an indictment against the CIA, saying that it has subverted the language and intent of its own statute, and in doing so has become a threat to American democracy at home and international stability abroad.

In an interview in Williamsburg last Thursday with *The Virginia Gazette*, Prouty said that most accounts of the CIA are misleading, because few people know that only 10 percent of the agency's activity is

concerned with the gathering of intelligence. "If you know what you're talking about," Prouty said, "You know that 90 percent of the agency's activity is in clandestine operations."

Power Of Exclusion

Prouty defined the "secret team" as personnel who have access to secret intelligence, which is "the really powerful stuff — inside information, advance knowledge, satellite data, agent data. This is what breeds the team." He added that the concept of "need to know" extends a total power of exclusion to those not on the team.

Who is on this team? Prouty explained that it begins with the National Security Council and the top executives of the CIA, and extends to a ring of Executive Branch officials, senior military officers, "think tank" analysts and leaders of the education and business worlds. "Henry Kissinger, by law (in his role as Presidential advisor for foreign affairs and chairman of the National Security Council), leads the team," Prouty said.

The National Security Act of 1947, as amended, states: "Powers and duties of the CIA—403.(d)(5) to perform such other functions and duties related to intelligence affecting the national security as the National Security Council may from time to time direct."

Loophole Used

The above quoted section of federal law was the primary means by which the CIA went beyond intelligence gathering and into clandestine operations during the early 1950s, Prouty said in his book. The chief architect of clandestine operations was Allen Dulles, director of the CIA during 1950-1961.

In "The Secret Team," Prouty wrote that Dulles' appointment as head of the agency "foretold the existence of a vast, secret intelligence organization, a top echelon clandestine operations facility at White House level, a hidden infrastructure throughout other departments and agencies of the government, and the greatest clandestine operational capability the world had ever known...."

The Intelligence side of the CIA is now little more than a "cover" for the CIA's ultra-top secret operations, Prouty told the *Gazette*.

Pouring It Out

"They (intelligence branch) have a job to do — to provide the President with intelligence. So they pour out their stuff day after day, like a newspaper or magazine," Prouty said. "But their big gripe is that people don't read it, and even if they read it, they don't heed it."

Prouty explained that the main function of the CIA's intelligence branch has been the preparation of the "national intelligence estimate," an intelligence situation report prepared for the President and other top government officials with the freshest information gleaned from the CIA's worldwide network.

"Those reports are very matter-of-fact," Prouty said. "They'll say, for instance, 'We're sure there's going to be a coup in Chile.' And the next day they'll say, 'Every appearance is that the coup d'etat will take place within the next 30 days.' They keep pouring this stuff out."

"We Told You"

"Well, sure enough, sooner or later there's a coup d'etat, and they (intelligence branch officials) say, 'See? We told you.'"

Prouty explained that the national intelligence estimate system has often been misused by "any Director of Central Intelligence who intends to use the gathering of intelligence as a cover for secret operations."

As an example, Prouty cited a national intelligence estimate for Aug. 3, 1954, which said that Indochina was "hopeless." He added that "on the very same day, CIA director Allen Dulles met with the National Security Council to seek an increase in the size and scope of the "Saigon Military Mission," a clandestine CIA paramilitary unit headed by then-Colonel Edward G. Lansdale of the Air Force and CIA.

Prouty wrote in his book, "There is only one conclusion that can be drawn, and it is derived from one of two alternatives: Either the author (of the national intelligence estimate) did not know about the existence of and the mission of the Dulles-directed Lansdale team; or if he did, he was attempting to cover up the CIA role in such activity,

which had more to do with the course of events in Indochina since that time than anything else...."

The Saigon Military Mission had a name that was used to mislead people into thinking it was a military operation, Prouty said. He added, "It was a cover name — that was an agency operation, 100 percent CIA — the Central Intelligence Agency was often hidden in code words."

Crunched In 1961

Prouty stated, both in his book and in last week's interview, that the hardest attempt to control the CIA's clandestine operations was made by President Kennedy after the agency's Bay of Pigs disaster in 1961. The vehicles used were two National Security Action memoranda, Nos. 55 and 57, which assigned responsibility for "peacetime operations — that is, clandestine, covert, operations," to the chairman of the Joint Chiefs of Staff, Prouty said.

"After the Bay of Pigs, it was pretty hard (for the CIA) to sell Kennedy anything," Prouty explained. He added that after Kennedy's assassination, "Those restraints weren't there anymore, and it was easy for various forces to burst their bounds."

On Oct. 2, 1963, just six weeks before Kennedy's assassination, Defense Secretary Robert S. McNamara and General Maxwell Taylor, chairman of the Joint Chiefs, returned from a 10-day fact-finding mission to South Vietnam. The Pentagon Papers revealed that although dissatisfied with the Diem regime's crackdown on political opponents earlier that summer, the McNamara-Taylor mission reported "present favorable military trends" and recommended a withdrawal of the "bulk of U.S. personnel" by 1965.

"Disturbing Situation"

Eighty days later, with Kennedy and Diem both dead, a second fact-finding report was delivered by McNamara to President Johnson. Describing the situation in South Vietnam as "very disturbing," McNamara told the President, "We should watch the situation very carefully, running scared, hoping for the best, but preparing for more forceful moves if the situation does not show early signs of improvement, the Pentagon Papers said.

The Dec. 21 report, Prouty said last week, told "a totally different story — escalate, send more people, big trouble over there."

Prouty understands the significance of reports such as the Oct. 2 and Dec. 21 memoranda for the President. He and his colleagues in the Pentagon support office for the CIA — by then called the "special assistant for coun-

terinsurgency and special activities" — wrote both reports. Already Written

They wrote them before the fact-finding trips were ever made, using the CIA's ultra-secure communications network to forge "authentic" Saigon date-time headings on messages addressed from Saigon to Washington, but in reality, written in Washington and sent to Saigon, for inclusion in the report, Prouty said.

"I worked on the Oct. 2 report," Prouty said last week. "I worked 36 straight hours with General (Victor) Krulak (head of SACSA) on that one — we wrote it right on our desks in the Pentagon."

The reason for CIA ghostwriting, Prouty explained, is "that the Secretary couldn't render such a report anyway, and that we really know more about it than he (McNamara) is ever going to know about it."

Dummy Messages

Prouty said the dummy messages sent from the Pentagon by the CIA were often "submerged." This means that the CIA would draft a dummy message, wire it to agency officials in Saigon, who in turn would re-transmit it back to Washington as a State Department message through military channels.

"The people writing the report, like Gen. Krulak and myself, would be in constant touch with the White House," Prouty said. "We would know what the President would accept."

Prouty said that in understanding the actual procedure by which the U.S. government's policy-making decisions were manipulated by the CIA, "the (Dec. 21, 1963) report itself more or less signified that all of these groups realized immediately that they would no longer be restrained." He added, "They were taking advantage of this threshold period before Johnson had gotten things under control — it was a runaway."

Control Lost

In addition, Prouty said, the CIA "started a backfire" on the limits Kennedy had set on agency-run clandestine operations. "With the death of Kennedy, there was no one who seemed to have that controlling interest any longer," Prouty said.

The argument raised by the CIA concerned the concept of "small" clandestine operations, which were permitted under NSAM 57, Prouty said. He explained that the CIA "began to cut out for themselves an area of operation on the basis of the interpretation of 'what is small.'"

"With the proliferation of clandestine activities in North Vietnam and Laos, the agency was operating

hundreds of people every day, before the Gulf of Tonkin incident," Prouty said. He noted that ultimately, the CIA was authorized over \$1 billion for the pacification program in South Vietnam in 1971.

Order Buried

"NSAM 57 had gone by the boards," Prouty said. "NSAM 55 has just disappeared. I doubt that it has been repealed, but it's just been forgotten, buried."

At midnight on July 30, 1964, amphibious raids were staged by commandos on the North Vietnamese islands of Hon Me and Hon Nieu in the Gulf of Tonkin. Most accounts of the incident have described the attacking force as South Vietnamese commandos operating under General William Westmoreland, U.S. military commander, Vietnam. That same night, the U.S. destroyer Maddox entered the Gulf of Tonkin on an intelligence gathering mission.

Three days later, the Maddox, the North Vietnamese and the commando raids came together to form the Gulf of Tonkin incident, the Pentagon Papers reported. The commando raids, according to Prouty were called Oplan 34A, and was, in his words, "a CIA clandestine operation."

Commando Theory

Subsequent press accounts of the incident, later amplified by the Pentagon Papers, raised considerable speculation that the North Vietnam thought the Seventh Fleet destroyers and the onshore commando raids were part of the same military operation.

Prouty's explanation of the Oplan 34A operation does not dispel that theory. He said, "The CIA does not normally give their clandestine operations serial numbers like that (34A), CIA calls them things like PARKLAWN."

"This 'Oplan 34A' was selected just like the Saigon Military Mission to make the casual reader, including McNamara, think that this was a Navy mission."

He added that the deception "went right through, because even Navy people wouldn't know about the operation. The CIA would never tell the Navy that they (CIA) had a 34A mission."

The Pentagon Papers revealed that the destroyers Maddox and Turner Joy resumed patrolling the Gulf of Tonkin on Aug. 3, 1964, and that two more Oplan 34A commando raids were conducted that same night.

The North Vietnamese retaliated the next day, Aug. 4, attacking both destroyers. Eleven hours later, President Johnson began the bombing of North Vietnam and the Vietnam War was on.

(continued)

A CIA Glossary

CIA: Originated in the Office of Strategic Services during World War II; formally enacted by the National Security Act of 1947 and the Central Intelligence Agency Act of 1949; annual budget and number of personnel unknown; headed by the director of central intelligence.

DDI: Deputy director of intelligence, whose department is responsible for the collection, coordination and analysis of intelligence data.

DDO: Deputy director of operations (also known as DDP, or Plans), responsible for clandestine operations.

DDS: Deputy director of support, whose department handles logistic support for the agency's other branches.

NIE: National intelligence estimate. A regularly produced situation report compiled by inputs from the CIA and other U.S. intelligence agencies, usually dealing with a specific country in which the

American intelligence community is involved.

NSAM: National security action memorandum. Policy directives issued by the President from time to time which deal with national security matters. Usually signed by a senior member of the White House staff, the NSAM's were addressed to the Department of Defense for implementation.

SACSA: Special assistant for counterinsurgency and special activities; chief military support office for the CIA in the Pentagon, organized by Air Force Colonel L. Fletcher Prouty in 1961, but with similar operations dating back to 1955.

Secret intelligence: Analyzed data obtained by deep penetration of an enemy country by agents or technological devices, such as spy satellites.

Secret team: Persons in or out of the U.S. government who have access to secret intelligence.

RECORD, Meriden, Conn.
13 September 1973

John Downey, lawyer in the making

After spending 20 years in a Chinese communist prison, John Downey, now 43 years old, has entered Harvard Law School to start a new career.

Downey, born in Wallingford, was graduated from Yale in 1951. Upon graduation he joined the Central Intelligence Agency. His career came to an end when he was captured over China and held prisoner as a secret C.I.A. agent. His imprisonment lasted 20 years until he was finally freed in the detente which followed President Nixon's visit to Peking.

During his long years in the Chinese prison Downey read voluminously. His tastes were catholic, and his reading reflected his far-ranging interests. Now that he is

back home and in a position to choose how to spend his life he has turned to law.

For a man who has the moral strength and the mental resources to stand the ordeal, a prison term may strengthen a man. Certainly John Downey will bring to his legal studies and his career an understanding of penal problems learned at first hand.

Few persons have the initiative or the stamina to start a new career at age 43 after having undergone the duress of John Downey. But this young Connecticut man — young in heart and in determination, if no longer so young in years — has the will to start anew. And in so doing he sets an example of hope, courage, and industry which the rest of us may heed with profit.

NEW YORK TIMES
12 October 1973

McIntire Says C.I.A. Also Uses the Seas For Broadcasting

By DONALD JANSON
Special to The New York Times

CAMDEN, Oct. 11—The Rev. Dr. Carl D. McIntire said today that if the Federal District Court here did not lift its temporary injunction against his pirate-ship broadcasts he would subpoena top Government officials to prove that the Central Intelligence Agency also used the high seas for unlicensed broadcasts.

The Federal Communications Commission obtained the restraining order Sept. 21, contending that the Fundamentalist minister from Collingswood, N. J., had interfered with shore-based stations by illegally broadcasting without an F.C.C. license from several miles off Cape May in a converted minesweeper.

The 67-year-old minister concedes that he did so in retaliation for the agency's denial of a license renewal last year for his station, WXUR, in Media, Pa. But he contends that the F.C.C. has no power to license broadcasting stations in international waters beyond the three-mile territorial limit.

He Is Scheduled

As followers marched outside the courthouse with signs demanding restoration of his WXUR license and his "freedom of speech," the controversial preacher said in an interview that his lawyers would take depositions from C.I.A. officials unless the court lifted its temporary injunction.

The depositions would be used at a hearing scheduled for Nov. 1 before Federal Judge Mitchell H. Cohen here on a Government motion to make the injunction permanent.

Today Judge Cohen heard an interim appeal by Dr. McIntire to lift the temporary injunction. The judge said he would rule on the matter by Oct. 23.

Former Mayor Alfred R. Pierce of Camden, one of four lawyers appearing with Dr. McIntire, told the court that the 1934 Communications Act, requiring F.C.C. licensing for broadcasting from United States vessels, had been superseded in regard to broadcasts from international waters by a 1959 Geneva treaty.

That convention prohibits broadcasting stations aboard ships outside national territories.

WASHINGTON STAR

9 OCT 1973

A Reappraisal of the CIA

By Oscar M. Villarejo

Special to the Star-News

Lyman B. Kirkpatrick's latest book on contemporary political problems associated with the U.S. intelligence community is a retained, objective study on the operations of the whole American intelligence apparatus, both foreign and domestic. It is only a coincidence that he has produced at this time a comprehensive work treating of topics very much in the news following Ervin investigating committee.

The author, an officer of the CIA from 1947 to 1965 while serving in such capacities as its inspector general and executive director-comptroller, is now professor of political science at Brown University. He retains, as the book's preface suggests, many unbroken friendships with officials of the government and of the military establishment in Washington, dating back to the years when he served with distinction as an intelligence officer with the U.S. Army during World War II.

THE MAIN THESIS of Kirkpatrick's book is that the extensive interlocking agencies of the U.S. intelligence community — the Central Intelligence Board, the National Security Agency, the CIA, the FBI, and the rest — came into being in response to inexorable forces operating on a world-wide scale; that each of the agencies so created, with their well-defined functions and responsibilities materialized on the American scene as the result of normal leg-

THE U.S. INTELLIGENCE COMMUNITY: Foreign Policy and Domestic Activities. By Lyman B. Kirkpatrick Jr. Hill & Wang. 212 pages. \$7.95.

islation within Congress; and that as long as current threats to the national interests of the U.S. continue, there is little or no likelihood that such agencies are going to be dismantled soon, if at all.

In establishing all this for his readers, Kirkpatrick points out the abrupt changes that have occurred in the general political climate of the western world since that bygone era — for example, when, at the beginning of WWI, only two officers and two clerks in the War Department were assigned to the gathering of intelligence. Even so, it was not until August, 1918 — in the midst of a declared war on the part of the U.S. against Germany — that the number of individuals allotted to intelligence activities within the same department rose to 282 officers, 29 enlisted personnel, and 949 civilians.

Today, at the conclusion of the war in Vietnam and in an era when the tensions of the Cold War between the Soviet Union and the U.S. seem to be lessening, America finds itself with an intelligence community of unprecedented complexity and size, the members of which are routinely engaged in such operations as the photographic surveillance of land masses of the world by satellite; the acquisition of

computer data in Washington on the war-making potential of practically every nation on earth; and what appears to be a considerable amount of electronic eavesdropping and wire tapping of private homes, ambassadorial residences, and government offices in at least a dozen different foreign countries overseas. Kirkpatrick states, of course, that the Soviet Union and other nations within its orbit of influence are engaged in exactly the same kind of espionage activities:

PROBABLY the most important part of Kirkpatrick's book concerns itself with covert operations of the American intelligence community abroad; as in the case of the embarrassing U-2 incident of the Eisenhower years or the Bay of Pigs affair in Cuba in the time of President Kennedy.

Kirkpatrick describes accurately the involvement of the CIA in both of these undercover operations that went disastrously wrong, adding another for good measure — the notorious "Phoenix" project of the

NEW YORK TIMES
12 Oct. 1973

Kelley Opens F.B.I. to the Press

From now on, said Clarence M. Kelley, director of the Federal Bureau of Investigation, there will be an "open stance" policy by which the F.B.I. will deal with the press.

Mr. Kelley told a meeting of the National Newspaper Association yesterday that the new policy will be one of "complete candidness and willingness to answer press inquiries, recognizing the right of the press in our democratic society to obtain information for the enlightenment of the public."

The recently confirmed director of the F.B.I. made his remarks in Hot Springs, Ark. His office in Washington described his speech as "a major policy statement."

CIA in South Asia between 1967-69 which, according to Kirkpatrick, "acquired an unsavory reputation as an assassination program" to destroy the Viet Cong infrastructure in South Vietnam.

In all three of these instances, Kirkpatrick reminds us, the programs were approved in advance at the highest levels of the government, including the White House. Although he does not say so outright, he indicates here and there in his text that covert operations of the CIA all too frequently got out of hand. The revelations of Watergate, coming hard on the heels of the completion of Kirkpatrick's book, seem to substantiate his remarks on this subject.

An index and an intelligently selected list of books for further reading emphasize the scholarly nature of Kirkpatrick's book.

