

CIA INTERNAL USE ONLY

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Journal - Office of Legislative Counsel
Monday - 24 November 1975

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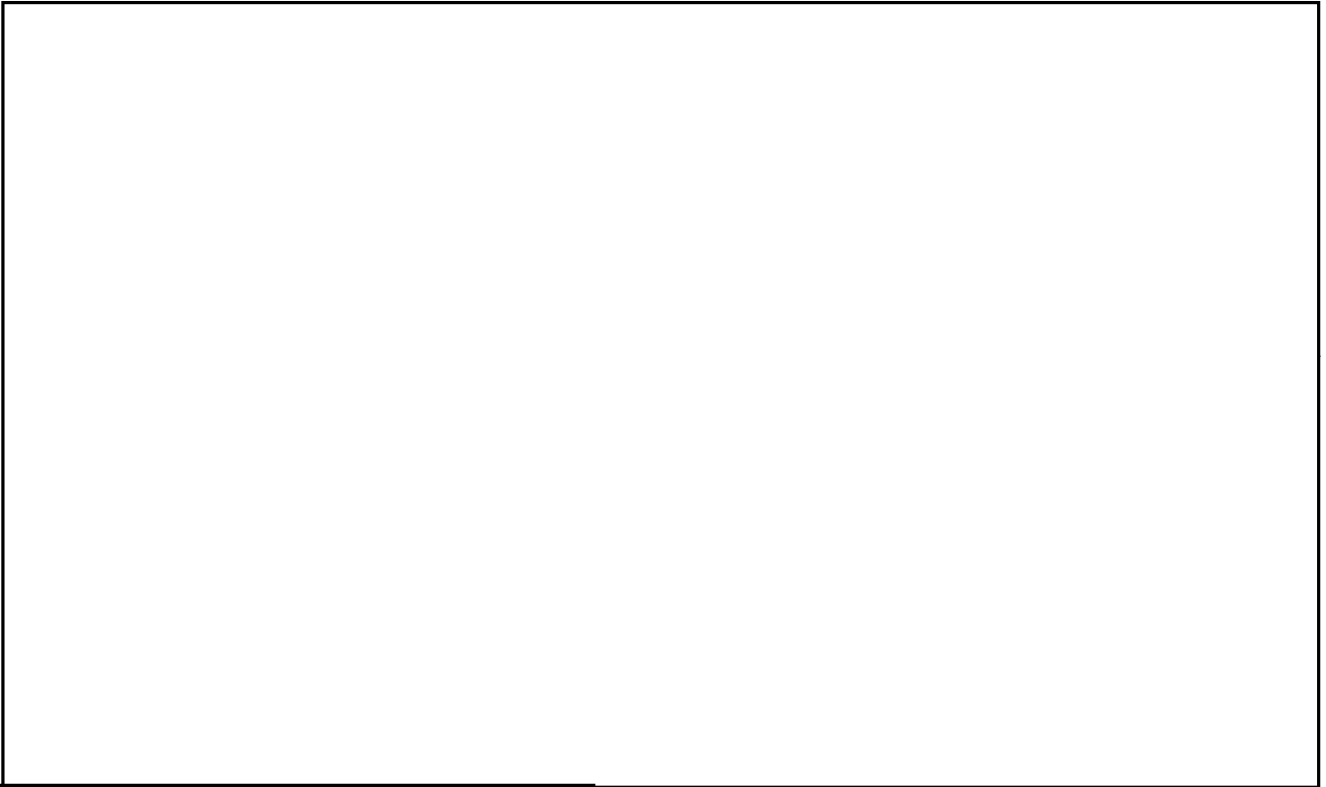
20. LIAISON Called Guy McConnell, Senate Appropriations Defense Subcommittee staff, and alerted him to the fact that in view of the decision of the Senate to let the Senate Select Committee release their "assassination report," I have prepared a letter to Senator Howard Cannon (D., Nev.) for the Director's signature explaining the difficulties involved in trying to keep the Congress informed and protecting classified material in the process. I told McConnell I was sending him a copy of the draft for his comments. 25X1