Oscar M. Villarejo, a professor of English at George Washington University, served as a U.S. diplomatic courier during World War II.

The policy he outlined contrasts sharply with the one imposed by Mr. Kelley's predecessor, the late J. Edgar Hoover, whose distrust of the press resulted in a requirement that F.B.I. field agents funnel requests for information through his headquarters. There was no press office, and inquiries were handled by an assistant director in charge of the crime-records division.

Mr. Kelley has set up a three-member press section to answer press questions, and field agents have been given authority to answer many inquiries without checking with Washington.

NEW YORK REVIEW OF BOOKS

18 October 1973

The Presidency After Watergate

Who Makes War:

The President Versus Congress

by Jacob K. Javits

with Don Kellermann.

Morrow, 300 pp., \$8.95

The Living Presidency:

The Resources and Dilemmas
of the American Presidential Office

by Emmet John Hughes.

Coward, McCann & Geohegan,

377 pp., \$10.50

Henry Steele Commager.

The Presidency has always given us trouble. It was, from the beginning, the "dark continent" of American constitutionalism—the phrase is Charles A. Beard's. There were ample precedents for the new legislative and judicial departments which the framers established, but none—except in a limited way in the states—for an elected executive who would serve at the pleasure of the people and on terms laid down by them. History, that great arsenal of morality, taught that all men in power were ambitious, vainglorious, and corrupt, and prone to aggrandize power to themselves: you could read it in Thucydides or Plutarch or Montesquieu or Gibbon.

Contemporary experience reinforced the teachings of history, and the framers were determined that the United States should never have a Louis XIV to ruin his nation by his extravagance, a Frederick the Great to plunge his people into ceaseless wars, a George III to corrupt elections. As James Wilson, himself a strong-executive man, observed early in the Convention, he "did not consider the Prerogatives of the British Monarch as a proper guide in defining the Executive powers." All true enough. Yet after the near-breakdown of the Confederation, the nation needed a strong executive. And there was a further consideration—almost an embarrassment. Throughout the Convention, there sat George Washington presiding with awful dignity over the deliberations, the great man who would inevitably be the first President, whose rectitude was unassailable, and whose image would inevitably be reflected in the provisions for the presidential office.

As it turned out lack of precedents and experience produced grave difficulties. Article II was the most debated and the least satisfactory part of the new Constitution. It emerged from the debates a kind of masterpiece of ambiguity and evasion whose meaning we have been exploring ever since. Not surprisingly, it has been modified by no fewer than four constitutional amendments—XII, XX, XXII, and

XXV—while only one amendment (XVII) has modified the legislative branch and one (XI, now universally forgotten) the judicial.

Because the powers of the President were not adequately defined, their character depended, from the beginning, on the Presidents who exercised them. They have "soaked up jurisdiction like a sponge." Are we witnessing now a shift from aggrandizement to usurpation? The distinction, not always clear, is that the former functions within the hospitable and accommodating framework of the Constitution, and the latter does not. Washington, Lincoln, and Franklin Roosevelt were indubitably "stronger" Presidents than Mr. Nixon, but Nixon is the first who dictators, we conjure up Cromwell, Napoleon, Stalin, or Hitler, and assure ourselves that it is improbable that one of these could ever emerge out of American politics.

The traditional meaning of the term, however—that which traces back to ancient history—is "one who is constitutionally or legally vested with supreme authority during a crisis." That is precisely what Mr. Nixon is aiming at in some areas of government, certainly in the conduct of foreign affairs, of war, and of whatever he chooses to believe involves national security—a supreme authority which is above the law. It is this principle that enables him to countenance, and his sycophantic subordinates to brush aside, Watergate and the Ellsberg break-in, to authorize the use of *agents provocateurs*, flout congressional will in appropriations, wage secret war on a neutral country and then lie about it, conceal vital information from the people and from the Congress, and claim privileges and immunities heretofore unknown to the Constitution.

The Supreme Court disposed of these claims to be above the law first in the Milligan case of 1866 and then, some ninety years later, in the Youngstown steel case—a case which has interesting analogies to the invocation of independent war powers and national security arguments by Mr. Nixon today.

The Constitution of the United States [said Justice Davis] is a law for rulers and for people, equally in war and in peace, and covers with the shield of its protection all classes of men, at all times, and under all circumstances. No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of government. Such a doctrine leads directly to anarchy or des-

potism, but the theory of necessity on which it is based is false; for the government, within the Constitution, has all the powers granted to it which are necessary to preserve its existence.

And in *Youngstown v. Sawyer*, which rejected President Truman's seizure of the steel mills on the ground of military necessity, Justice Black returned to the principle of Milligan:

The contention is that presidential power should be implied from the aggregate of his powers under the Constitution. Particular reliance is placed upon Article II which says that "the Executive Power shall be vested in a President," that he "shall take care that the laws be faithfully executed" and that he "shall be Commander-in-Chief of the Army and Navy of the United States." This order [Mr. Truman's take-over] cannot properly be sustained because of the several constitutional provisions that grant executive power to the President. In the framework of our Constitution, the President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker. The Constitution limits his functions in the law-making process to the recommending of laws he thinks wise, and the vetoing of laws he thinks bad. And the Constitution is neither silent nor equivocal about who shall make laws which the President is to execute.

Now once again the great question of the scope, and the limit, of these powers is before the courts.

Over the years courts have been courageous and bold in the exercise of judicial review, as they were in the Milligan and the Youngstown Steel cases, but is it a courage we can count on or a boldness we should ask them to display? Judges are understandably reluctant to intervene in the conduct of a war: as Justice Hughes once said, "The war power is the power to wage war successfully." The interventions usually, though not always, come well after the fact—as did that of the Milligan case. Traditionally judges have avoided "questions of a political nature"—an avoidance less sweeping in the past two or three decades than in the more remote past. They are often troubled by the question of jurisdiction—as they are, even now, over the question of a subpoena of the executive tapes. And time and again they find themselves in the position of putting the stamp of constitutionality upon legislation or conduct which they disapprove on grounds of policy or of morals—as they did, for example, in

the fugitive slave cases and in the Japanese relocation cases.

Doubtless the deeply engrained American instinct for putting controversial political and legal conduct to the constitutional test—which means the judicial test—is admirable, certainly it is instructive; it is also dangerous. It is admirable because it bespeaks a respect for the law and a conviction that the Constitution and the law are supreme and that no one, no matter how exalted, is above the law. It is instructive because it provides for the whole American people a continuous learned commentary on constitution and law, and on a great many other things as well: in the clarification of the never-ending problem of the relations of men to government, the United States Supreme Court is the greatest educational institution in history. It is dangerous because, over the years, it has substituted the criteria of legality for those of policy or wisdom; correctly so, for the function of the Court is legal, not moral.

As we tend to assume that an Act or an action which is unconstitutional is bad, and should therefore be rejected, so we conclude that one which somehow satisfies the criteria of constitutionality is good, and should be accepted. This is the position on which Mr. Nixon now takes his stand. He is not prepared to defend in principle such things as taping the conversations of his guests and associates, bombing Cambodia and then lying about it, or using provocative agents to instigate crime; instead he makes a great show of legal rectitude by shifting the whole question to that of his executive immunity to questions or to challenge.

In this sleight-of-hand he has been, so far, successful. He has the whole country talking about his constitutional right to protect the confidentiality of his tapes rather than asking why he made them in the first place; he has the country gravely considering whether his solemn obligation to protect the "national security" permits him to ignore ordinary constitutional limitations rather than asking what a civil war in Cambodia has to do with our national security or, for that matter, what the records of Mr. Ellsberg's psychiatrist have to do with national security. If the historic controversy over Mr. Nixon's abuse of executive authority in the foreign or the domestic arena bogs down in a debate over constitutionality it will achieve little except universal exacerbation.

Ultimately there is no warranty for the principle of the supremacy of the law, the integrity of the constitutional fabric, and the successful functioning of the democratic process except the virtue and intelligence of the American

people and of those they choose for high office. If these fail us, nothing will succeed.

The question which confronts us now—it is the theme or the major premise of both Senator Javits's and Emmet Hughes's books—is whether the constitutional crisis which Presidents Johnson and Nixon have precipitated is a product of irresistible currents of history which cannot be deflected or reversed, or of the fortuitous conjunction of the cold war and the ten-year war in Indochina and of two Presidents given to paranoia and egomania. On the answer to this question will depend in large measure our answer to the fateful query whether we can return to our long tradition of constitutionalism or whether we must resign ourselves to revolutionary changes in our political system.

Hamilton, who wrote the *Federalist Papers* on Article II of the Constitution, insisted that the most important quality in a President was energy, and he defined energy as the constitutional provision for unity, duration, adequate provisions for support, and competent powers. In this definition, Hamilton's customary habit of looking at all sides of a question failed him. The definition was circular, and the principle misleading. Energy for what, and to what ends? After all, there was no lack of energy in Frederick the Great or Napoleon; in our own time there has been no lack of energy in Hitler or Stalin. It is because Presidents Johnson and Nixon have indulged their energies irresponsibly and presumptuously that the Presidency is in graver trouble today than ever before in our history, and that the American constitutionality is in trouble too.

The central principle of that constitutional system, as both Madison and James Wilson saw, is not energy but authority moderated by prudence, restrained by law, illuminated by reason, and animated by respect for freedom: in short, the reconciliation of freedom and order. It was to achieve this reconciliation that the Founding Fathers framed a constitution (the first of its kind in history) designed not only to form a more perfect union, but to establish justice, promote the general welfare, and secure the blessings of liberty. That was the end to which individual principles and mechanisms were made to contribute: separation of powers, checks and balances, distribution of governments among nation and states, bills of rights, judicial review. Thanks in large part to Presidents who used energy to ensure a more perfect union and to enlarge the area of freedom, this system of authority controlled by law survived the Civil

War and the Great Depression and the Second World War without sacrificing the general welfare or betraying the liberties it was designed to safeguard. Can it survive the present crisis?

As soon as we ask this question we are conscious that it is rooted in disingenuousness and duplicity. For in fact the crises of the cold war and of the wars in Vietnam, Laos, and Cambodia are not remotely like those of slavery and secession, or of the threat from the totalitarian world in 1940. By comparison with these, they are artificial and almost willful. We can see now—what sensible people saw twenty years ago—that China posed no threat to America or to legitimate American interests; certainly we can see now what the other signatories of SEATO saw from the beginning (all were equally bound by that treaty), that Vietnam and Laos posed no threat to the United States or to world peace.

So with most of the crises that have disfigured the history of the Nixon Administration. The crisis of "national security" posed by the publication of the Pentagon Papers was imaginary—no faintest hint of that threat to national security so hysterically invoked has yet emerged. The crisis of student protest and violence which Mr. Nixon recently invoked to justify such things as the Ellsberg break-in and which Mr. Mitchell assumed extenuated the Kent State killings was so artificial that when it died away of inanition the government had to reanimate it by the use of provocative agents. The fiscal crisis which led to the impounding of money voted by the Congress was phony; Mr. Nixon was prepared to spend twice as much new money on military weaponry and gadgetry as he proposed to save on medicine, welfare, and education.

The crisis dramatized by Watergate—that of possible defeat at the polls—was one neither in principle nor in fact but utterly contrived. It is absurd to say that the security of the nation was at stake in a Republican victory at the polls, and after all, Nixon had the election in the bag. There was therefore no excuse even—we might say—on the criminal level for the extortion of millions of dollars in illegal or surreptitious campaign contributions, or for the whole bag of "dirty tricks" indulged in by Mr. Nixon's friends and associates. And the current crisis of the tapes, too, is something concocted out of fatuousness and guilt; it could have been avoided by refraining from making these indecent recordings in the first place.

Yet to meet these non-crises of his own making, Mr. Nixon created a genuine crisis—one that goes far beyond the fate of his own Presidency and to the very nature of the institu-

tion itself. For to defend policies he never should have adopted, to justify misconduct he should have avoided, to claim powers he did not need and which he had no right to exercise, he contumaciously challenged principles of the supremacy of the law, the separation of powers, the probity of our system of justice, and the integrity of the democratic process. This crisis is indeed ominous. Does it call for drastic remedies?

What remedies present themselves? We can persuade ourselves that the breakdown in the Presidency is a product of Mr. Nixon's malfeasance and try to impeach him and remove him from office. We can conclude that the presidential system, adequate for simpler days, is no longer competent to the problems that confront us, and turn to that parliamentary system which has proved successful and which the majority of the civilized nations of the globe now embrace. We can argue that the failure of the Congress to assert itself is not pathological but fortuitous, and that the mere reassertion of its power over the purse—where all that is needed is backbone—will restore that balance of power which was the original design of the framers. Or we can seek to write into the law or the Constitution additional safeguards against usurpation of power by Presidents.

It is improbable that impeachment would succeed, and certain that whether it did or not it would further exacerbate rather than heal the deep rifts in our political and social fabric. It is wildly improbable that Americans would trade in a system which has served them well for over a century and a half in exchange for one with which they have no experience, which is ill-adapted to the needs of federalism, and which has worked just as badly for many countries as its worst critics think the presidential system works in America.

A vigorous reassertion of the power of the purse would indeed go far to restore congressional authority and curb executive pretensions, but experience since Tonkin Bay (or perhaps since McKinley's Boxer expedition of 1900!) demonstrates that in times of foreign or military crisis the Congress is not disposed to call the President to account—or even to inquire too closely into the legitimacy of the crisis. Perhaps the fourth remedy holds out some promise of placing curbs on the executive which, by taking on the sober garb of the familiar and the routine instead of the lurid robes of emergency, might survive executive impetuosity, duplicity, and corruption. Catharsis and reform rather than convulsion and revolution seem indicated.

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Senator Javits's contribution to this ongoing debate, *Who Makes War*, is a swift, vigorous, and lucid survey of the choreography between President and Congress in the making of war (and of foreign policy) from the beginning of our history to the present. It makes clear that the early Presidents—those who had been schooled in the great revolutionary debates, and who had some experience in state and national politics, scrupulously observed constitutional limitations on presidential war-making. The next generation was not so fastidious, and the aggrandizement of war-making powers can be dated from President Polk's exploitation of the border dispute between Texas and Mexico to foist a war on both countries—conduct which earned him the cognomen "Polk the Mendacious"; his mendacities seem mild enough now. Senator Javits's discussion of Lincoln as war President overlooks some important considerations of that unique chapter in presidential history—the distinction, for example, between making or waging a foreign war and putting down a domestic insurrection, or that between responding to an attack on United States soil and carrying war to the territory of other countries.

The modern history of executive usurpation begins with the otherwise mild and innocuous McKinley, who fought one unauthorized war in the Philippines and, without even consulting the Congress, committed 5,000 troops to the rescue of foreign legations in Peking at the time of the Boxer uprising. Wilson's record was surprisingly irregular for so logical a man: he was high-handed in Mexico and the Caribbean but legally scrupulous in his conduct toward the European belligerents in the great war. Like most of us, Senator Javits is ambivalent about Franklin D. Roosevelt; his latitudinarian use of the war powers was, the senator concedes, necessary if the nation was to survive, but we have paid a high price for it, nevertheless. Mr. Javits is careful to point out that with Roosevelt, as with Lincoln, the crisis which he faced was a real one, that he did not make his more extreme actions the basis for extreme claims of power, and that he always sought, and received, congressional approval for what he did.

The senator's discussion of recent usurpations of executive power in the cold war, the Korean War, and the wars in Southeast Asia are, in a sense, a prelude for his argument for the Javits-Stennis War Powers Act. That bill, which has already passed the Senate, is now under attack from both the right and the left—if those terms are not misleading. Arthur Schlesinger,

one of the most acrimonious and relentless critics of the Johnson-Nixon misuse of the war powers, argues persuasively that the bill would dangerously handicap the President in any genuine emergency but be of little value in staying the hand of a President who wished to contrive an emergency to justify his own ambition or folly. "Had this act been on the statute books, surely it would have prevented Roosevelt from responding to Hitler in the North Atlantic," he has said, "and would surely not have prevented Johnson from escalating the war in Vietnam."

This is a criticism whose justice Senator Javits himself acknowledges, without conceding that it is fatal. At the other extreme is Tom Wicker, who regards the war powers bill as simply another invitation to presidential war-making, for what Congress, he asks, would stop a war after just one month of fighting? After all, it took Congress eight years to get around to stopping our part in the least justifiable and most disgraceful war in our history—if indeed we have permanently stopped it.

No legislation can cover all contingencies, just as no statesman can anticipate the future. As Hamilton wrote (in Number 23 of the *Federalist Papers*), "It is impossible to foresee or define the extent or variety of national exigencies." This observation holds good, to be sure, of almost all legislation, and if we took its implications literally might paralyze all legislation that looked to the future. The chief value of the war powers bill—if and when passed—is in all likelihood symbolic: it puts the Congress on record against the Johnson-Nixon brand of imperial wars.

Mr. Emmet Hughes, a long-time aficionado of the Presidency, has given us not so much history as a political and moral tract which draws on history, politics, law, and personal experience. It is not a systematic inquiry into the question of presidential powers—the kind of inquiry that Raoul Berger has conducted in so magisterial a manner—but rather, as the subtitle indicates, "a consideration of the resources and dilemmas of the presidential office." It is informed, intelligent, and acute, sharply critical of recent developments in the Presidency but not unsympathetic to the problems and complexities of that office.

At times, indeed, Mr. Hughes is so overwhelmed by the spectacle of mountains of uncontrollable problems, domestic and foreign, that he is almost ready to admit that the United States is ungovernable and the presidential office impossible; he never goes to quite that extreme. After all, Franklin

Roosevelt managed the Presidency during the worst of our economic crises and the greatest and most terrible of our wars, and did this without impairing the constitutional fabric of the nation—or its moral fabric, either. The conclusion must surely be not that the problems are so much more formidable today but that the Presidents are so much less.

For three quarters of a century, now, there has been a steady, though fluctuating, growth of presidential power. This process may continue, and while the Old World finds itself with monarchs who have neither the power nor the trappings of power, we may find ourselves with Presidents who have both beyond other heads of state in the Western world. Or are we perhaps on the verge of a shift in the nature and exercise of presidential power?

If that power depends so largely on war, will the end of our ten-year war in Asia and of the prospect of war among the great powers diminish the opportunity of exercising it? If much of the strength of Kennedy, Johnson, and Nixon came, over the years, from their special role as cold warriors at a time when the country always seemed to be on the verge of nuclear war, will the thawing of the cold war and the growing improbability of nuclear war diminish the presidential role as champion of the "free" world? If domestic issues such as the control of environment, pollution, public health, zero population growth, poverty, urban renewal, and race problems, which demand professional expertise and bureaucratic efficiency, usurp the place of war and foreign affairs in the public mind, will not the center of political gravity shift from Presidents who bestride a world stage, no matter how awkwardly, to efficient managers who can solve unglamorous domestic problems?

If the impact—slower in coming than most of us thought—of *Baker v. Carr*, and the twenty-sixth amendment, the emergence of blacks as a genuine political force, the disillusionment of organized labor over the mismanagement of the economy, all go to revive an opposition party and bring more independent politicians into the Congress, may we not see that branch

reassert its legislative prerogatives, and thus weaken or diminish the role that the President may be expected to play? And finally, may not Watergate, with its sordid revelations of chicanery and blundering, spread such a sense of disillusionment through the body politic that voters will turn wearily from executive to legislative leadership—always assuming, to be sure, that the Congress can provide it? If so, we may be on the verge of a swing away from the full tide of executive power to ebb tide. If this is possible, it is too soon to write obituaries on the presidential system of government.

But to speculate on the future is hazardous: countervailing forces may prevail, and may serve to enhance rather than to contract executive power. There is, after all, no assurance that the détente between the United States and the Soviet Union will be permanent, nor is it clear that the United States has acknowledged the folly of her Asian policies over the past quarter century and permanently abandoned the dream—or nightmare—of becoming an Asian power. Far more threatening in the long run is the upsurge of defiance and resolution among the impoverished nations of the globe—an upsurge whose strength and character was dramatically revealed in the recent meeting of seventy-six nations at the Algiers conference, whose theme was an end to the "pillaging" of the globe by the great powers—particularly the United States.

The United States might be strong enough, independently, to resist, both materially and morally, pressure from fifty or sixty of the smaller unaligned nations, but can it resist pressure from the Arab nations which control most of the world's oil; can it resist India whose friendship it has all but forfeited by its demented policy of "tilling" toward Pakistan; can it resist China if that behemoth throws its support to the underdeveloped nations and peoples of the world?

If the quarter century of cold war between the United States and the communist nations is to be succeeded by a new cold war between the West and the rest of the world, all the

considerations that produced the obsession with armaments and secrecy and the concentration of power in the executive will inevitably continue.

Nor is the threat wholly military. What if we continue to lay waste our natural resources of soil, water, timber, coal, and oil, and come more and more to depend on outside contributions? What if our economy, staggering under the insensate demands of the military, the demands of the exploration of outer space, the insatiable demands for an ever-higher standard of living and of growing inefficiency and wastefulness, cannot successfully compete with nations like Japan and Germany, happily emancipated from the demands of the military, or with the European Common Market? Would not an economic crisis of this dimension enhance the executive power much as the crisis of the Great Depression made possible—even inevitable—the enhancement of presidential power under Franklin Roosevelt?

Just as the best and perhaps the only way to curb presidential misuse of the war powers is to end the cold war and avoid violent war, so in the long run the only way to limit the abuse of presidential authority in domestic affairs may be to recognize the great revolution of three-fourths of the human race seeking, in one generation, to pull abreast of the rich and powerful nations of the West, and to join with them, and with the United States, to achieve a more just distribution of wealth and welfare and an end to every kind of colonialism—even the colonialism implicit in our 1,200 military bases and our CIA operating stealthily in sixty-one countries.

It does not require much imagination to see the problems and perils that confront us, or much statesmanship to acknowledge the necessity of a multinational attack on those problems. Alas, this Administration seems more prone to create and welcome crises that appear to require the enlargement of presidential powers than to work out solutions to those crises that might weaken the rationale for the exercise of those powers. □

Near East

WASHINGTON POST
14 October 1973

Why the Arabs

Went to War

By William R. Polk

Polk is president of the Adlai Stevenson Institute of International Affairs and professor of Middle Eastern History at the University of Chicago. From 1961 to 1965, he was a member of the State Department's Policy Planning Council. He is the author of "The United States and the Arab World" and other books.

AS THE TRAGIC and bitter events of the Middle East unfold, two questions demand careful analysis: Why did the war break out? And is it possible that the fighting may bring a real peace settlement closer?

The first question is simple but the answer, to be true, must be complex. It must be answered on three levels: first, the psychological; second, the diplomatic and strategic, and third, by defining the immediate cause or the "trigger" which caused the outbreak of fighting at this time.

Both the Arabs and the Israelis are haunted by ghosts of the past. For each, these ghosts are real and their presence is ever felt. One cannot hope to understand the contemporary Middle East without being sensitive to both of them.

In the back of the mind of every Israeli today is the spectre of the holocaust. The destruction of the European Jewish community is regarded not only as an act of savage genocide by the Nazis but of weak acquiescence by many European Jews. Israelis today are determined not only never again to expose themselves to persecution by others but to be strong, self-reliant and assertive. Israel is the national myth of Masada writ large. It is the last redoubt from which there can be no retreat.

Consequently, Israelis recoil in anger from suggestions for a settlement which they believe would weaken them, put them in an inferior bargaining position or ostracize them. This is the underlying political reality with which any Israeli, Arab or neutral government must reckon.

The Arabs are haunted by their ghost too. It does not have the drama of the holocaust but it is a ghost shared by the poor, underdeveloped two-thirds of the world's population. It

is the ghost of humiliation and weakness. Heirs to a proud civilization, contemporary Arabs are the sons and grandsons of those who lived under imperialism and colonialism. The last British troops evacuated Egypt, after 66 years, in 1956 — just a few months before they, the French and the Israelis invaded Egypt in the Suez crisis. During the long British occupation, Egypt, already poor and backward, fell relatively further behind the rich nations. Its population grew rapidly and its resources remained almost static. Little was done with education and when Nasser made his coup d'etat in 1952, the legacy of poverty, ignorance and disease was awesome.

This sense of backwardness, humiliation and memory of distant grandeur is a poisonous political brew. We have watched its consequences in Africa, Asia, Latin America and here at home. Few Arab governments are free of its effects.

One effect is extreme sensitivity to questions of honor and dignity. This is not an "Oriental" attribute — it has been a central issue of French politics since Vichy. Defeat is always a bitter draught but when combined with the legacy of weakness and humiliation, it becomes too much to accept.

Refusal to accept the reality of defeat is the central thread of Arab politics since 1949. Among other people — the British in 1940, the Russians in 1942, the Free French — we regard refusal to admit defeat as heroic; but in the Middle East most Americans have seen it as unrealistic, dangerous and, frequently, ludicrous. It remains a fact, however, that no Arab government has been strong enough to admit defeat and these Arab leaders who would like to end the war risk being called Quislings.

Israel's Status Quo

THE STRATEGIC and diplomatic issues have been clarified in the last six months. On their side, the Israelis found the cease-fire relatively comfortable and very profitable. Guerrilla warfare and terrorism had been eliminated in the occupied territories; Arabs from Gaza and the West Bank poured into Israel daily to perform the chores, like the Turks in Germany and the Pakistanis in England, that Israelis preferred not to do; tourism was increasing; oil from the occupied Sinai peninsula was being profitably produced; massive American private and governmental support was forthcoming; the economy was not only booming, with a growth rate comparable to Japan, but Israel was rapidly becoming self-sufficient, even in armaments.

Moreover, there were increasing signs that the Soviet Union was interested in at least discussing better relations and although the United Nations constantly passed resolutions demanding that Israel give up the territories that it conquered in 1967, the U.N. did nothing about it.

From that position, it was difficult to imagine that negotiations would bring an improvement. Every one of the plans put forward by responsible Israeli and other leaders hinged on Israel giving up something. The only difference between them was how much.

Moreover, almost any conceivable peace in which Israel gains territory, as all Israelis, hawks and doves alike, demand, would presumably bring more Arab citizens. This is a fundamental dilemma. The Zionists never foresaw nor are most Israelis today in favor of a binational state. The early Zionists saw Israel as an exclusively Jewish state; most today are prepared to tolerate, even to enjoy, an Arab minority but the state is clearly not of them, by them or for them. Given the conception of the state, it would be far more difficult to integrate Arabs than it has been to integrate blacks or Indians in America.

The reaction of Mrs. Meir's government was to set the price of peace very high. This included four elements: "reconciliation" by the Arabs to an independent Israel; face-to-face negotiations; open boundaries (which apparently means free economic competition) and the continuation of Israeli military superiority. Israeli leaders openly conceded that the Arabs could not accept these terms.

Egypt's Painful Choices

BY THE SPRING of 1973, the Egyptians were faced with three painful possible courses of action. First, maintenance of the status quo. Egypt was becoming increasingly shabby as its 800,000-man army consumed about 30 cents of every dollar the country earned. The population, now more than 34 million, is increasing at 2½ per cent yearly. Although not admitted, the Aswan high dam has been a disastrous mistake. The Suez Canal has remained closed and Egypt has been forced to rely heavily on the good will

of Libya, Kuwait and Saudi Arabia.

Moreover, President Sadat had inherited the oversized shoes of the nationalist hero, President Nasser. He has proven skillful in thwarting moves against him but he has found it difficult to explain why, despite a huge army equipped with more tanks than Germany had when it invaded Russia in 1941, Egypt had to tolerate Israeli occupation of 23,622 square miles of Egyptian territory, much of which is less than 100 miles from Cairo. While we have no evidence, it seems reasonable to assume that the officer corps found this yet another cause of humiliation.

The second option was to admit the defeat, to surrender and make peace on Israeli terms. It is not widely known but it is a fact that Nasser tried to find a formula to negotiate after the war in 1967. Until this outbreak of fighting, Sadat was probably not strong enough to entertain this possibility.

The third painful option was a "forward policy." This has two possible forms, diplomacy and war.

The Egyptians mounted a diplomatic offensive at the United Nations and through emissaries to a number of countries last spring and summer. They argued that since the United Nations had demanded an Israeli withdrawal and Israel had refused to comply, the issue was no longer solely Arab-Israeli but now concerned the whole membership, indeed the continued existence of the United Nations. They attempted to draw a parallel between Italy's invasion of Ethiopia, a mortal blow to the League of Nations, and the current Middle Eastern-United Nations impasse.

The diplomatic offensive was a worse failure because of its very success. Egypt gathered the overwhelming support of the poor members of the United Nations, lukewarm sympathy from Europe, talk but no action from the Soviet Union, and an American veto. Israel was unmoved.

A Desperate Move

THAT LEFT the option of fighting. We are not, of course, privy to Egyptian thinking on these issues but based on years of study, and conversations in Cairo this summer, it seems likely to me that while the decision may not have been made in precisely these terms, the Egyptian strategists may have thought along the following lines:

Israel has twice proven that preemptive military action is effective; perhaps it would be effective for the Egyptians. If the fighting could be prolonged, other Arab states, regardless of their rational analysis of the chances or their doctrinal antipathy to Egypt, would be forced to come to the aid of their Arab brothers. Even those that did not participate militarily would be constrained to use their diplomatic and economic pressures on Egypt's behalf. If Egypt could seize and maintain control of the east bank of the Suez Canal, at minimum the canal might subsequently be reopened and so increase Egyptian revenues by \$250 million or so yearly. If the army performed creditably, whether or not it won, it might be possible to enter into negotiations on terms which were at least not humiliating. Finally, Sadat, having lashed out militarily in the Arab national cause, could begin to fill the rather large shoes he had inherited and would cease to be threatened by the charge of cowardice or treason.

These considerations, it seems to me, form an essential background to an understanding of the fighting in the Middle East. The third question, "Why now?" can probably be answered quickly.

The Egyptian diplomatic offensive had failed; Russia had withdrawn, increasingly, from its heavy intervention in Middle Eastern affairs and Russian military equipment, particularly in the more sophisticated and delicate items, was rapidly deteriorating. Israel was increasing in power and prestige vis-a-

vis the Arabs. Finally, the persistent rumors and intelligence and diplomatic reports of Israeli-Soviet contacts became precise and detailed about three weeks ago. Diplomatic rumors—whether true or not is of little concern—indicated that Israel and the Soviet Union were moving close to an exchange of ambassadors. My hunch is that this may have been the final straw for the Egyptians. It may have convinced them that soon they would be frozen out of the councils of the great powers, increasingly weak, increasingly poor, increasingly numerous and that the public mood, in these circumstances, would turn increasingly bitter against an apparently inept, cowardly or traitorous government. If this is true, it suggests that the war was a desperate move, almost a throw of the dice, when all else had failed and little could be hoped.

Seize the Moment

WHAT IS to be done? Must we look forward to another non-peace, another enormous waste of human resources or armaments, another period of increased population, uncured disease, unremedied backwardness? And then, perhaps, an even more bitter and costly war?

The answer is probably yes unless we can seize upon the fluidity of the crisis, analyze its elements and assist the most responsible and constructive among the belligerents and their friends to build something better.

Ironically, I suggest, the fighting, if it can be stopped before the damage is too great or before, once again, the Arabs are humiliated, may have removed one of the obstacles to the successful negotiation of peace. It would be far easier for Sadat today to negotiate than it would have been a month ago, or a year ago. A week from now the opportunity may have slipped away. It would be tragic if the Egyptians, the Israelis and the world community did not seize it.

THE ECONOMIST OCTOBER 13, 1973

Three objectives

FROM OUR LEVANT CORRESPONDENT Amman

Jordanians see the present fighting as merely the fourth campaign in a single drawn-out battle. Whatever the outcome, this fourth campaign has three objectives which are, in order of importance: psychological, where the Arabs have already made their point; military, where the point is being made; and political, where it has still to be made.

The psychological point is that Arabs can and will force war on Israel. In postmortems after the 1967 war, Israeli generals asked themselves this question: why was Nasser not held back by the brake of fear, that cardinal deterrent in Israeli military doctrine? Now the brake has not worked with President Sadat either. The very fact that he was not held back has fissured the theory of

Israeli invincibility and means that even if the Arabs are defeated there could be a fifth round. For a people long humiliated this is a cause for psychological relief and pride.

From bitter experience the Jordanians are not appreciative of Egypt's or Syria's military abilities. But this time they do appreciate the fact that the two countries have succeeded in doing what they failed to do in the three earlier campaigns: they have brought the elusive Israeli army to battle in an old-fashioned frontal face-to-face setpiece fight. The Israelis won the previous campaigns by pre-emptive strikes or by a series of skirmishes, so that the Arab armies felt not so much defeated as cheated. Now Israel has to make head-on attacks against the Egyptian bridgeheads and the stubborn Egyptian peasant is known as a good defensive fighter.

As the Jordanians see it, the Arabs

would achieve their political objective if they hold even a few square miles of their occupied territory when the ceasefire comes. This would enable them to negotiate from a somewhat stronger position—and if the Israelis were interested in a settlement they would reason that the Arabs must have a bargaining counter to bring them to the table.

The emotional gap between the west and the Arabs has again been shown by their opposing reactions to the fact that the Arabs attacked on the Jewish Day of Atonement. Jordanians dismiss western concern about this as hypocrisy; one American-educated Jordanian pointed out that George Washington deliberately attacked across the Potomac on a Christmas Eve in order to catch the British soldiers at their Christmas dinner. All these untrustworthy ex-colonials are the same.

Arab and Jew: 'Each Is the Other'

By Edward W. Said

During 1970 and 1971 a reasonably articulate Arab in the United States would frequently be asked to participate in public discussions on the Middle East question. On one occasion I was preceded to the lectern by an Israeli speaker who, I thought then, had the lack of irony to say that it was the Arabs that had always seen themselves as the chosen people.

Obviously this heedless remark was a later embarrassment to him as a Jew, and it was easy to mock him with his own observation. This incident isn't perhaps of tremendous value now, except that it does come back, particularly during these anxious and confusing days of this fourth Arab-Israeli war. You begin to realize that what, as an intellectual of secular persuasion you have always believed, that there is really no such thing as a divinely chosen race, has a disquieting additional meaning.

No, the Jews are not a chosen people, but Arabs and Jews together have chosen each other for a struggle whose roots seem to go deeper with each year, and whose future seems less thinkable and resolvable each year. Neither people can develop without the other there, harassing, taunting, fighting; no Arab today has an identity that can be unconscious of the Jew, that can rule out the Jew as a psychic factor in the Arab identity; conversely, I think, no Jew can ignore the Arab in general, nor can he immerse himself in his ancient tradition and so lose the Palestinian Arab in particular and what Zionism has done to him. The more intense these modern struggles for identity become, the more attention is paid by the Arab or the Jew to his chosen opponent, or partner. Each is the other.