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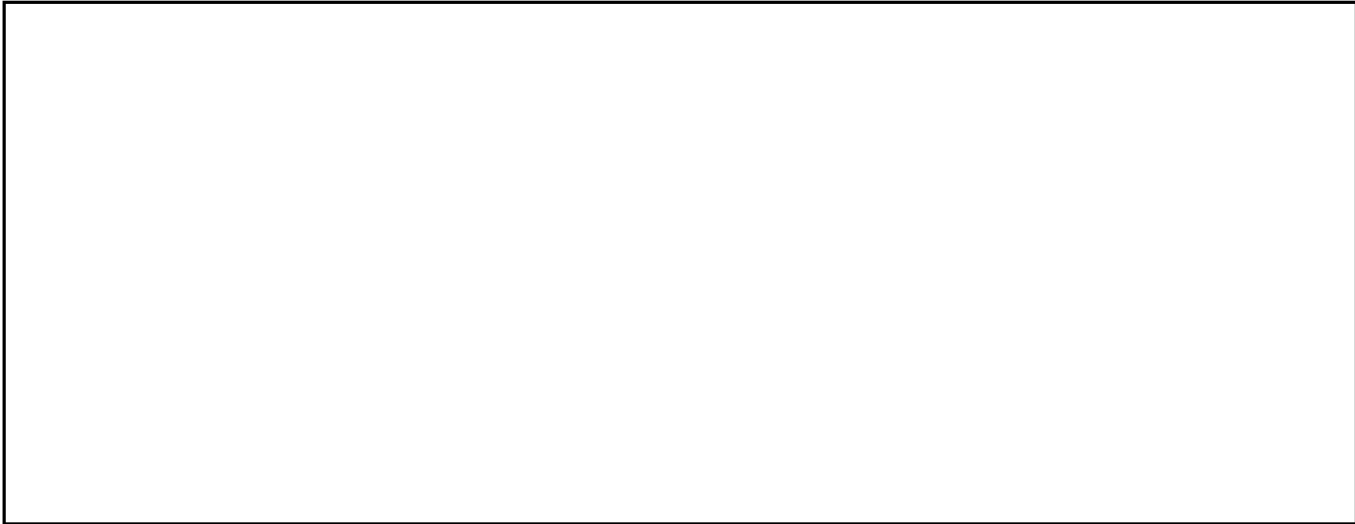
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[REDACTED] AGENCY VISIT Met with Patrick Shea, of the Senate Select Committee, and discussed certain matters relating to the legislative history of the National Security Act of 1947 and the Central Intelligence Agency Act of 1949. 25X1



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[REDACTED] CONSTITUENT Took a call from Joan Miller, of Representative William Harsha's (R., Ohio) office. Ms. Miller needed information for a group of high school students in the Congressman's district on the Olson law suit, CIA's mail intercept program, the allegation that Alexander Butterfield was a CIA agent, CIA assassination plots, and CIA wiretapping. I gave her an up-date on these issues and referred her to the Rockefeller Commission Report and Senate Select Committee where relevant.

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branch to even attempt to impose budget restraints in this area without jeopardizing legitimate Government activities. As I said then on the Senate floor, the repeal of the travel amendment produced the sad spectacle of the Government asking the American people to make sacrifices when the Federal Government is showing no willingness at all to tighten its own belt.

Although the administration was adamantly opposed to my travel amendment last year and worked for its repeal, I am hopeful that the President will support this travel cut. The President has asked for a substantial cutback in Federal spending, and with his cooperation, the President and Congress can work together to make reductions in an area of substantial Government waste.

Therefore, the legislation that I am introducing today would call on the President, through his OMB Director, to take steps to reduce Federal travel by 10 percent, taking care to insure that the cutbacks do not disrupt vital Government services or the movement of military personnel.