I can recall that as a child before 1948 in Palestine and Egypt the foreigners with whom I was surrounded here and there stood out with a hard and almost cold difference from me. The Englishman or the Frenchman or the Greek had recognizable patterns of speech and even dress, gestures unique to each, and so on. Yet the Jew, whether he was Egyptian, Palestinian, Italian or British seemed to seep through those harder identities and be mixed up with mine. Usually of course, nothing was said, but there was a felt correspondence between us nevertheless. Maybe this experience was not common to many Arabs: I don't really know. Now, however, there is a corporate Arab-Jewish identity, so overlaid with events, with insults, wars, humiliations and fear, all those seeming inevitabilities; but there are only the rarest occasions for judging how in victimizing each other—often at the instigation of imperialist powers—we have shared little except conflict and a gradually diminished human reality.

Every Arab has his own national identity to protect his spirit from the fraying ordeals of Arabism-Israelism, that ugly padlock of one-against-one tension. For the Egyptian there is an unbroken national Egyptian history that has endured for eighty centuries; this is a sovereign life whose richness astounded even Herodotus. For the Palestinian perforce his national identity is an embattled resistance, to dispossession and extinction; yet for most of the world he has seemed like cigarette ash, moved from corner to corner, threatened always with irreversible dispersion. How many partisans of Jewish immigration to Israel recognize that every penny spent for that purpose also buys a Palestinian more time as an exile from his country?

However, all Arabs have suffered both in the Middle East, and in the West. The Arab is seen as the disruptor of Israel's existence, or, in a larger view, as a surmountable obstacle to Israel's creation in 1948. This has been part of the Zionist attitude toward the Arab, especially in the years before 1948, when Israel was being promulgated ideologically. Palestine was imagined as an empty desert waiting to burst into bloom, its inhabitants minimized as inconsequential nomads possessing no stable claim to the land, and therefore no cultural permanence. At worst the Arab today is conceived of as a bloody-minded shadow that dogs the Jew. The Jew of pre-Nazi Europe has split in two: a Jewish hero, constructed out of a revived cult of the adventurer-pioneer, and the Arab, his creeping, mysteriously fearsome shadow. Thus isolated from his past the Arab has seemed condemned to being local color or to chastisement at the hands of Israeli soldiers and tourists, kept in his place by American Phantom jets and U.J.A. money.

Such human and political failure has for its answering consequence Arab military and oil threats and, soon enough, Arab resurgence. Here too it is the symmetry that is disturbing, the excluded absence in it of some irregularity in the pattern. Yet when the Palestinians raised the alternative of a secular democratic state for Arabs and Jews, for Jews with Arabs, the idea was spurned as too utopian, as too far outside the monotonously balanced sequence of events to be accepted. But—is this war a better alternative?

Edward W. Said is professor of English and Comparative Literature at Columbia University. He is a Palestinian Arab.

WASHINGTON POST
9 October 1973

Arabs Ask U.S. Oil Firms To Finance Anti-Zionism

NEW YORK, Oct. 8 (AP)—The Action Committee on Arab-American Relations asked major oil companies today to spend \$10 million to counter what it called Zionist propaganda in the United States.

Representatives of some of these companies are negotiating new oil prices in Vienna with six oil-producing countries of the Persian Gulf including Iraq, which Sunday nationalized the 23.75 per cent interest held in the Basrah Petroleum Co. by Exxon and Mobil.

Exxon and Mobil are two of the companies that were asked for money. The others are Texaco, Shell, Standard Oil of California and Standard Oil of Ohio.

There was no immediate re-

action from the oil companies.

The telegrams urged the companies to spend the \$10 million in the United States to "openly, publicly declare their opposition to Zionism."

Dr. M.T. Mehdi, secretary general of the committee, which coordinates the activities of Arab groups in the United States, said in an interview that it was the companies' "moral responsibility" to take this action in order to "help discharge their debt" to the Arabian oil producing companies.

The committee also sent telegrams to Sen. Henry M. Jackson, (D-Wash.) and Sen. Jacob K. Javits (R-N.Y.) urging them to support a program of admitting one million Soviet Jews to the United States.

WASHINGTON POST
12 October 1973

Israel Said Able To Make A-Bombs

Agence France-Presse

STOCKHOLM, Oct. 11—duced enough plutonium Israel has already produced to make five to ten atom bombs, the Swedish news agency reported here today.

It quoted a report of the Stockholm International Peace Research Institute saying that Israel has turned out more than 90 pounds of plutonium in a nuclear reactor built with French assistance in the Negev Desert. From 10 to 20 pounds of plutonium are required for a bomb, the report said.

"If Israel thought its existence threatened, recourse to the atom bomb could not be excluded," an institute expert said. "But that seems unlikely in the current phase of military operations."

LONDON TIMES
12 October 1973

Israel learns its lesson in Sinai

The key to security is a desert—the Sinai desert. Behind the uncompromising, Old Testament simplicity of Moshe Dayan's proposition, contained in a lecture delivered at the Israeli staff college in August last year, lies much of the significance of the latest battle in the long Middle East war. The attempt by Egypt to regain the land lost in the campaign of 1967 has struck at the heart of Israel's basic preoccupation—"secure, recognized and agreed borders, determined under a peace treaty".

The Egyptians have, temporarily at any rate, made nonsense of the Israeli Prime Minister's defiant pledge to the Knesset that "not a single Israeli soldier will retreat from the ceasefire lines until a contractual and binding peace agreement is achieved". It seems likely that the Egyptian strategy is, or was, to seize a substantial area of the East Bank of the Canal, and then to rely on United Nations resolutions, or super-power pressures, or a combination of both, to bring about a ceasefire which would formalize their position. They cannot seriously have believed that they were capable of making good their expressed intention of regaining all the lost territories against the bitter resistance of a country which believes, with some justification, that it is fighting for its very existence.

Any assessment of how and when the current operations are likely to end must begin from the premise that Israel will accept no ceasefire until the Egyptian forces in Sinai have been destroyed or driven back across the Canal. Indeed, it would be reasonable to assume that this time the Israelis will not be content to stop at the East Bank. They have learnt one of the basic lessons of defen-

sive warfare—the need to have substantial covering forces on the enemy side of a main tank obstacle—and it is a lesson they are unlikely to forget.

In analysing whether the Israelis are once again capable of throwing Egyptians out of Sinai, it is important to recall the investment they have made in the area. Since the Six Day War of 1967, Israel has spent nearly £150m on creating a military infrastructure in the occupied territories. Of this sum, more than half has been invested in Sinai, to build roads, fortifications, camps, airfields and communication systems. This is not an investment they will abandon without a fierce struggle.

Furthermore, since 1967, the Israel armoured forces have been improved in strength and quality of equipment; the air force has doubled in strength, and its Phantom aircraft are the nucleus of what was, when the fighting began last week, the most powerful western air force in the Middle East. On the other hand, in the same period, the Arab countries have increased the strength of their armed forces at least as significantly. In tanks and aircraft they decisively outnumber the Israelis, and their Russian equipment provides them with a highly organized and effective weapons system. Indeed, it is likely that the deployment of SAMs—the Russian anti-aircraft missiles—was one of the decisive factors in the Arab decision to go to war at a time when the diplomatic tide seemed to be running against Israel.

Lord Chalfont

So far, the Israeli air force has been unable to achieve the total supremacy which characterized the 1967 campaign, and its ability to do so will almost certainly be one of the decisive factors in the outcome of the campaign. Both sides now seem resigned to a long struggle and to heavy casualties, yet when it is over it is unlikely that the basic situation will be much changed. Whatever new lines may be drawn up as a result of the fighting, they will provide no more than temporary demarcations behind which Arabs and Israelis will rearm, reorganize and prepare for the next indecisive bloodbath.

The real influence both in bringing about a ceasefire and in evolving some kind of permanent solution to the persistent conflict in the Middle East lies with the great powers. Until recently, the area has been one of strategic confrontation between the United States and the Soviet Union. The super-powers have tended, in general, to regard developing countries as participants in the struggle between conflicting ideologies and political systems, instead of as a factor demanding a re-examination of the basic assumptions underlying international relations. This has been particularly true of Soviet attitudes towards Arab socialism, and one of the results has been an intensive arms race which has had the inevitable effect of provoking recurrent outbreaks of violence whenever one side or the other has achieved, or believed that it has achieved, a temporary superiority. But the broader strategic situation has

recently undergone some important changes.

The present mood of the United States is out of sympathy with foreign military entanglements; Arab oil has become a potent factor in American economic calculations; and both super-powers have too much at stake elsewhere in the world to allow their plans to be disrupted by Middle Eastern miscalculations. It is probably inevitable that some supplies of arms will continue, at any rate as long as the immediate military situation remains unresolved. There is, however, little doubt that it is now in the common interest of the super-powers to bring the fighting to an end as soon as possible, and to bring about a permanent settlement in the area.

They will have to agree on secure and guaranteed frontiers; on an armaments policy that will put an end to the cynical arms race which has made nonsense of any attempt at a settlement up to now; and not least on their attitudes towards development programmes in the area. The Middle East is likely to be the crucial test of whether the United States and the Soviet Union are really moving from confrontation through competition to cooperation; and whether their common interests are powerful enough to overcome traditional ideological reflexes and the conventional reactions of *real politik*.

There remains the question of whether western Europe can play any significant part in these developments.

The need for the evolution of common foreign policies in Europe is not confined to the present crisis, but it presents a decisive challenge to the new relationship between the United States and Europe.

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BALTIMORE SUN
19 October 1973

Israel said to be recruiting U.S. pilots

Washington (KNI)—Israeli agents have been recruiting American civilian pilots to fly the A-4 Skyhawk light bomber against the Arabs, the New York Daily News reported yesterday.

Under the Israeli recruitment plan, the Americans, former military pilots who have flown the United States-built A-4, say that they are being offered \$5,000 a month. Some of the pilots are skeptical of the offer, saying that the war may be over before they receive their first month's paycheck. They are being told that suitable contract arrangements can be worked out.

The top secret program, started in the last few days, is not being conducted out of the Israeli Embassy, but pilots

who have been contacted say there is no question that the recruiters are working on behalf of the Israeli government.

An Israeli Embassy spokesman said reports of the recruiting were "nonsense." He said the Israelis "have enough pilots. It's planes we don't have enough of." Israeli officials pointed out that their pilots speak Hebrew and the language barrier would prevent Americans from receiving orders.

But some of the American pilots have served in Israel in the past to train Israeli pilots. At least one American pilot has been asked to help recruit his friends. Returning Vietnam veterans form a large pool of U.S. pilots who have flown A-4 in combat recently.

Americans flying for Israel run a slight risk of losing their citizenship, State Department officials said. However, if the pilots fly under contract, rather than taking an oath of allegiance and joining the Israeli Air Force, officials said, "They will not necessarily lose their citizenship. The situation is murky."

NEW YORK TIMES
18 October 1973

Detente and Mideast

High U.S. Aides Still Hopeful, but Critics Of Stronger Soviet Ties Are Bolstered

By BERNARD GWERTZMAN
Special to The New York Times

WASHINGTON, Oct. 17—The Middle East war has produced a highly emotional crisis in Soviet-American relations, the outcome of which will probably decide for some time the fate of the effort by Soviet and American leaders to work out a less contentious, more constructive relationship.

This "détente policy," as it is generally known, had its severe critics even before the fighting erupted between Israel and the Arabs on Oct. 6. The war, with Soviet help flowing to the Egyptians and Syrians, has intensified the criticism and has led to a widespread view in Washington that détente is dead.

But Secretary of State Kissinger, supported by most specialists on Soviet affairs here and by the hopes of the Soviet Embassy, has been urging everyone to show patience, saying ineffect that reports of détente's death have been greatly exaggerated.

Mr. Kissinger, who has been handling the discussions with the Soviet Ambassador, Anatoly F. Dobrynin, has left his State Department aides with the impression that a big-power deal may soon be reached on a formula for ending the war. Despite all the talk about reinforcements, the mood at the White House and the State Department has been more hopeful than gloomy.

Welcome Even If Belated

The view here is that Moscow, after encouraging Egypt and Syria to fight it out with Israel, may now be ready to join with Washington in a call for an immediate ceasefire, to be followed by negotiations on a more permanent settlement. The question then is whether the package can be sold to the Egyptians and the Israelis.

Any Soviet cooperation, however belated, would be welcomed by the Nixon Administration, not only for its effect on the Middle East war but also for its impact on the debate here over the value of détente.

(Détente, a French word, is defined by the Random House Dictionary as "a relaxing, especially of international tension.")

Until the Middle East exploded, the debate, which has been going on for months, had generally been, confined to the question whether the United States could really improve relations with a country that treats its people in a way distasteful to most Americans.

Specifically, the lines had

been drawn over the Administration's efforts to secure from Congress nondiscriminatory tariff status for the Russians—so-called most-favored-nation treatment. Critics have demanded that tariff reductions be linked to unrestricted emigration from the Soviet Union for Jews and others.

In addition, when the Administration's trade bill reaches the floor of the House of Representatives at the end of the month, the critics will seek to bar Government-backed Export-Import Bank credits for the Russians until their emigration policy changes.

The withholding of credits would have more immediate impact on the Soviet economy than the failure to receive bet-

ter tariff treatment because credits are being used to finance the import of American technology. Tariff changes would have significance only when and if Soviet manufacturing volume on the American market.

In the debate over the link between emigration and trade, many who doubted the value of détente nevertheless supported Mr. Kissinger's view that the United States should not tell other countries how to conduct their affairs.

While there can be differences over the relevance of Soviet emigration policy to Soviet-American relations, it seems evident that if those relations are to have real meaning, they should serve to reduce tensions and limit local conflicts.

Critics of the Soviet Union's policy—and there are many in Washington—have concluded, on the basis of its role in backing Egypt and Syria with arms before and during the current conflict and of its exhortations to other Arabs to join the fight, that the effort to improve relations has failed and that the United States was duped into undertaking it.

The critics would like the United States to adopt a tougher attitude and stop making excuses for Soviet behavior. This view is held by a rather mixed coalition—liberal intellectuals, right-wing anti-Communists, Jewish organizations, labor leaders and even Melvin R. Laird, President Nixon's domestic adviser and former Secretary of Defense.

For the moment Mr. Nixon seems willing to go along with Mr. Kissinger's belief that the Russians have not acted as badly as may seem. The State Department view is that the so-called massive Soviet airlift was somewhat larger than Washington would have liked but not so great as to shake the foundations of détente.

"We will match if not ex-

NEW YORK TIMES
17 October 1973

Israel's Curbs on Press Impair Her Credibility in Current War

By TERENCE SMITH
Special to The New York Times

BEERSHEBA, Israel, Oct. 16—Israeli military authorities today barred newsmen from the Sinai Peninsula, where a major battle of the war remains to be fought.

The action was one illustration of why certain aspects of the Israeli-Arab war are reported in detail, and others not at all.

A group of journalists including this reporter was turned back early this morning when it reached this Negev town, which serves as the headquarters for the southern command. The newsmen had departed for the canal front from Tel Aviv two hours earlier with an escort officer and full authorization to visit the Israeli lines in Sinai.

An Israeli source said later that the newsmen had been barred because of intensified shelling and fighting in the central sector of the front, where an Israeli task force had reportedly crossed the Suez Canal.

Problem for Newsmen

The curb was an example of the problems the still-growing army of foreign journalists is encountering in attempt to report Israel's fourth war with the Arabs.

The international press corps that gathered in Israel this week is one of the largest ever assembled anywhere. More than 600 newspaper and magazine reporters, photographers and television personnel from more than 30 countries have been accredited since the war began 11 days ago.

The basic Israeli policy is not to permit newsmen to accompany forces at the front. The policy seems to stem not so much from a desire for secrecy as a concern over congestion at the front and the safety of the newsmen.

As a result, no newsmen were permitted to visit either front until last Wednesday, the fifth day of the war. By then, the Israelis had broken the back of the Syrian offensive in the Golan heights and had retaken

all but small pockets of the area west of the former cease-fire line.

Since then, reporters have had considerable freedom of movement on the Golan heights.

Because of the area's rolling, almost treeless terrain and because the forces there are relatively concentrated, it is possible to see the fighting on the Syrian front and to follow its course in at least a limited area.

In Sinai, however, it has been another story. The area is vast, the front is three times as long as that on the Golan heights and the Israeli forces have been mostly on the defensive.

Until the area was closed today, newsmen were able to drive to bases 15 to 20 miles back from the canal. But they saw little real action.

In the absence of personal observation, newsmen have only the official military communiqués issued several times a day and a rightly briefing provided in Tel Aviv by a reserve colonel from the army spokesman's office.

Data Often Conflict

Frequently the information and battle-damage figures conflict with the descriptions emanating from the Arab countries, leaving the newsmen little alternative but to take account of both.

The credibility of Israeli information in the past was generally regarded as high by most of the newsmen here. But in this war, the feeling is that it has diminished.

"The Israeli sin is omission, not commission," a long-time foreign correspondent observed the other day. "They mislead by leaving things out, not by lying."

A significant credibility gap developed on the third night of the war when Lieut. Gen. David Elazar, the Israeli chief of staff, spoke at a huge news conference in Tel Aviv and pictured the enemy as being on the run on both fronts.

ceed the Soviet airlift," an American official said.

What is crucial in coming days, according to the top officials at work on the Middle East crisis, is how well the Soviet Union and the United States can juggle sometimes conflicting desires—to supply their friends with arms, to find

a diplomatic solution, to maintain the movement toward improved relations.

If they can find a formula leading to a Middle East solution, a strong argument will have been made for the value of détente. If they cannot and tensions increase, the critics will have their day.

WASHINGTON POST
12 October 1973

Guerrillas Fear Trade-Off of Interests

By Jonathan C. Randal
Washington Post Foreign Service

BEIRUT, Oct. 11—The chief Palestinian guerrilla spokesman mixed expressions of pride at the vastly improved Syrian and Egyptian armies with fears that every success may lead to direct peace negotiations with Israel which could sacrifice vital Palestinian interests.

"This is not the first time the Palestinian movement has faced a possible deal or liquidation," newly appointed spokesman Bassam Abu Sharif, 30, said in an interview yesterday, "but the world should realize we are vaccinated against setbacks."

Interviewed in an office lined with posters of Lenin, Che Guevara, Ho Chi Minh, fallen Palestinian leaders, a seal "liberated" from the U.S. embassy in Jordan and other mementos of the Palestinians' ups and downs, Bassam was all business and business was good.

Ticking off train derailments, rocket attacks, hit-and-run attacks the length and breadth of land now under Israeli control, Bassam said: "We're fighting in Palestine and for Palestine and not just to recover the territories the Arabs lost in 1967."

Such a turn of events was

the fortuitous result of the fighting which, at least temporarily, has allowed the badly split Palestinian movement to claim, in Bassam's words: "Never before in our history have we been so united."

For once Israel is not disputing the effectiveness of the Palestinian commandos. With its hands full on the Golan Heights and along the Suez Canal, Israel nonetheless twice in the past four days warned Lebanon to clamp down on commando activities originating on Lebanese soil—or face the consequences.

Unable for geographical and political reasons to knuckle under to Israel, even if it wanted to, Lebanon yesterday paid the commandos a back-handed compliment by closing the south of the country, near the Israeli border, to all newsmen, even those holding valid passes. It appeared to be a case of trying to prevent observers from seeing what the Lebanese government felt powerless to prevent.

As one seasoned Western diplomat put it, the Lebanese realized full well the danger of a possible Israeli invasion and even annexation of the border area up to the waters of the Latani River, but "they dare not refuse the commandos their chance."

Just a month ago, the Palestinian movement was split

between the pro-Syrians, who accepted a kiss-and-make-up act to form a united military front grouping Syria, Egypt and Jordan, and the majority of commandos for whom Jordan was still anathema because of King Hussein's liquidation of their activities there in 1970 and 1971.

Bassam readily admitted that the present fighting may very well end up in a new cease-fire which could lead to the kind of direct negotiations with Israel that all Arab belligerent governments have rejected out of hand since the Jewish state was born in 1948.

Were any such negotiations to work out a peace settlement, the Palestinian commando movement would have failed in its objective of liberating Palestine from Israeli rule and creating a "democratic" and no longer Israeli-dominated, society. This very real worry explains why Bassam insisted that the guerrillas were attacking everywhere rather than limiting their war aims, like Egypt and Syria, to land lost in the 1967 war.

If the dreaded direct negotiations are accepted by the Arab governments, their change of heart would be due most of all to the enormous shot in the arm provided by their armies' performance since the fourth Arab-Israeli war began Saturday.

Bassam exultingly hailed the end of the "Israeli-cre-

ated legend that they and their beautiful generals were invincible, supermen," but he stressed that the movement did not underestimate the Israeli army.

With almost ghoulish delight Bassam insisted that Israeli casualties were running much higher than in 1967.

"We Arabs can afford to lose a million lives," he said, "but the Israelis cannot afford to lose 10,000 men."

He suggested that both the high casualty rate and the dislocation that total mobilization brought to the Israeli economy, meant that Israel would have difficulty fighting for more than 10 to 15 days.

He praised the Arabs for eschewing the wild bombast and exaggerated victory claims which have hurt their cause so much in the past.

"This time it's the Israelis who lie," he said. "Their credibility must be close to zero as they keep having to climb down from their early victory claims."

Bassam's bitter delight over Israeli casualties is perhaps understandable. In July, 1972, the Israelis sent him a book bomb, which exploded and blew off segments of fingers of both hands and disfigured his face.

CHRISTIAN SCIENCE MONITOR
10 October 1973

Saudis becoming 'bankers of world'

By Harry B. Ellis

Business-financial correspondent of
The Christian Science Monitor

Washington

"In three years Saudi Arabia may have greater financial reserves than the United States, Western Europe, and Japan combined."

The speaker, a high U.S. official, was underlining the pivotal role played by King Faisal's desert realm in the monetary and energy future of the Western world.

"In 1974," he said, "Saudi Arabia may earn \$15 billion in oil revenues, of which the Saudis can spend only \$3 billion on internal development."

At that rate, the official went on, the Saudis by the end of this decade "may have accumulated \$100 billion in reserves," becoming in a real sense the "bankers of the world."

Saudi Arabia's supremely important role springs from the fact that only King Faisal's kingdom, among oil-producing nations, can expand production sufficiently to meet the

world's burgeoning demand for crude.

For months Washington and other allied capitals have urged King Faisal to boost his country's daily production from the current 8.2 million barrels to 20 million barrels by 1980.

The King has signaled his reluctance to expand production, unless the United States cuts back its diplomatic and military support of Israel. Never, however, has the Monarch spelled out his demands.

Then, with the King's warning hanging in the air, the latest Arab-Israeli war broke out, subjecting King Faisal to heightened pressure from other Arab leaders to withhold Saudi oil from the United States.

Already, the renewed fighting has begun to disrupt the flow of Arab oil to the West. Lebanon has closed its southern port of Sidon, which normally receives nearly 500,000 barrels of crude daily by pipeline from Saudi Arabia.

The bulk of Saudi production, which moves by tanker from the Persian

Gulf, is flowing normally. About 56 percent of Saudi oil goes to Europe, 29 percent to Asia, 6 percent to South America, 6 percent to North America, and a little more than 3 percent to Africa.

Potentially ominous is a call by Kuwait for Arab oil ministers to convene in emergency session to discuss, as one source put it, "how to use oil in the battle" against Israel.

No time was set for the meeting. Currently most Arab oil ministers are in Vienna, where the six Persian Gulf members of the Organization of Petroleum Exporting Countries (OPEC) are demanding higher royalty and tax payments from Western oil firms.

In Washington, meanwhile, President Nixon launched a campaign to enlist the support of American citizens to reduce "anticipated energy demand by 5 percent over the next year."

The White House urged Americans to lower their home thermostats by 4 percent this winter, thereby saving "over 400,000 barrels of oil per day or

BALTIMORE SUN
16 October 1973

Pro-Israelis challenge British neutrality

By PHILIP POTTER
London Bureau of The Sun

London—British neutrality in the Middle East conflict is being bitterly called into question by pro-Israeli elements who say that the denial of spare parts for Israel's British-made Centurion tanks contrasts with actions favoring Arab states.

Cited are decisions by the British government not to interfere with the training here of Egyptian pilots in the handling of new Sea King helicopters and the presence in Saudi Arabia of 1,500 British Aircraft Corporation personnel advising

Saudis in the use of British Lightning strike fighters acquired by the Saudi regime in a \$650 million defense contract. The helicopters were sold to Egypt by a British firm.

The government also reportedly plans to go ahead with the planned shipment this week of five Scorpion light tanks to the Persian Gulf state of Dubai. Ten were bought and five already have been shipped. The British government claims they are only for

ceremonial purposes.

Pro-Israelis here charge that all of these actions constitute "double-dealing" in the light of the decision taken by Prime Minister Edward Heath and Sir Alec Douglas-Home, the foreign secretary, about 24 hours after the fighting began to maintain a complete ban on arms supplies to Middle East "battlefield countries" during the course of the war.

The British hope is that by doing this they can play a leading role in the eventual peace-making.

Parliament resuming

With Parliament resuming today after its summer recess, several members have put the Heath government on notice it will be attacked on grounds that its current stance is weighted against Israel.

Among those attacking the government yesterday was Michael Stewart, an ex-foreign secretary in a Labor party government, who went on the British Broadcasting Corporation television to argue that

Britain is guilty of breach of contract in refusing spare parts to Israel.

He was echoing Hugh Fraser, a member of Mr. Heath's own Conservative party, who accused the government of "abuse of contract" in refusing Israel spare parts for its Centurion tanks at a huge Zionist Federation rally in Trafalgar Square Sunday.

Sir Samuel Fisher, president of the Board of Deputies of British Jews, told the same rally that the arms ban meant that Israel was "refused arms for which she already paid this country."

Anti-British feeling is bound to be accentuated in Israel and among Jews and their sympathizers here by the government's admission yesterday of the training here of Egyptians in the flying of Sea King helicopters under a deal made about three months ago.

A joint statement from the Foreign Office, the Defense ministry and the Westland Helicopter Company firm said:

"Egyptian pilots are about to

begin training in the context of a deal made two or three months ago for the purchase of helicopters. Training will continue for several weeks."

In the House of Lords yesterday afternoon, Jewish peers complained strongly about the ban on arms for Israel.

Lord Janner, president of the Zionist Federation, urging repeal of the ban, said that in the light of the training of Egyptian crews for helicopters, it seemed "another example of government perfidy."

The peers were promised that Sir Alec would make a full statement today and that the House of Lords could have a full debate Thursday on the war.

Meanwhile, the British Aircraft Corporation said yesterday the embargo so far had not affected its contract with Saudi Arabia. Already delivered there are 43 of the Lightning strike fighters. The company said it would seek British government guidance before delivering others for which Saudi Arabia has contracted.

NEW YORK TIMES
13 October 1973

Israel Is Accused in U.N. Of Sinking a Soviet Ship

By ROBERT ALDEN

Special to The New York Times

UNITED NATIONS, N. Y., Oct. 12—The Soviet Union accused Israel today of "barbarous" attacks on nonmilitary targets and demanded that they be stopped at once.

Yakov A. Malik, the Soviet delegate, read to the Security Council a dispatch from Tass, the Soviet press agency, that said the Soviet merchant ship Ilya Mechnikov had been sunk in Tartus, a Syrian port, by an Israeli attack.

Tass demanded "an immediate stop to the bombings of peaceful towns in Syria and Egypt, and the strict observance by Israel of the norms of international law."

"The continuation of criminal acts by Israel will lead to grave consequences for Israel itself," the Tass article added.

Yosef Tekoah, the Israeli representative, said his information on the basis of a news dispatch was that the Soviet merchant ship had been damaged as a result of a naval battle that took place between Syrian and Israeli naval vessels outside the port. He termed the

damage "unfortunate."

Reports from Damascus said that the ship had subsequently been sunk, as had a Greek and a Japanese merchant ship during attacks made by Israeli missile boats on the ports of Tartus and Latakia.

"We regret the sinking of civilian ships," Mr. Tekoah said. But he added that Syria and Egypt were patrolling wide areas along their coasts, and that their vessels were being engaged by Israeli forces.

He added, "our pilots have strict orders about taking any action against any civilian targets."

Abdel Halim Khaddam, Deputy Premier of Syria, charged the Israelis with using napalm and with having dropped delayed-action bombs in the suburbs of Damascus, "where the poorer classes make their homes and where there are people who are not familiar with this type of bomb."

Quoting Moshe Dayan, the Israeli Defense Minister, as saying that the Israelis would be in Damascus in 24 hours, Mr. Khaddam commented:

"Well, let us see if Damascus will fall in 24 hours. It will fall in 24 hours if there isn't a single Syrian left alive."

Dr. Mohammed H. el-Zayyat, the Egyptian Foreign Minister, warned that there would be reprisals if Israel's forces continued to hit civilian targets.

In contrast to the words of the belligerents, this month's Council president, Sir Laurence McIntyre of Australia, spoke of the "grave responsibility" to restore peace.

He added that the debate "over the past few days has illustrated the very high intensity of emotion that exist at present, particularly between the parties concerned—and this, of course, does not make our task any easier."

"We are simply wasting our time," he said, "if we join in recriminations which only seek to ascribe blame to one side or the other."

The general belief here is that until military developments are such that one side or the other is willing to modify its basic political position, the Council will be unable to act effectively.

The United States, which requested the convening of the Security Council, has let it be known that its position is flexible, that it does not want to be provocative and that it is willing to listen to other points of view with an eye to modifying its position if that would lead to a cease-fire and, eventually, to permanent peace.

"enough to heat 2 million homes."

The President ordered federal agencies to lower their winter temperature settings to 70-72 degrees, to eliminate unnecessary lighting, and to buy and rent "more energy efficient vehicles" — in short, smaller cars.

Adopting Charles Schulz's character "Snoopy" as the symbol of a "SaveEnergy" campaign, the White House pledged to distribute a broad range of energy-saving hints to the public, including teaching kits for use in school classrooms.

Lack of awareness

President Nixon appeared to be unaware of the real market situation, when — to the astonishment of his experts — he recently warned the Arabs that "oil without a market doesn't do a country much good."

Asked privately why the President had so warned the Arabs, a high-ranking U.S. official snapped:

"Because he was advised by a fool." The President, the official added, had been "readvised."

With each industrial nation scrambling to secure enough oil, declared a U.S. official, no agreement has yet been reached among the United States, Japan, and European countries on how to share oil, in case the Arabs reduce supplies.

LONDON TIMES
8 October 1973

THE FOURTH ARAB-ISRAEL WAR

This time the Arabs started it. Of that there can be no reasonable doubt. It may well be true that Israel was planning some punitive action against Syria for the alleged involvement of the Syrian-controlled guerrilla organization in the Vienna kidnapping of September 29. This threat could have provoked the Syrian and Egyptian troop build-ups (as a similar threat did in May 1967). But Israel would hardly have chosen to attack on two fronts simultaneously before her armed forces (the bulk of which are part-time) were even mobilized. It is clear that the Egyptians, who in 1967 felt the devastating effect of a surprise attack, were determined that this time they would get in their blow first and as far as possible have the force of surprise on their side.

So much then for the view expressed in this space only a week ago, that "the Arab world as a whole seems to be turning away from violence and towards an attempt to solve its problems by political and diplomatic methods". We were wrong, but we were in good company. Our view was shared not only by almost every Western observer of the Arab scene, but even by Israel's ambassador in London, Mr Michael Comay, who less than a fortnight ago declared in public that "the prospect of another Middle East war has receded".

So once again the Middle East is plunged into large-scale bloodshed and destruction. That is a tragedy for all concerned, and those who took the decision to do it—presumably President Sadat and President Assad—bear a heavy responsibility. King Husain has so far kept his country out of the conflict, which is politically courageous as well as wise of him. One of many good reasons for hoping the conflict will be short is that the longer it goes on the harder it will be for Jordan to stay out of it.

What are the motives of the Egyptian and Syrian leaders? It was, after all, their actions which convinced observers in the past few months that a new era of Arab moderation was opening. Egypt had moved away from Libya

towards Saudi Arabia, had presented her case with studied moderation at the United Nations, and had even rebuked those Arab intransigents who refused to have lunch with Dr Kissinger. Syria had reopened diplomatic relations with Britain and Jordan, had welcomed Dr Waldheim in Damascus, and had curbed the propaganda of Palestinian extremists on her territory. Were all these moves part of an elaborate smokescreen for bellicose intentions?

Not really, because in fact the bellicose intentions were never disguised. Syria has continued to state her view that no compromise with Israel is possible, and that what was taken by force will have to be recovered by force. Egypt has been saying for many months that a peaceful solution is not possible because of Israel's intransigent attitude and America's unconditional support for it, and that therefore the Arabs must prepare for a total confrontation. Where western observers apparently went wrong was in interpreting these remarks as mere Arab rhetoric, or at most as statements of a long-term view rather than a short-term intention. It now appears that when the Egyptians said that oil could supplement military force as a weapon in the Arab struggle, but not replace it, they meant exactly what they said.

It would be surprising nevertheless if this view were shared by King Faisal, whose influence in both Egypt and Syria is thought to have been increasing in recent months. He had found a subtle and not ineffective way of using oil as a lever on United States diplomacy, which might in time have had some effect on Israel's position. The chances of this succeeding seem greatly reduced by what has now happened. America's (and Europe's) need for Arab oil will not be less, but Israel's willingness to envisage concessions will. The overwhelming majority of Israelis will take this war as confirmation of their need for militarily defensible frontiers well away from their centres of population, and of their view that

Arabs cannot be trusted to keep their word. The hopes for any kind of Faisal-Kissinger plan for the Middle East would now seem to be slim indeed.

Possibly, then, the decision to fight was imposed as a last desperate effort by those in Egypt and Syria who are seeking to resist King Faisal's influence. It could even be that the two leaders took it against their own better judgment. They may have reflected that a military victory, though unlikely, could only strengthen their positions, while defeat would possibly convince their opponents, in their own countries and in the Arab world at large, of the futility of military action at least in the short term. President Sadat was even reported earlier this year as believing that another crushing defeat for Egypt was necessary in order to shock the Arab world into using its oil power against the West. If that is his calculation, he may well succeed in harming the West, but he will also do great harm to his own country and probably to the rest of the Arab world as well. *La politique du pire amène, en général, le pire.*

In short, there is no comfort for anyone in this affair. Not for Israel, which is faced not only with human losses but with the prospect of fighting a new war every few years and with the temptation to over-extend her resources by occupying yet more Arab territory. Not for the West, which will find it more difficult than ever to persuade Israel to pay any political price that Arabs demand for their oil. Not for the Soviet Union, which finds itself obliged to support Arab policies but unable to control them. Not for the Arab states, which face new physical devastation and quite possibly yet another moral humiliation, bringing yet more divisions and recriminations in its wake. And perhaps least of all for the Palestinians, the original victims of the whole conflict, whose liberation is no longer even an official Arab war aim and whose "legitimate interests" seem farther than ever from fulfilment.

NEW YORK TIMES
12 October 1973

Cairo Press Agency Says U.S. Joins in Israeli Raids

CAIRO, Oct. 11 (UPI)—The Middle East News Agency said tonight that United States Phantom jet fighters based on a United States aircraft carrier in the Mediterranean sea had joined in Israeli raids on

Egyptian positions.