Because of the difficulties involved in legislating an across-the-board travel cut, this legislation is in the form of a concurrent resolution expressing the sense of Congress that immediate steps be taken by the President to reduce Federal travel expenses.

According to the fiscal 1976 budget estimates, the Federal Government will spend \$2,314,371,000 on travel and transportation of Federal employees, and a 10 percent cutback would achieve a savings for the taxpayers of more than \$230 million. This reduction of \$230 million will still allow the Government to spend as much on travel as it did in fiscal years 1975 and 1974, when it spent \$2.1 billion and \$2.0 billion respectively.

And while I do anticipate objections from virtually all executive branch departments and agencies, I am convinced that a substantial amount of waste can be cut from the travel budgets of many of our departments and agencies.

For example, the projected percentage increases for the travel budgets of many departments and agencies are, in my opinion, excessive and unjustifiable.

The Agriculture Department is planning to spend \$90,049,000 in fiscal 1976, a 25-percent increase over fiscal 1975 spending for travel.

The Veterans' Administration will spend \$74,521,000 this year on travel expenses, a 25-percent increase over fiscal 1975 and a 40-percent increase over fiscal 1974 spending.

The Secret Service will spend \$10,916,000 in fiscal 1976 on travel, an increase of 54 percent over fiscal 1975 travel spending.

And the Selective Service System, operating on a standby basis since the draft was eliminated, will spend \$1,640,000 on travel, an increase of more than 60 percent over last year's travel budget.

These are not the only departments and agencies with large travel budgets. The Defense Department will spend \$1,477,889,000 in fiscal 1976, with a large portion of these funds spent on change

of station travel for military personnel. This legislation is not intended to disrupt the movement of military personnel, but it is also not intended to exempt the Department from trimming the fat in its travel budgets.

The Department of Health, Education, and Welfare has a travel budget of \$75,027,000, including \$22,501,000 for the Social Security Administration.

Other travel budgets include \$84,737,000 for the Treasury Department, \$74,042,000 for the Transportation Department, \$63,832,000 for the Interior Department, and \$34,417,000 for the State Department.

In addition to the well-known departments and agencies, a variety of 63 commissions and boards will spend \$90,419,000 on travel in fiscal 1976.

And although the legislative and judicial branches of Government account for less than 1 percent of the spending on Federal travel, my travel legislation will also apply to these two branches.

If the President is serious about reducing Government spending, he will endorse my efforts to cut Government travel spending. If the Government expects the American people to sacrifice, then the Government must be willing to sacrifice.

We must act immediately to cut back unnecessary Government costs, reduce the duplication of Federal programs, and trim the administrative expenses of Government. And as a first step, we must reduce Government travel expenses by 10 percent and save the American taxpayers \$230 million a year.

I ask unanimous consent that the text of the concurrent resolution and a table listing the estimated travel costs for the departments and agencies be printed in the RECORD.

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

S. CON. RES. 74

Resolved by the Senate (the House of Representatives concurring).

That the President, through the Director of the Office of Management and Budget, shall take immediate steps to restrain the inflationary impact of Federal expenditures and to conserve the use of energy by ordering a reduction of Federal travel expenditures by at least 10 percent; and

That these steps shall include such provisions as are necessary to insure that such reductions are allocated so as not to disrupt the provision of vital governmental services or the organized troop movement of military personnel, and

That the President is requested to submit to Congress, within 30 days of adoption of this Resolution by the Senate and the House of Representatives a report outlining his actions.