The agency quoted "Arab diplomatic sources" in the one-paragraph item. The semi-official news agency gave no other details.

WASHINGTON, Oct. 11 (UPI)—A State Department spokesman tonight called the report "a mischievous and outrageous lie."

WASHINGTON POST
11 October 1973

Electronic Warfare Is a Major Factor in Mideast

By George C. Wilson

Washington Post Staff Writer

The dark art of electronic warfare—so secret that little is written about it—will help decide who wins this latest Arab-Israeli war.

The war communique from both Cairo and Tel Aviv do tell that Egypt's missiles are pitted against Israel's planes in the battle for the Sinai desert, with losses of Israel's "flying artillery" of utmost concern to Tel Aviv.

But the communique cannot describe the grim but silent struggle as technocrats on both sides try to give their fighting men the upper hand with modern weapons that can mean the difference between victory and defeat.

And how this part of the war comes out will provide a fresh measure of the relative merits of Russian and American weapons—a crucial measurement in this age when each superpower is hostage to the other's military might.

Egypt is counting on its Soviet-made anti-aircraft missiles—the SA-2 Guideline, SA-3 Goa and SA-6 Gainful—to offset Israel's American-made F-4 and A-4 fighter-bombers as well as some French-supplied aircraft.

Israel is counting on tactics and electronics to keep Egypt's missilemen from knocking down too many of its planes so it can carry out its war plan to rely primarily on firepower from the air.

The SA-2 for high-altitude shooting and the SA-3 for low altitude have been around for so long that Israel has armed itself with electronic counter measures (ECM) to foil them, as did the United

States when it came up against the SA-2 in Vietnam.

But the SA-6 is a newer anti-aircraft missile, although Russia paraded it as far back as the May Day Parade of Nov. 7, 1967. So the most challenging part of Israel's ECM battle is foiling this SA-6, an improved version of the low-altitude SA-3.

Starting with the fundamentals of electronic warfare, the "eyes" of today's modern missiles are radar. One type, called acquisition, goes out a long way to search for an invading aircraft and "acquires" it in the form of a blip on a radar scope. Another type tracks the plane and a third guides the missile fired at it—the fire-control radar.

Two basic techniques for fouling up these radars are to fuzz up the gunner's radar screen—like blurring a home television set—or to make the blip he is tracking appear far from its actual location.

But to perform these and lots of other electronic cat-and-mouse tricks effectively, the invader must know a lot about the radar being used against him—such as frequency, power level and width of the pulse.

Israel—and the United States—know those things about the SA-2 and SA-3. Collecting such electronic intelligence (ELINT) was the mission of the USS Liberty, shot up during the six-day war of 1967; the USS Pueblo captured off Wonsan, North Korea, in 1968, and the EC-121 spy plane shot down by North Korea in 1969.

A standard technique is to tape record these radar signals from anti-aircraft batteries so that specialists back in the laboratory can figure out ways to disrupt them. But, to do this, the enemy tracking and fire control radar must be turned on.

Modern nations for decades have been playing an electronic game of "chicken," such as flying planes at another country's air defenses, to provoke anti-aircraft batteries into turning on their radar so the signals can be recorded.

But this game of chicken costs lives, with the USS Liberty and Navy EC-121 only two of many examples of men killed collecting ELINT.

Israel, if the SA-6 is indeed taking a toll on its aircraft as Pentagon specialists believe, now must collect more ELINT on the SA-6 and design electronic counter-measures against the weapon.

Diving down on an SA-6 battery to record its firing signals would be highly dangerous, if not suicidal, since the missile is shot from close-range like a bullet. Two less costly options are using drones—airplanes without pilots—or capturing an SA-6 and then operating it to unlock its electronic secrets.

Israel does indeed have drones—an adaption of the Ryan target drone made in the United States. The Israeli version is the Ryan 124-I. So that possibility is in reach.

Since the Egyptians apparently have taken the SA-6 with them across the Suez

Canal on tracked vehicles, Israeli forces may capture one before long. The SA-2 and SA-3 are also mobile.

The vehicles carrying the anti-aircraft missiles may find it hard going in the sands of the Sinai and stick to one of the three roads near the Egyptian landing site—making it that much easier for the Israelis to steal a missile.

Electronic warfare specialists said yesterday that the SA-6 seems to be more maneuverable than the SA-2 or SA-3. This would mean that the operator guiding the missile with radio signals could achieve more accuracy by adjusting its fins in flight. American pilots

found that the SA-2 could not keep up with them as they dove sharply and took other sudden maneuvers—a shortcoming that helped keep loss rates down to 2 per cent.

The fewer planes Israel loses to the SA-6 and other missiles, the fewer replacement aircraft the United States will have to send. So it is virtually certain that more American ECM equipment to foil the missiles will be in an early shipment of war supplies to Israel. The Soviet Union, will probably send more offsetting equipment to Egypt in hopes of winning the electronic war.

Another front in this grim but little noted war is around the Golan Heights where, informed sources say, Syria is using the Soviet-made SA-7 Strella—a missile which homes in on the heat from a helicopter or airplane engine after being fired bazooka-style by an infantryman.

WASHINGTON POST
6 October 1973

Richard Holbrooke

History Rules the Mideast

Talk with anyone in Israel and the past is there, always a living reality, a continuous and intensely personal saga in which yesterday's battles merge with those of 20 centuries.

An Israeli colonel, with a David Ben-Gurion mustache and accent to match, stands on the side of a hill above the Sea of Galilee giving us an official briefing. Suddenly he pulls from his pocket a copy of the New Testament and begins reading from the Gospel according to Mark. He points across the Sea of Galilee to Capernaum, and reads of Jesus stilling the waters of Galilee to permit the safe crossing of his disciples. ("Of course, Jesus probably did this in the late afternoon, when the winds usually die down on the Sea of Galilee," he adds.) Above us tower the Golan Heights, and later we look down from the former Syrian gun positions at the area where Israelis tilled their fields before 1967. "We will never give these positions back to an enemy," we are told. "We lived with this situation long enough."

• As we pass through the small town of Lidda, or Lod, between Tel Aviv and Jerusalem, I ask my driver if the town had not originally been Arab, taken by the Israelis during the fighting 25 years ago. "No," he corrects me. "It was originally Jewish. Our archaeologists found the remains of the Jewish settlement here which is mentioned in the Bible. The Arabs came later. We took the town back in 1948."

• Sometimes the history is deeply personal. Our host (I was a guest of the Israeli government) is an urbane Israeli diplomat, and we are looking across the Valley of Kidron toward the Mount of Olives. At our back is the eastern wall of the old city, in front of us on the slopes is a Jewish cemetery. Above the cemetery, in that part of Jerusalem controlled by Jordan from 1949 until 1967, stands an Intercontinental Hotel whose construction was authorized by King Hussein. The Israelis, our escort tells us, had to watch helplessly from their half of divided Jerusalem while Jordanian bulldozers cut an access road through the Jewish cemetery. Then he says quietly, "My father was buried there, and I watched them moving closer and closer to his grave, and finally through it. But we couldn't do anything about it." After the Israelis took East Jerusalem back in 1967, they built a mass grave for the dead victims of the Jordanian road.

• And sometimes history and the impossible problems it has created are visible to every tourist. Nowhere is this more evident than at the very heart of Jerusalem. Most people know that Jerusalem is the third holiest place in Islam, and that it is the center for all Jews. But the full impact of that fact only becomes evident when one visits the actual religious sites themselves. For the Wailing Wall, the most important spot in the world for Jews, and the Al-Aska mosque, holier for Moslems than any place outside Mecca and Medina, are in fact adjoining on the same sacred site. The Western Wall is a retaining wall for the built-up Temple Mount area, and the two great

mosques—one of which surrounds the rock on which Abraham sacrificed a lamb instead of his son—sit directly on top of the remains of ancient Christian churches and the location of the Temple itself. All this is an area about the size of Lafayette Square—Moslem and Jew seeking to pray on virtually the same piece of ground.

"The Bible is not only a religious book, it is the history of Israel," says a Washington lawyer married to an Israeli. Men like Moshe Dayan, who show no religious feelings, can none-

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of Foreign Policy.*

theless spend hours discussing Old Testament events as living history with parallels in modern Israel. The sense of constant strife, the feeling that the history of Judaism is continuous and that the present is merely the latest phase of a struggle for identity, is always present. It both elevates the Israelis and condemns them. The Israelis clearly hate war, as they tell the visitor continually, but Israel is nonetheless a state with a highly militarized flavor, a state in which fighter pilots are still heroes and every man and woman must serve in the Armed Forces. Israel is a state in which a suicidal last-ditch stand by Jewish Zealots almost 2,000 years ago atop the hilltop fortress of Masada is celebrated today as the symbol of Jewish defiance. Stewart Alsop and others have distressed Israeli leaders by referring to the "Masada Complex." Yet Masada is not just a tourist attraction in Israel; it is a living memory in the minds of Israelis. "You must walk up the hill, not take the cable-car," an Israeli with whom I shared a taxicab said. "That way you will understand what we went through."

The most important parts of Israeli history are those within the lifetimes of the present founders and builders of the Jewish state. A man who is less than 50 today may have already fought in five wars—four of them for his own nation's creation and survival. Other Israelis may have missed out one or two of the wars but only because they were still enduring persecution in Germany, Russia or Iraq.

Everywhere there are monuments to the wars—in the heart of Jerusalem, in the kibbutzim near the Sea of Galilee, and on the famous road between Tel Aviv and Jerusalem, where the Israelis have left the burnt-out shells of the trucks which did not make it through the ambushes set by the Arab armies in 1948. They lie along the side of the road, rusting now, the date each was destroyed stenciled into a nearby rock.

That war was fought with desperation born out of the searing historical memory that immediately preceded it—a memory that hangs over Israel, silent but present.

The Holocaust—the destruction by the Nazis of the Jews of Eastern Europe—is the single most awful moment

in Jewish history, perhaps in world history. Young Israelis, taught about the martial glories of the recent past, ask why so many Jews went to their deaths without fighting back. Older Israelis know the answer, but find it hard sometimes to explain. Everyone of European origin in Israel has been touched personally by the Holocaust. And while it is the historical experience least mentioned voluntarily by Israelis, it is, I suspect, the most important in shaping their basic attitudes. Many Israelis have inevitably come to regard the Arabs as the successors to the Germans as would-be annihilators of the Jews. To Israelis, history from Masada to the Warsaw Ghetto forms a continuous pattern, and leads directly to the present.

But Israelis are steeped in the history of their land and of their people. Americans might feel that it does not matter exactly where the Second Temple was, or whether Jews have lived in Lidda longer than Arabs. They might point out that the Holocaust, awful as it was, had nothing to do with the Arabs. Americans, who pride themselves on their pragmatism, might say that the problems of the present are enough for anyone to try to solve, without being compounded by the overlay of ancient and modern history.

Such, in fact, is the starting base for some of the most serious efforts by American and United Nations negotiators over the last 25 years. They are constantly proposing reasonable solutions to unreasonable problems, compromises and accommodations which would make perfect sense if they could be implemented between two factions which did not have all that history.

But that is just the point. The history is there, and even those who claim not to dwell in the ancient past are captive—often of their own recent personal history. Each side clings to its own understandings of the past—and all that implies about the future—with a tenacity that leaves the outsider awed. The leaders of both sides remember everything.

It is part of their own lives. It is, after all, the present Prime Minister of Israel who negotiated in secret with the grandfather of the present King of Jordan. She remembers that negotiation, and that what was being decided then was worthless after Abdullah was assassinated. She wonders what any agreement with the Arabs might be worth. The Arabs ask similar questions, and cite similar historical precedent.

It would be nice if someone could wave a magic wand and make all this history disappear. Problems would remain, but minus the extraordinary accumulation of historical myths and memories they would be far less difficult. But that is impossible; history—old-fashioned history, of wars and racial conflicts, of age-old hurts and misunderstandings, of territorial competition—is in control of the emotion of everyone in the Mideast. It is easy to sit in Washington and write detachedly about the problem. But when you are, in the Mideast, there is no detachment. The intensity of the conflict grabs at you relentlessly. That is what I want to convey: the intensity of feeling is so high, and history, from the Biblical era up to yesterday, hangs heavy over the land.

Western Hemisphere

WASHINGTON POST
14 October 1973

Chile Prison Camp Head Says Vigilantes Kill Freed Prisoners

By Lewis H. Diuguid
Washington Post Staff Writer

SANTIAGO—With concern mounting here and abroad over alleged human rights violations by the ruling military junta, the commander of Chile's main detention camp has charged that vigilantes are executing released prisoners.

Col. Jorge Espinosa, commander of the improvised camp at the Santiago soccer stadium that houses 3,700 detainees, said that more than 50 persons released for lack of evidence against them have disappeared or turned up dead before reaching home.

The question is, who killed them? Espinosa says he has evidence that several were leftist revolutionaries silenced by fellow "extremists" to prevent exposures. He did not produce such evidence, however, and he acknowledged that the killings could just as well have been by rightist vigilantes bent on eliminating known Marxists or suspicious foreigners whom the courts martial found no cause to prosecute.

Circumstances surrounding the deaths of several foreign detainees have provoked speculation that troops at the stadium were summarily executing defenseless prisoners. Espinosa denied this.

Concern is fed by the military's own announcements of daily executions in scattered locales, said in each case to have been triggered by armed attacks on the troops, or by attempted escape of prisoners.

This is despite apparent tranquility throughout the country, which is under tight military control. The official death toll since the Sept. 11 coup has now climbed above 500, 34 of them police or troops. Unofficial tolls run higher, although little evidence has appeared to substantiate figures running into the thousands.

At least half a dozen of the possible victims of vigilantes were foreigners. The junta has charged that thousands of foreigners were abetting a Marxist plot to seize absolute power.

American graduate student Frank Teruggi's body was delivered to the morgue by a military patrol a day after the authorities say he was re-

leased at the stadium. He died Sept. 21, and an autopsy was delivered to the U.S. Consulate last week showing the cause was multiple gunshot wounds in the head and abdomen. No ballistics report was provided to indicate whether the bullets were of standard military calibre.

Another American, filmmaker Charles Horman has been missing since Sept. 17, when neighbors say he was picked up by men in uniform. One witness says she followed the truck to the stadium, but the authorities show no record of his entering.

Espinosa pointed out that several attacks against troops were carried out by assailants in regulation uniforms. Theft of uniforms has been common here in recent years.

Another case having great impact in church and diplomatic circles is that of a Brazilian who says he was visiting in Santiago when the coup occurred. He was at the home of a Brazilian professor when it was searched.

He charges that both were taken to the stadium, later conducted at gunpoint along with a Uruguayan to a river bank, and gunned down. The Brazilian says he was wounded in the shoulder and leg, but he revived downstream and reached a nearby house.

Among the places sheltering him in the next days was a Catholic Church. Asylum was arranged in an embassy, where he remains with a bullet in his shoulder to support his allegations. Several bullet-riddled bodies have been found in the river at a point where its flow is impeded.

In response to abuses of search powers invoked by the military the commander of the Santiago area, published a special communique affirming the right of citizens to obtain the name and unit of the officer in charge and to submit claims if the search were not carried out according to fixed rules.

But citizens are also encouraged to denounce suspicious activities and it is on the basis of these often frivolous denunciations that many of the searches are carried out.

There are indications that protests from abroad are registering with the junta. The typical initial reaction was that a propaganda program directed by international Communism was seeking to deprecate Chile.

But Air Force Commander Gustavo Leigh granted an interview to the extreme rightist newspaper *Tribuna* in which he condemned book burnings and made the point, "You do not get rid of Marxism by killing Marxists."

Last Sunday, Pope Paul told worshippers that he was saddened by reports from Chile. In this nation where almost all of the 9.3 million people are at least nominally Catholic, the impact was considerable.

The papers allowed to print here under censorship, carried statements that the Pope was misinformed without in some cases reporting what he said. "They will have a time saying the Pope is party to the Communist conspiracy," said a Christian Democrat.

On Tuesday, the junta took the extraordinary step of visiting Raul Cardinal Silva Henríquez, archbishop of Santiago. In a rare press conference afterwards, the cardinal alluded to distorted press coverage without suggesting that was the source of the Pope's declaration.

A Frenchman sent to report on the situation here, Joe Nordmann of the International Association of Democratic Lawyers, has charged that Chile is violating the 1949 Geneva Conventions.

Nordmann cited first-hand reports of persons executed who were not participants in the internal civil conflict implied by the junta's proclamation of a state of war.

"People who served a constitutional government . . . are under threat of execution or judgement by courts martial," he said, adding that he had verified a small number of cases of torture.

It is the position of the Junta that it has ordered summary executions only of those attacking the armed forces.

Jurists Say Prisoners

Tortured in Chile

From News Dispatches

SANTIAGO, Oct. 13—A

commission made up of three lawyers—two Frenchmen and a Spaniard—said today their investigation here has revealed confirmed cases of torture and summary execution of prisoners since the armed forces took power last month.

"We have found cases of mistreatment of all kinds," said Leopoldo Torres Boursault, secretary general of the International Movement of Catholic Jurists, at a news conference. "In some cases we have interviewed the victims themselves, and in other cases the information has come from persons of absolute moral integrity, including diplomats and clergies."

Gen. Augusto Pinochet, leader of the military junta, denied in a meeting with the commission Friday that the junta had violated any human rights.

Torres said the junta was enforcing the "law of escape" meaning authorities execute prisoners and then announce that they were killed while trying to escape.

The commission said prisoners were beaten, burned with cigarettes, immersed in water and had electrodes attached to their bodies. It said there was a high incidence of mistreatment of foreign prisoners.

The military junta announced that five men, all identified as members of leftist, political organizations, were executed in Pisagua, prison camp in northern Chile. They were found guilty of attacking representatives of the armed forces and acts of terrorism.

The government banned publication or broadcasting of any reports of executions, deaths or imprisonments other than the information contained in official press communiques.

Meanwhile, U.S. officials seized a Soviet merchant ship in the Panama Canal, pending the resolution of Chilean legal claims on its cargo.

Two Chilean companies have sued through the U.S. District Court in the Canal Zone for \$1,298,000 for non-delivery of cargo aboard the So-

viet ship, the William Foster. The suit says the ship turned back and failed to deliver the cargo after the Sept. 11 coup.

THE ECONOMIST
29 Sept 1973

Chile glide-in

Washington, DC

The United States announced on Monday that it would continue diplomatic relations with Chile. By then, more than 20 countries had recognised the new military regime while a few, like the Soviet Union and Cuba, had broken off relations. The announcement was carefully timed. As a State Department official had said, what the United States wanted to do was to "glide in—not the first and not the last—so that no one can infer a special meaning." But because of the strained nature of relations with the Allende government, accusations have come from inside and outside the United States of American involvement in the coup. In particular, recent revelations of discussions between Central Intelligence Agency officials and those of the International Telephone and Telegraph Corporation in 1970-71 about plans for economic sabotage of the Allende regime have lent the accusations a surface plausibility.

Mr Jack Kubisch, Assistant Secretary of State for Inter-American affairs, has assured a foreign affairs subcommittee

of the House of Representatives, in both public and secret session, that no element of the government was in any way involved. And that went for the CIA too, he added. There had been mention in the Mexican press of a CIA plan, code-named "Centaur," to topple President Allende. But this, Mr Kubisch said, was simply the product of the deranged imagination of an American in Mexico. On the morning of the coup three American destroyers and a submarine were steaming from Peru to Chile. But this was apparently to do with a routine naval exercise between Chile and the United States; and with the news of the coup the ships were recalled. Likewise, the sudden recall to Washington of the American Ambassador to Chile on the weekend before the coup was merely connected with Mr Henry Kissinger taking up office at the State Department—and not part of any plot. To add credence to all this, the Administration has been delightedly quoting the Chilean junta's own statement that it deliberately kept the United States in the dark about the coup.

These denials have not completely satisfied everyone. Committees in both houses of Congress intend to probe

further, in particular into the question of whether the United States did not indirectly contribute to the coup by squeezing economic aid to Chile—cutting bilateral aid and blocking aid in the international lending organisations. The Administration claims that President Allende wanted virtually no bilateral economic aid (though American military aid to Chile actually increased under the Allende regime) and was denied much international aid simply because of the fiasco of his economic policies.

The Chilean junta has said that it welcomes foreign private investment. But so far all those American companies which might have had dealings with Chile in the past or which might like to in the future are sitting on their hands. New American investment remains very unlikely unless there are better terms of compensation for those companies expropriated by the Allende government. That mainly concerns the copper companies and ITT, and change here seems unlikely. Nationalisation or expropriation of the copper companies was one issue on which President Allende had virtually unanimous Chilean support, and in the eyes of most Chileans, ITT has put itself beyond the pale.

DAILY WORLD
26 SEP 1973

Mrs. Allende charges CIA forged banknotes

HAMBURG, Germany, Sept. 25 (UPI) — The widow of Chilean President Salvador Allende has accused the CIA of forging Chilean banknotes to fuel inflation in Chile.

"I want to accuse directly the Central Intelligence Agency, the ITT, the American copper companies and the American State Department," the widow, Mrs. Hortensia Allende, said in an interview in Mexico City with the West German magazine Stern. "They never allowed him to govern the land in peace for a single day."

Waters poisoned

Stern also published an interview with Hugo Vigorena, former Chilean ambassador to Mexico, in which the diplomat alleged that

the U.S. poisoned the water in Chilean irrigation ditches.

"We know that agents of the CIA attempted to ruin sectors of our agricultural economy with chemical poisons," Vigorena told Stern.

"There were war materials which the Americans first had tried in Vietnam and which they put into our irrigation system after Allende's election as President.

"The farmers always wondered why plants seemed to die, particularly in the newly cultivated areas. For a long time, we believed this was simply the result of wrong farming techniques."

Vigorena told Stern he had documentary evidence kept in a bank vault which he intends to publish in about two weeks, after certain Allende supporters have managed to flee Chile.

WASHINGTON POST
7 October 1973

Chile's Envoy in China Assails Military Junta

Reuter

PEKING, Oct. 6 — Chilean Ambassador Armando Uribe today condemned the recent military coup in Chile and said his embassy in Peking would continue to operate as the "loyal and sole representative of Chile in China."

Uribe said at a press conference that documents would be published in Rome in a few days proving United States involvement in the last month's coup.

He added that resistance to the coup inside Chile was continuing and would continue until "we, the people of Chile, arrive at final victory."

Uribe, who was in Western Europe when the coup took place, said a provisional secretariat which he helped to set up in Rome and which was linked to the resistance movement in Chile was the direct successor of Allende's government. He added that he did not expect government-in-exile to be formed.

SAN ANTONIO, TEX.
LIGHT

Chilean Coup Analyzed

(Nathan Haverstock is director of the Latin-American Service, based in Washington, D.C. In this special article, he gives the CIA interpretation of the sequence of events leading to the seizure of power in Chile by a military junta.)

By NATHANA
HAVERSTOCK
Special to The Light

Often accused in the past of super (and needless) secrecy the U.S. Central Intelligence Agency went to remarkable lengths to let everyone know that a coup was brewing in Chile—it remained only to fill in the precise date.

From a CIA printed source which does not bear a particularly high security classification, it is therefore possible now—as it was when the daily source was being distributed—to construct a plausible calendar of the steps leading up to the coup, thanks to signals provided by CIA intelligence for all the world to read.

August 20th (Monday)—on this date, according to the CIA source, Chile's Marxist leader, Salvador Allende, used the occasion of the swearing-in of a new minister for public works and transportation, to say that the "arbitrary and unjust truckers' strike has disrupted public order in this country to an extent never before reached . . . this is the last chance to avert confrontation and civil war." That same day, the man whom Allende had fired from the ministerial post, Gen. Cesar Ruiz Danyau, declared on a Chilean television show that he would refuse to resign his air force command, as requested by Allende the previous Friday.

THE MEANING

Meaning of these events as interpreted by the Latin-American Service:

—Though General Ruiz did subsequently resign his command, his declaration on television was a clear signal that the Chilean air force was wavering in its support of the Allende regime.

August 23rd (Thursday)—On this date, President Allende announced that he would name a new defense minister and army commander. That same day it was reported that he intended to name Gen. Augusto Pinochet Ugarte to both posts. That same day Allende's majority opposition in the Chilean chamber of deputies passed a lengthy resolution—a bill of particulars spelling out in detail in the precise ways in which the Allende government had violated the Chilean constitution.

IN RETROSPECT

Meaning of these events as interpreted in retrospect—General Pinochet who would later lead the successful military coup, was not in a position to make his move, his presumed mandate based on the resolution approved by a clear majority of Chile's legislators.

August 29th (Wednesday)—On this date under strict secrecy, General Pinochet presided over a meeting of 24 generals (all but three of those comprising the Chilean army's high command). On the preceding Monday, the generals had formally decided to grant Pinochet complete freedom of action in selecting new army commanders to handle the crisis.

Meaning of the event in retrospect—General Pinochet had by now established himself as the front runner in the army leadership—the army being by far the most powerful of Chile's armed services.

NAVY BALKS

August 30th (Thursday)—Per instructions of a naval court in the Valparaiso naval district (whose commander is second-in-command of the Chilean navy), all records on a group of 24 sailors and non-commissioned officers, who had been rounded up for subversive activities during the Mau-August period, were forwarded to a Chilean court of appeals. In sending the re-

ords forward, the naval court asked the court of appeals to lift the congressional immunity of two left-wing congressmen, alleged to have played a role in fomenting naval insurrection.

Meaning of the event in retrospect—A power struggle was developing within the Chilean navy over the issue of whether or not to pursue its logical conclusion serious charges of left-wing subversion within the Chilean navy.

The action of the naval court was a signal that the Chilean navy, like the army and the air force, was wavering in its support of the Allende regime.

DECLARATION

August 31st (Friday)—On this date, Sen. Benjamin Prado, a leader of Allende's Christian Democrat opposition in congress, publicly declared that his party did not question Allende's right to name members of the armed forces to his cabinet or his right to retire officers. "But we emphasize," Prado added, "the risk (he assumes) of confusing these rights and the principles of (military) obedience." The senator warned that the armed forces were in danger of becoming politically compromised through continuing support for an administration "which has almost caused a confrontation in Chile."

September 3rd (Monday)—A spokesman for General Pinochet said that the general would not attend the 10th Latin American military commanders meeting, opening that day in Caracas, Venezuela, because of "private reasons." (The military commanders meeting is an annual affair at which U.S. and Latin American military men discuss matters related to hemisphere security.)

NO REINSTATEMENT

September 5th (Wednesday)—The public relations office of the army commander's headquarters, issued a statement declaring that two left-wing generals, who had been retired, could not be reinstated for any reason whatsoever "be it through a presidential resolution or through actions of the army commander-in-chief himself."

Meaning of the event in retrospect—The die was cast. The forces behind the coming

coup had been fixed in their molds to such an extent that it was beyond either presidential or military power to turn them back.

Asked about the almost total lack of follow-up on these and other significant events reported by the CIA, a high-ranking member of the U.S. diplomatic establishment had this to say:

"To tell you the truth, I kind of wondered about the lack of press coverage myself. There was certainly little secrecy about the build-up toward the coup in Chile. Everyone was in on it—Soviet and American officials alike. From having been down there just prior to the coup, I am pretty certain in my own mind that it was no real surprise to anyone, including Allende."

NEW YORK TIMES
14 October 1973

CHILE IS ACCUSED OF RIGHTS ABUSES

International Mission Will
Present Findings to U.N.

By MARVINE HOWE
Special to The New York Times

SANTIAGO, Chile, Oct. 13—Representatives of three international organizations committed to the defense of human rights declared today that in Chile those rights "are now being systematically violated through practice and legal text. "We send 30 to 40 missions around the world yearly and we have not seen in recent years a situation so grave as that in Chile (not even Brazil or Greece, Joë Nordmann, a French jurist, declared.

The human rights mission is made up of Mr. Nordmann, secretary general of the International Association of Democratic Jurists, Michel Blum, secretary general of the International Federation of Human Rights, and Leopold Torres Boursault, secretary general of the International Movement of Catholic Jurists.

The three were to leave Santiago today after a week's visit in New York, where they will present their findings. Secretary General Waldheim of the United Nations. They plan to go to Geneva to report to the United Nations High Commissioner for Refugees on Wednesday and then to Rome to see Vatican authorities.

'Concern' Expressed

In a memorandum to the

leader of the ruling military junta, Gen. Augusto Pinochet Ugarte, yesterday, the three expressed their "concern" over the situation in Chile.

"We have erified that international press reports on the violations of human rights since the coup d'état are not exaggerated as the Government claims, but well-founded," Mr. Blum told a group of foreign newsmen today.

The members of the mission talked with witnesses to summary executions and with people who had been tortured as well as with indirect "unimpeachable" sources who told of arbitrary arrests and looting.

The three members said they had met one reliable source who reportedly finds bodies in the Mapocho River about nine miles from downtown Santiago daily. Many executions are said to have taken place on the banks of the river.

General Pinochet, in his audience with the mission, denied that human rights had been abused saying: "We must defend ourselves."

The three also took up the problem of the large number of foreign political refugees here, many of whom have been arrested or killed in the repression that followed the military takeover of Sept. 11.

In their note to General Pinochet, they pointed out that under international conventions refugees cannot be returned to a country where their lives or liberty would be threatened for political reasons.

More than 800 political refugees have found asylum in United Nations-sponsored sanctuaries here in the last week, and some 10,000 more are expected to follow in the weeks to come.

"The pressing problem now is what to do with them because the world doesn't want them" said Samuel Nalegach Pons, secretary of the National Committee for Help to Refugees, set up by Roman Catholic and Protestant churches.

Mexico has offered to re-

ceive 1,000 refugees, Switzerland several hundred, Sweden 200, and Peru and Australia an undisclosed number. Argentina has agreed to receive Chilean exiles but will grant only brief transit visas to foreign refugees.

Canada is prepared to relax immigration requirements for refugees and has sent a special envoy here to speed up procedures.

The refugees, who have appealed for help, include Bolivian, Brazilian and Uruguayan leftists who came here as political exiles under the former Government of President Salvador Allende Gossens. The political exiles have been among the principal victims in the drive against leftists since the military coup that overturned the Allende Government one month ago.

General Visits Refugees

Chile's Minister of Interior, Gen. Oscar Bonilla Bradanovic, visited the principal United Nations sanctuary Tuesday to look into the conditions of the refugees and assure them that if they had committed no criminal offenses in Chile they would be free to leave the country.

The refugees, who are deeply concerned over their own security and the fate of others being held prisoner, refused to answer any of General Bonilla's questions. The refugees had called a news conference the day before to ask for guarantees but had been told that press contacts must be made through the delegate of the United Nations High Commissioner for Refugees.

Later the Minister of Interior announced that there were now 3,700 prisoners in the National Stadium in Santiago, which was turned into a jail after the coup. As of last Monday a total of 2,935 prisoners were said to have been released. He said that 120 persons are to be tried before the courts and 400 more are being held because they are considered "dangerous."

THE WASHINGTON POST Wednesday, Oct. 17, 1973

Executions, Torture Laid to Chilean Junta

By Terri Shaw

Washington Post Staff Writer

The heads of two human rights organizations who recently visited Chile went to Capitol Hill yesterday and repeated charges that the military junta ruling Chile has permitted summary executions and torture of political prisoners.

Michel Blum, secretary general of the International Federation of Human Rights, said the delegation that went to Chile interviewed several persons who had been tortured, including a man with cigarette burn marks on his body, a woman with large blue bruises on her legs and back and another woman who was raped.

Blum and Leopoldo Torres Boursault, secretary general of the International Movement of Catholic Jurists, met with six members of the House Foreign Affairs Committee and lunched with members of the staff of Sen. Edward M. Kennedy (D-Mass) chairman of the Senate subcommittee on refugees.

The lawyers, who were in Chile from Oct. 7 to 13, said they interviewed about 30 persons who told them of mistreatment of prisoners. Some were victims of torture, others had witnessed torture and executions and others gave second-hand accounts. The lawyers refused to identify any of the sources, but said that the second-hand accounts came from persons whose word they did not doubt.

One of the persons they interviewed was a Brazilian who

was taken to a field on the outskirts of Santiago with a group of prisoners to be executed. The Brazilian was shot in the arm, but managed to escape by jumping into a nearby river, Blum said. The Brazilian said he saw the other prisoners being killed.

Blum also said he and Torres spoke to two "sure sources" who told of seeing as many as 30 bodies in the same river.

The lawyers also said they interviewed "a cautious deliberate man" who visited the morgue in Santiago on at least two occasions. The man told them he saw 180 bodies on one visit and approximately the same number on another visit.

Blum said the man and other people they spoke to who visited the morgue said that in some cases many bodies had similar wounds, sometimes large wounds in the stomach, sometimes numerous bullet wounds at neck or chest level.

The lawyers also saw Gen. Augusto Pinochet, chief of the ruling junta, the minister of justice and the president of the Supreme Court. Blum said they denied that any violations of human rights were taking place in Chile.

The lawyers stressed that many Chileans and foreigners who took refuge in embassies in Santiago have been unable to leave the country, because the military authorities will not grant them safe conduct passes to go to the airport.

WASHINGTON POST
14 October 1973

Allende's Legacy

The recent tragic events in Chile have led to a great deal of facile discussion but little of it has faced the basic question of why that country has suffered its first military coup in nearly 40 years and its first civil conflict since 1896. The Chilean armed forces are highly professional and have avoided politics despite a wide variety of regimes ruling Chile. The Chilean military is also far removed from the semimilitary organizations of the Dominican Republic, Nicaragua or pre-Castro Cuba and in past years it has shown considerable public responsibility. (Many of the first economic welfare measures in Chilean history were introduced under military auspices in the 1930s.)

There are two ways to carry out a socioeconomic revolution in Latin America: either build a large popular mandate and have the political skill to placate the

suspicious armed forces (as Romulo Betancourt in Venezuela) or have the brute force at hand to crush all critics into flight or silence, as did Castro in Cuba. Salvador Allende had neither. Although Allende was certainly a man of integrity, responsibility, good will and democratic inclinations, many of those in his ruling coalition were not. These Maoist and Castroite extremists constituted so important a part of his political base that Allende was apparently compelled to indulge them by going beyond innovations which were both feasible and creditable (such as lawful expropriation of foreign enterprises, expanded social welfare and the breaking up of large estates) to those which courted disaster (such as the wildcat seizures of small farms and business enterprises as part of general attack on the middle class). Not wishing to be despoiled, the middle classes (including small businessmen, students, small farmers and skilled

workers) resisted. Faced with a similar situation in Cuba, Castro crushed such people with brute force. In Chile, Allende had neither the means nor the inclination to do this. With the country in great turmoil, the armed forces (highly middle class in origin) finally reacted.

Moreover, since the Castroite extremists were violently anti-United States, Allende was apparently either unable or unwilling to deal in good faith with this country concerning the primary bone of contention (the copper mines), when such good faith would have helped greatly to prevent the hardening of hostile attitudes on the part of the United States government.