Travel and transportation costs

Agency:	Fiscal year 1976
Legislative branch.....	10,508
The judiciary.....	9,939
Executive Office of the President.....	1,315
Funds appropriated to the President	26,703
Department of Agriculture.....	90,049
Department of Commerce.....	26,117
Department of Defense—military.....	1,477,889
Department of Defense—civil.....	37,516
Department of Health, Education, and Welfare.....	75,027
Department of the Interior.....	63,832
Department of Justice.....	63,173
Department of Labor.....	18,170

Department of State.....	34,417
Department of the Treasury.....	84,737
Energy Research and Development Administration	8,040
Environmental Protection Agency.....	12,800
Department of Transportation.....	74,042
General Services Administration.....	10,887
Department of Housing and Urban Development	16,448
National Aeronautics and Space Administration	17,822
Veterans' Administration.....	74,521
Other independent agencies.....	90,419
Total	2,314,371

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, under the special orders, I believe the distinguished Senator from Idaho is now to be recognized.

The ACTING PRESIDENT pro tempore. He has been recognized, and he yielded to the Senator from Delaware for a unanimous-consent request.

Mr. MANSFIELD. Mr. President, it is my understanding that I have 15 minutes as well.

The ACTING PRESIDENT pro tempore. That is correct.

Mr. MANSFIELD. Mr. President, I yield my 15 minutes to the distinguished Senator from Idaho.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Idaho may proceed.

Mr. CHURCH. I thank the Senators very much for their courtesy.

Mr. President, I ask unanimous consent that Mr. Lock Johnson be granted privilege of the floor during the presentation of this address.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AN IMPERATIVE FOR THE CIA: PROFESSIONALISM FREE OF POLITICS AND PARTISANSHIP

Mr. CHURCH. Mr. President, "For ye shall know the truth and the truth shall make you free." So read the words carved in white marble at the entrance to the Central Intelligence Agency. It is a noble Biblical thought, chosen by Allen Dulles when he was Director of the CIA perhaps to remind his colleagues of their ultimate purpose: the creation of objective intelligence.

Objectivity ought to be the hallmark of every public trust. As chairman of the Senate Select Committee on Intelligence Activity, I have done my utmost to assure a fair and balanced inquiry into the intelligence services. When the committee was first established, Senate Majority Leader MIKE MANSFIELD stressed that the allegations against the intelligence agencies were serious. They deserved, he said, a sober inquiry which would be "neither a whitewash nor a vendetta." That is how I have tried to conduct this investigation.

Certainly it has not been a whitewash. The committee has already exposed many serious abuses of power within the intelligence services. Working steadfastly for 9 months, the select committee has amassed a comprehensive set of records, documents, and sworn testimony.

This month, the committee will pub-

lish a detailed interim report on assassination. The committee has voted to make the report public, despite an appeal by the President to suppress it. Based on the sworn testimony of over 100 witnesses, some 8,000 pages of transcripts, and countless hours of research, this report examines the involvement of our Government in foreign assassination intrigue during the administration of four Presidents, Eisenhower, Kennedy, Johnson, and Nixon. Piecing together the available evidence has been an extraordinarily difficult job. But the result has been as penetrating an inquiry into this regrettable chapter of our history as the obtainable facts will allow.

Beyond identifying threats to the liberty of American citizens, the committee is working diligently to establish legislative safeguards to better protect their rights in the future. These proposals for reform will be the focus for public hearings later this year.

So, a whitewash this investigation is not.

Just as clearly, it is not a vendetta.

In the interests of fairness, wherever the CIA has been wrongly charged, I have been quick to say so. Some alleged earlier this year that the CIA had been involved in plots to murder Charles DeGaulle, the late President of France. An immediate review of the facts showed no such plot was ever contemplated by the CIA or any other agency of the U.S. Government. What actually happened was this: A CIA agent was approached by a foreign citizen who made a totally unsolicited suggestion of a plan to kill DeGaulle. The plan was rejected at once by the Central Intelligence Agency.

On another occasion, the accusation was made that the CIA had periodically "infiltrated" the White House and other executive agencies. Specifically, it was said that Alexander Butterfield, an aide to President Nixon, had served in the White House as a spy for the CIA. There was no scintilla of evidence that Mr. Butterfield had spied on the President for the CIA. I announced this finding as quickly as it could be confirmed, in the interest of fairness both to the CIA and Mr. Butterfield.

Where the CIA has erred, the committee will say so; where it has performed with merit, the committee will acknowledge that as well. In short, our objective has never been to wreck the intelligence system, but to expose wrongful and unlawful conduct, so that needed reforms can be written into law.

In appraising the intelligence services, a subject of particular concern is the quality of our national intelligence estimates, or NIE's as they are more commonly called. The preparation of national intelligence estimates is a most important task, for the NIE's form the building blocks of national security policy. Put briefly, an intelligence estimate is a paper prepared by the CIA in cooperation with the other intelligence services which assesses the current situation in some part of the world, or analyzes the major forces at work—political, economic, military, sociological, psychological—on some aspect of the world situation. Often an estimate will go fur-

ther and make a prediction about future developments. In this sense, an estimate is forecast, a judgment, a "shrewd guess" as to what is likely to happen.

Though it is impossible to predict the precise course of events, the good NIE describes in detail how various parties involved view a situation, and how they might act toward hypothetical changes. The estimate will lay out, and often rank, a range of possible outcomes, especially those that threaten American interests or present an opportunity for the United States.

The value of national intelligence estimates to the decisionmakers in our Government should be immense. Our national security could depend upon reliable judgments as to future actions and capabilities of hostile nations. The national estimate is the final product of an intricate gathering and evaluation of intelligence, drawn from all sources.

If NIE's are accurate and timely, and decisionmakers have confidence in them, we have spent our money well. But we have both wasted money and posed an added danger to our safety if our estimates are inaccurate, or if they have been distorted by analytic or policy bias. Mistaken estimates of enemy intentions hold a potential for national disaster. This we learned almost too late, prior to 1962, from the estimate which assured us that the Soviet Union would not place nuclear-tipped missiles in Cuba.

We have had other mistaken estimates. The professionals have erred in overestimating the growth of Soviet ICBM forces. The misconceived "missile gap" in the early 1960's is one illustration. The intelligence estimates on the Soviet invasions in Hungary in 1956 and Czechoslovakia in 1968 were also wide of the mark. By far the worst failure of the estimative process in many years was the misreading of the imminence of the 1973 Arab-Israeli war.

In a word, our national intelligence estimates have certainly been fallible. The Committee on Intelligence in the House of Representatives is to be strongly commended for examining recent estimates by the intelligence services which have proven to be inaccurate. Such failures need to be exposed so we will not develop a blind faith in our intelligence agencies.

However, we should not forget that on other occasions, our intelligence estimates have proven to be accurate and valuable. Admittedly, the CIA Directorate of Science and Technology has not yet developed a crystal ball. Predicting the future must remain probabilistic. Though the CIA did give an exact warning of the date last year when Turkey would invade Cyprus, such precision will be rare. Simply too many unpredictable factors enter into most situations. The intrinsic element of caprice in the affairs of men and nations is the hair shirt of the intelligence estimator.

When the Soviet Union mobilized troops in the summer of 1968 to threaten Czechoslovakia, no solid indication was available one way or the other as to when, or even if, the assembled forces would actually be used. The Politburo was sharply divided on the issue of intervention. The

decision now appears to have been taken only a few hours before the invasion was launched on August 20. Though the mobilization of Soviet troops was duly reported by the CIA, no one could say for sure that the Politburo decision would be—they themselves did not know until the last minute.

While it is unreasonable to expect precise predictions, a developing situation ought to be well-understood and reported to policymakers. Also, competent intelligence should shield the United States against major surprises. In this field, the intelligence services earn higher marks. Examples are plentiful in the critical areas of military, economic, and political intelligence.

Militarily, the intelligence agencies must detect new weapons systems. Before anything else, we need to know the numbers and characteristics of the weapons that can strike us directly, the doctrine for their use, intentions for further deployment, and, most importantly, the new weapons still on the drawing boards. In the last 25 years, no important new Soviet weapons system, from their H-bomb to their most recent missiles, has appeared which had not been heralded in advance by NIE's. The new Soviet Polaris-type "Y" missiles and the submarines on which they are carried were anticipated well before the first boats slid down the ways.