Finally, the Chilean leftist extremists were apparently arming and organizing for an uprising of their own with aid and support of the Cuban embassy. Although the present junta may be exag-

generating this danger, it cannot be dismissed. The wild conduct of Chilean extremists and the Cuban record of hemispheric subversion are both parts of the public record. Thus, at the time of the military revolt, it was highly debatable if Allende, for all his good intentions, was master of his own regime.

The low credibility of the Nixon administration, not to mention its known distaste for Allende and its often unlighted economic policies toward Chile, NEW YORK TIMES

13 October 1973

The Junta's Challenge in Chile

By Ralph A. Dungan

Many non-Chileans have a deep affection for the Chilean people and a profound respect for the nation and its institutions. Aware that the Allende Government permitted or deliberately contrived to create a situation of near-chaos politically, economically and socially, there was a measure of understanding if not approval of the decision of the Chilean military to seize power in an unconstitutional coup d'état. Those who knew and admired the highly professional Chilean military officer corps, it appears mistakenly, expected a more intelligent and humane approach to the amelioration of harsh problems created in large measure by the doctrinaire and incompetent Allende regime. But there is now widespread revulsion at reports of mass killings and other violations of human rights.

There is little doubt that fearful class antagonisms, political polarization, widespread presence of arms in hands of many ordinary Chilean citizens, and organized violence of right and left constituted one of the most reprehensible and frightening legacies of the Allende regime. In the face of such social disorganization the order of the day following the coup would seem to have been efforts at reconciliation of leadership elements from all parts of the political spectrum instead of widespread intimidation, mass arrests, and, apparently, a good deal of plain murder. With due allowance for mistakes in judgment, the excesses of a few, and the need for a firm hand to forestall a violent counter-coup, few outside Chile (or inside for that matter) can understand the necessity or the logic of the present course which can only lead to further polarization and the kind of overt repression that even the Allende regime resisted (perhaps not entirely by choice).

The point is that not only as a matter of principal but because it is essential to economic and social reconstruction, deliberate efforts at reconciling a fragmented society must be made. This need not mean an immediate return to normal civil political processes but at a minimum it means an immediate halt to summary executions, abandonment of mass arrests and detentions, humane treatment of prisoners, freedom of political expression, freedom of the press, a reversal of the moves against the autonomy of the universities, and a speedy return to a civilian judicial process.

If there have been failures and in-

stances of irresponsibility on the part of political leaders, the press and others, they are more attributable to the fact that Chileans, too, are human and make mistakes than to sinister plots or deliberate sedition. Whatever structural or other defects exist in the Chilean political landscape one thing is certain—they are unlikely to be corrected by the imposition of a repressive authority, however well-motivated.

Without underestimating the pernicious and destructive impact of the Allende government's economic policies, it would be foolhardy not to recognize that the Chilean economy has for many years suffered from weaknesses which have never been squarely faced. In this, Chile is not unlike other countries including some of the so-called developed industrial countries. These problems will not be solved by the substitution of slick or easy solutions such as guarantees for private foreign investment. Their solution requires the serious application of the considerable talent which blessedly resides in Chile. But to be realistic the most strenuous and wise efforts of Chileans will require complementary and generous action by the international community.

Chile is fortunate in having a vast reservoir of goodwill throughout the world and there is little doubt that a generous response will be forthcoming to constructive Chilean initiatives. It should be obvious that the initiatives, and the proposed solutions should and must be Chilean and Chile should resist any attempt at imposed solutions from any quarter public or private. It should be equally obvious that the Chilean junta will (and should) have tough sledding in the international community if it continues on its present course.

As a first order of priority in economic reconstruction, efforts must be directed at the agricultural sector. Even if foreign exchange were available, world food stocks are currently at a desperately low level; agriculture is an area in which Chile has a substantial natural advantage. It will undoubtedly be difficult in the face of land redistribution in recent years and the consequent dislocation of critical managerial talent, the shortage of equipment, fertilizer, seeds and animal stock to bring about rapid improvement, but no task is of higher priority.

Ralph A. Dungan, chancellor of New Jersey's department of higher education, served as ambassador to Chile, 1964-67.

ly discussed by various individuals of importance within both the Eisenhower and Kennedy administrations, but were, obviously, never carried out. It would be foolish to romanticize the Allende regime or to assume all has been well in Chile for the past three years. Allende's legacy is now a military despotism and the best one can now hope for is an eventual restoration of democratic institutions in Chile.

DAVID F. RUDGERS.

Arlington.

CHRISTIAN SCIENCE MONITOR
16 October 1973

About-face for Chile's generals

By John D. Harbron

Toronto

Chile now is under a stern military regime which has shattered its long-lived democracy and with it the reputation of the Chilean armed forces as the only Latin-American military who did not intervene in the political process.

In a continent where generals rule most of the leading republics, and many of the smaller ones, the Chilean Army has not seized power since 1925 and then only once since the late 19th century.

Even when in September, 1970, President Allende became the first elected Marxist leader in Chilean history, the armed forces pledged loyalty to him as the chosen head of state and to the constitution.

The often-repeated, nonpolitical role of the Chilean generals has been made myth not only with a four-man military junta running the country, but by the increasing political activities of the armed forces during President Allende's almost three years in office.

The reason for ending their typical restraint are mainly Chilean rather than external influences from the right-and left-wing generals who rule in Brazil and Peru respectively.

The "Allende faction" in the armed forces was well-known. It was not based on Marxist-thinking generals, but came from within the "old-boy" network of a tight and small Chilean society where prominent representatives of the political and military elites are old friends.

The late President Allende was able to bring the three armed services chiefs of staff briefly into his national security cabinet because they were either personal friends or sympathetic to his efforts.

Gen. Carlos Prats, succeeded as Army commander in chief by Gen. Augusto Pinochet who conducted the military coup against Allende, was a personal friend of the Allende family,

a debonaire officer not without political ambitions himself. His brief sojourn as defense minister took place not long before when the Air Force chief as transport minister failed to end the disastrous and spreading strike of truck owners which did much to precipitate a military move.

The pattern of support from many generals for an Allende administration was made public a few days before Allende's presidential inauguration in October, 1970, when Gen. Rene Schneider, a close friend of the Allende family and then Army chief of staff, was assassinated by right-wing killers.

Allende not only paid homage to General Schneider lying-in-state inside the Army military academy, but announced three days of official mourning for him.

The old-boy network does not entirely explain the support of enough senior and junior officers to have established an influential "Allende faction" inside the armed forces. It came about because Allende had pampered the military, increasing their pay and pensions in line with the sweeping pay hikes he gave government civilian workers.

His predecessor, former Christian

Democratic President Eduardo Frei, had ignored the Army's demand for higher pay. In 1969, a year when the cost-of-living jumped about 30 percent, Frei faced the first Chilean Army in 44 years to be led by a popular brigadier general and the demand his military defense minister be replaced.

Frei bowed to that demand and put a civilian in charge, but continued to ignore the financial needs of military men hit hard by Chile's traditional inflationary spiral.

Most of the generals who have moved against democracy in Chile as well as the admirals (in a Navy which did not trust Allende), represent a conservative faction which has always existed in the Chilean military.

We may never know to what extent they were in private league with the United States, which continued to send new weapons to Chile during Allende's term, or were under the influence of the two small extreme right-wing parties who became intensely active under Allende's administration.

U.S. military aid to the Chilean armed forces has included C-130 military aircraft transports, armored personnel carriers, even tanks. And this aid continued even though Al-

lende government requests for food-stuffs and industrial equipment were refused by the U.S. State Department.

Finally, another factor unique in Chilean political life, the apparent rise of an armed people's militia among the industrial slums and rural countryside, clearly alerted the Army. This kind of paramilitary activity found in other Latin-American republics now posed the same kind of threat to the formal Chilean military establishment.

General Pinochet, the disciplined, ex-military-academy professor who visited the U.S. Army's antiguerrilla training school in the Panama Canal Zone more than once, is the kind of general in Chile as elsewhere in Latin America who will not permit the rise of a left-wing paramilitary.

All this has destroyed forever the historic image of a noncommittal Chilean military. The new one, more typical of the military throughout Latin America, interventionist, high on self-interest, is beginning to take shape in a Chilean mold.

John D. Harbron is a Canadian journalist and specialist in Latin American affairs.

WASHINGTON STAR
1 October 1973

CHARLES BARTLETT

Political Naivete in Chile

The political naivete of the generals who now run Chile is showing itself in their determination to make irreversible their rejection of Marxism.

It was the boast of Communist boss Luis Corvalan after the 1970 election that President-elect Allende would make the trend to Communism irreversible in Chile. It was a bad mistake then for one group to talk of, shackling the future options of a nation with proud democratic traditions. It can be a worse mistake now.

The new Chilean rulers are law-and-order generals with little grounding in public administration. They are reluctant intruders upon a stage which they were content to leave to the politicians for 42 years. They are in politics because they believe their throats would be cut if they stayed out of politics. They are in an insecure state of mind, so the instinct to strike at their enemies is natural.

But a purge of the left in this nation which gave 44 percent of its vote to Al-

lende is unrealistic. The communists and Socialists created chaos in Chile, but they were ousted before they took leave of constitutional channels. So they have kept their legitimacy, and their extermination by the generals will prolong the ordeal of Chile's recovery.

The experience in Indonesia, where the streams ran red with Communist blood after the overthrow of President Sukarno, raises a warning for the junta. Behind the bustle of Indonesian progress, thoughtful men watch apprehensively for an emergence of the bitterness bred in the post-Sukarno bloodbath. That purge left a residue of mistrust which will remain an unsettling political factor for many years to come.

The Chilean generals clearly see the need for healing steps. They have promised the poor they will help them keep the income gains they secured from the Allende era. Their wives are donating jewelry to buy food for the poor. One new minister actually made a tour of slum areas in Santia-

go. They are trying to build a base of popularity within the hard core of the late President's support.

They are also trying to fracture the instinct to idealize the late president by showing that the concern which he and his ministers felt for the poor was combined with strenuous efforts to gratify their own tastes for a rich style of life. These were truly "Limousine Leninists," and the exposure of their extravagances is one means by which the generals hope to head off the formation of a "Cult of Allende."

But the junta needs most of all to keep the support of the middle classes which suffered most from Allende's economic fantasies. Badly squeezed in Communist attempts to nationalize the economy by bankrupting private businesses, middle class individualists welcomed the coup, but they will resist a decimation of the political system and a repression of their personal liberties.

Burning books in the streets is an act of rigidity

which has raised warning signals. The resignation of the popular rector of the university, Edgardo Boeninger, is another bad signal because Boeninger secured his post after a heated campaign against an Allende candidate. There is so far little show of concern for the sentiments of respected Christian Democrats like Eduardo Frei. The Generals behave as if they had abolished politicians along with the political parties.

This posture puts huge pressure on the junta to succeed in restoring the country's economic health. Political gaffes can be compensated by economic successes because the country needs food, capital and foreign reserves. These are all areas in which the United States can be helpful.

After supplying more than \$1 billion in the 1960s to keep Chile from going Communist, the United States will not stint now in assisting the return from communism. But the help ought to be conditioned on the generals' willingness to pursue a more limber style of leadership.

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THE TOLL IN CHILE NOW PUT AT 2,000

Wide Investigation Discloses
No Massacres but Many
Senseless Killings

By JONATHAN KANDELL

Special to The New York Times

SANTIAGO, Chile, Oct. 11—More than 2,000 people may have been killed in the month since a military coup toppled the Marxist coalition government in Chile.

This conclusion was reached after extensive questioning in the slums of Santiago and in several cities and towns south of the capital.

Perhaps most of the fatalities were unreported executions carried out after the heavy armed resistance to the military ceased after three days.

Dozens of eyewitness reports indicate that there were many senseless killings and much unwarranted brutality in the arrests of suspected leftists.

It also appears that security forces have used the coup to execute summarily many petty criminals as well as suspected opponents of the regime.

The death figures may also rise considerably when the fate of several thousand people now listed as prisoners is known.

But an investigation in 32 slum areas, or "poblaciones," in the capital, which suffered the greatest losses because most of their residents supported the late President Salvador Allende Gossens, failed to disclose in news reports. There is no evidence to suggest that casualties will reach the many thousands suggested by some of these reports.

For example, a dispatch in the October 8 issue of Newsweek magazine reported that an official count in the Santiago morgue showed it had received and processed 2,796 corpses in the two weeks following the coup.

But according to the director of the morgue, Dr. Oscar Novoa, as well as a clerk and another doctor who does not count himself a supporter of the military junta, the morgue processed exactly that number from Jan. 1 to Sept. 21.

The Official Figures

According to the morgue officials, 476 bodies with bullet wounds were processed from Sept. 11 to Oct. 3, the last day when morgue figures were made available.

Officially, the junta has conceded that 513 people have been killed since Sept. 11, including 36 officially reported executions.

But according to one ranking government official, unpublished reports from military garrisons around the country document the deaths at 841 civilians and 430 soldiers and policemen up to Oct. 6.

About three-fourths of these fatalities occurred in the greater Santiago area, where 3.5 million of Chile's 10 million people live.

The official who made these figures available said the actual number of deaths might be double because "obviously many are not being reported by soldiers to their commanders." He also conceded that, contrary to the law, most bodies are not being taken to morgues.

At the Santiago branch of the State Technical University, where several hundred students and workers tried to resist soldiers who occupied the campus on the morning of Sept. 12, it appears there were many fewer fatalities than believed earlier.

Two Communist women students who were among those who resisted reported that no more than four people died. Both were detained and later released with most other women students. Many male students remain under detention.

One of the women attended wounded students in a makeshift infirmary in the university's arts school where the only real resistance took place. A visitor to that school yesterday failed to find an unusual number of bullet holes in the walls—at chest or head level—and no bullet holes in the paved patios that might have indicated mass executions of prone students. There had been no attempt to cover bullet-shattered windows or pocked doors and ceilings.

A visit to the Pincoya población, a slum in the north of the city, confirmed one resident dead—a 25-year-old youth named Miguel Orellana.

Among the people who verified this in separate interviews were a nun, Paz Maria Pumarega, the president of the local mothers' center, Mrs. Maria Bustamante, and the secretary of the Neighborhood Council. Mr. S. Margarita Gallego.

"They took four neighborhood leaders, but they have all been released," Mrs. Bustamante said. "I know this población and that Orellana

boy was the only one killed. Many of us went to his funeral."

3 in Slum Killed

Other communities did not fare as well. In the adjoining población, named after the late Chilean poet, Pablo Neruda, residents confirmed that three people had been killed by soldiers.

Two of the victims, named Arredondo and Molina, were taken away and executed. Their bodies were recovered in the city morgue. A third man was executed in front of his home.

Some residents say that the three were killed because weapons were found in their homes; others were at a loss to explain why.

A total of 25 people were arrested in Pincoya, Pablo Neruda and three adjoining poblaciones. According to residents, their names have appeared on official prisoner lists and seven have returned.

The hardest hit section of Santiago was the extensive slum on the western boundaries where residents in almost every población could confirm at least one death, and, in some cases, as many as four.

In the Nogales población, for example, one man was executed in his home and found by his brother. Another man in the same población—said by residents to be a mugger—was shot dead by soldiers, who then executed two of his brothers. "They said the bad blood ran in the family," a neighbor explained bitterly.

Woman Among Victims

In the adjoining población called Santiago, a woman was shot to death by security forces when she stepped out on her patio after the 10 P.M. curfew and threw out dirty water.

Four people, whom residents in the población said were strangers, were released from the back of an army truck, told to run, and then machine-gunned to death.

Two young men from Nogales released after being detained in the Estadio de Chile—one of the makeshift detention camps used before most of those held in Santiago were transferred to the National Stadium—reported brutal treatment. Both stripped off their shirts to show extensive bruises and welts.

"The soldiers marched a group of us out to a corner of the stadium, blindfolded us and told us to say our prayers," one reported. "Then they fired into the air."

Both were workers and had no idea why they had been detained.

"When they let me go, they told me it was a mistake, that

I was innocent," one sobbed.

Seven Die in Night

In the nueva Matucana población in the Barrancas slum in the northwest of the capital, residents in separate interviews reported seven people executed by soldiers on the night of Sept. 23. Three bodies were recovered and buried near the Mapocho River, while the others floated downstream to join the 20 or so that have been recovered in recent days near the center of Santiago.

The Junta announced that in another Barrancas shantytown, called Santiago Pino, five extremists had been summarily executed for shooting at soldiers. But all six residents of the shantytown who were interviewed insisted that the soldiers had not been shot at and pointedly noted that the five executed men were the political leaders of Santiago Pino.

In the southern cities visited, including San Fernando, Talca, Linares and Temuco, there appeared to be much less violence than in the capital. Four people were shot in Temuco. They were reported to have tried to escape from a military garrison but several people—both rightist and leftist—doubted that this was so.

The haphazardness of the violence in Santiago, where there are few clear patterns in the killing of civilians, has created widespread fear in the poorer communities. The fear has caused rumors of even greater death tolls. One refrain often heard goes, "We were not hit so bad, but I understand that the población over there was almost wiped out."

An Unfounded Rumor

Often the rumors prove to be unfounded. For example, there was persistent talk that hundreds of bodies were being buried in mounds of chalky dust at a state cement plant 20 miles north of Santiago.

Other rumors sometimes appear to contain more than an element of truth. Residents of a población near El Pedrero, a garbage dump in Santiago, reported that "30 to 50 bodies a day" were being buried there by soldiers. Two garbage men denied this, but added that 28 people had been executed at

the dump since Sept. 14 and disposed of elsewhere.

"Sometimes they shot up to four people in one day," one said.

"They were all muggers and thieves," the garbage man insisted. How did he know? "I could tell by looking at their faces."