The CIA, with the help of the other intelligence services, identified and monitored the development of the Soviet ABM system around Moscow some 7 years before it became operational. Individual ABM radars were identified in the early phases of their construction—up to 5 years before they became active.

Our Government would never have been able to enter into the SALT negotiations were it not for the ability of the intelligence services to verify—that is, detect through our own independent means—any significant violation of the agreements. This capability gave us the confidence to take this important step toward arms control. Moreover, U.S. intelligence studies on Soviet strategic missile programs, as they might develop without a further SALT agreement, played an important role in determining the ceilings reached at Vladivostok.

Even in the estimate failure I cited earlier concerning the Cuban missile crisis, we should not forget that ultimately it was the CIA-developed U-2 plane which detected the missiles in time for us to act. Moreover, 2 months before, John McCone, then Director of Central Intelligence, had warned his colleagues on the National Security Council of his belief that the Soviet might place ballistic missiles in Cuba. He in fact took issue with the national intelligence estimate that discounted this possibility.

The economic intelligence estimates we have received have also been valuable. The great wealth of OPEC governments now gives them an enormous potential to exert influence and to create disruption throughout the Western World. The quadrupling of oil prices in 1973-74 has given them a huge surplus to invest—over \$40 billion in this year alone.

Our intelligence agencies have been successful in tracking the flow of petrodollars worldwide and have alerted U.S. policymakers to significant changes in OPEC investment strategies. In addition to comprehensive estimates on production, consumption, and pricing, they have given us timely assessments on the strengths and weaknesses of OPEC as a cartel and the availability of alternative sources of energy.

To further assist the State Department in its overseas relations, the CIA regularly prepares valuable biographic profiles on political officials throughout the world, many of whom would otherwise remain strangers to us, concealed within their closed societies.

These examples illustrate the point: National intelligence is by no means limited to the prediction of specific events. Its primary purpose is to help our leaders protect the national interest by making available the best possible understanding of foreign capabilities, leaders, and developing events.

To accomplish this purpose, we must continue to demand of our intelligence officers the standards suggested by Sherman Kent, who for many years was chairman of the CIA Board of National Estimates. He observed that these men and women must have "the best in professional training, the highest intellectual integrity, and a very large amount of worldly wisdom."

But this in itself will not be sufficient. It is imperative that we preserve the professional stature of the Central Intelligence Agency, keeping it free from the eroding forces of politics and partisanship. Only in this way will the CIA continue to serve as an adequate counterbalance to the intelligence estimates that come from other quarters of the Government, including the Pentagon, and to the other pressures which develop even in the White House itself.

Let us not forget, Mr. President, it was for this very purpose that we created the Central Intelligence Agency in the first place. If the Central Intelligence Agency becomes so discredited through an overemphasis on its failures in the drawing of estimates, we may find this crucial task lodged exclusively within the Pentagon in the future.

Often the military has exhibited a built-in bias to take the most dour view on enemy threat assessments. The "worst-case" approach so often adopted by the military leads to the most frightening forecasts. The rule-of-thumb at the Pentagon still appears to be "the bigger, the better." Distortions in these judgments sometimes arise through pressures to justify larger military budgets or new weapons systems.

In contrast, the CIA national estimates process is more apt to be free of such self-serving interests. This is why the Central Intelligence Agency was created in the first place. It was to be an agency without policy blinders; one dedicated, as Allen Dulles put it, "to get at the hard facts on which others must determine policy."

Lt. Gen. Daniel O. Graham, who was Director of the Defense Intelligence Agency until the administration shakeup

last week, wrote recently that he thought the time was "ripe for the military profession to reassert its traditional role in the function of describing military threats to national security." One must view with some alarm the prospect of a silenced CIA succumbing to an increasingly dominant military voice in calculating the foreign threat to our Nation.

The ABM debate in Congress a few years ago illustrates the problem. In the debate, large outlays as well as questions of U.S. security in the 1970's rode on the decision of whether to deploy a nationwide ABM system. The debate was marked by conflicting analyses and differing forecasts between the CIA and the military of what the U.S.S.R. could achieve with nuclear weapons, given time. Technical details became crucial for assessing the opposing points of view.

The Pentagon was driven by its own policy considerations, based on a "worst-case" analysis. The questions they asked themselves led to one answer: The need for a nationwide ABM system. The price tag would have been something like \$100 billion, a bonanza guaranteeing a bloated military budget for years to come.

The congressional coalition against the ABM had to have reliable information to counteract the reams of data turned out by the military. This information was available only at one source: The Central Intelligence Agency. The CIA had no policy ax to grind, and no pressures upon it to protect lucrative contracts. Through a series of CIA briefings, Members of Congress were given the whole range of information on the strengths and weaknesses of the ABM system. These briefings went far beyond the selective data provided by the Pentagon.

The data presented by the CIA indicated the futility of an ABM system. Since no way existed to prevent a saturation of the system by enemy missiles, the ABM's would not provide an adequate shield. This evidence enabled opponents to mount an effective debate against the concept. By 1967, Congress had decided that a nationwide ABM deployment against a Soviet attack was not desirable and even a limited ABM deployment was approved in the Senate by only a single vote. The insights provided by the CIA briefings helped immeasurably to stop the stampede toward the costly decision to construct a national system, and laid the foundation for a ready acceptance of the ABM treaty which soon followed.

As recently as last week, CIA testimony before Congress contradicted claims by the Pentagon that massive Soviet military buildups are reducing the United States to the status of a second-rate power. In contrast to gloomy Defense Department estimates, the Central Intelligence Agency figures indicated that Soviet military spending has not leapt forward at all. Instead it has been increasing at the steady 3-percent annual rate which it has maintained for the past 10 years.

Moreover, noted the CIA, a substantial portion of Soviet military spending has nothing directly to do with the United States, such as the expenses incurred by their positioning of great numbers of

forces along the Chinese-Soviet frontier. Also, the CIA has taken a much calmer view of Soviet naval developments in the Indian Ocean than have assessments prepared by the U.S. Navy or the Department of Defense—who just happen to have a Diego Garcia cure-all. Without these independent civilian contributions from the CIA, we would be forced to rely solely on the military point of view. The Congress can ill afford to do without the more impartial judgments offered by the Central Intelligence Agency.

However, it is not only a matter of standing up to the Pentagon. We need a CIA that can resist all the partisan pressures which may be brought to bear by various groups inside and outside the Government—including partisan pressures from the White House itself. We must seek to insulate the Central Intelligence Agency from the ebb and flow of political considerations.

If we have learned anything out of the last 2 years, considering the way that agency has been used for political purposes, if there is any constructive result to come from this whole, lengthy, conscientious investigation, it must be that we have to protect the impartiality, the independence, and the professionalism of that agency.

This does not mean that we must always select a Director from within the Agency or from outside the Government. The critical factor is the selection of a person of demonstrated independence, someone who would have the ability to say:

No, Mr. President, I believe you are wrong. According to our best information, the policy you propose will fail. It is based upon incorrect assumptions, which are contradicted by the underlying facts.

And unless we have a man with the strength and resolution to stand up and fight for the facts as his agency has found them, even when it is very tough going, then the role and purpose of the agency itself has been undermined.

This is why, in my judgment, the appointment of Ambassador George Bush is so ill-advised. It is one thing to choose an individual who may have had political experience, or diplomatic experience. That is fine. It is quite another to choose someone whose principal political role has been that of chairman of the Republican National Committee. There is no need to eliminate from consideration an individual simply because he or she may have held public office. But the line must be drawn somewhere, and a man of Mr. Bush's prolonged involvement in partisan activities at the highest party level surely passes over that line.

Indeed, it appears that Mr. Bush's nomination to be Director of the CIA may even be regarded at the White House as a springboard to higher political office. When asked at a press conference if the nomination of Mr. Bush would eliminate him as a Vice-Presidential running-mate possibility, President Ford replied:

I don't think [he's] eliminated from consideration by anybody. The delegates to the convention or myself.

Significantly enough Mr. Bush also leaves the door open. When asked by a

reporter in Peking whether this new assignment would end a political career that could lead to a Vice-Presidential nomination, his response was:

Well, I'm not sure I've ended it forever . . .

If this is to be the nature of the reform of the CIA, I just wonder why we have gone to such an effort to try and analyze the problems, the abuses, and the overreach of the executive authority these past months.

What if CIA assessment should collide with the judgment of the President who wants to embark upon some new policy in the coming year? It is, of course, the President's final decision, but can one imagine in an election year so partisan a man, the past chairman of the Republican National Committee, standing up to a President in that situation under all the pressures of a partisan character that would be focused upon him? The question answers itself.

George Bush is a likable man. He is a capable man. I find him to be a personal friend. I think there are many political offices that he could hold with distinction. But he is not the man to head up the CIA.

I find the President's appointment astonishing. The Senate and the House committees—not to mention the President's own Commission on Intelligence—have labored for months reviewing the problems of the intelligence agencies. These problems have been plentiful, and the areas for new legislation are many. Still, the prospects for starting afresh are good, and I have viewed the chances to restore public trust and confidence in the CIA with considerable optimism.

But this is no way to begin the restoration. No new set of laws, no new guiding principles—regardless of how skillfully drawn—will restore this trust if the credentials of the new Director raise serious questions of propriety. I can just imagine what the uproar in this Chamber would have been if a Democratic President had nominated Larry O'Brien to be the Director of the CIA, as fine a man as Larry O'Brien may be.

Let us not undermine the good work of the Rockefeller Commission and the committees of the House and Senate by placing a former party chairman at the head of a highly sensitive intelligence agency.

Let us not make a travesty out of our efforts to reform the CIA. The Senate and the people we represent have the right to insist upon a Central Intelligence Agency which is politically neutral and totally professional.

I urge Senators to stand up and oppose this nomination. I can choose no other course, for if the CIA is to play its intended role in our Government, it must be impartial and nonpolitical. Its ability to be so depends in the final analysis, on a Director who possesses these same qualities.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order the Senator from Alabama (Mr. ALLEN) is recognized for not to exceed 15 minutes.

Mr. ALLEN. Mr. President, time was

allotted to me in anticipation that the distinguished Senator from Idaho (Mr. CHURCH) might need this additional time. I yield back the remainder of my time.

The PRESIDING OFFICER. Under the previous order the Senator from West Virginia (Mr. ROBERT C. BYRD) is recognized for not to exceed 15 minutes.

Mr. MANSFIELD. Mr. President, I yield back the Senator's time.

ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business for not to exceed 15 minutes, with statements therein limited to 5 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WILLIAMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GARY HART). Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Heiting, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. FORD) laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 3:15 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its reading clerks, announced that the House has passed the following bills in which it requests the concurrence of the Senate:

H.R. 4287. An act to provide for additional law clerks for the judges of the District of Columbia Court of Appeals;

H.R. 6481. An act to amend certain provisions of the Communications Act of 1934 to provide long-term financing for the Corporation for Public Broadcasting, and for other purposes;

H.R. 9958. An act to transfer certain real property of the United States to the District of Columbia Redevelopment Land Agency;

H.R. 10035. An act to establish the Judicial Conference of the District of Columbia;

and
H.R. 10041. An act to amend section 739 of Public Law 33-198, relating to the Federal Enclave, and for other purposes.

At 5 p.m., a message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the House agrees to the report of the com-

mittee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 8365) making appropriations for the Department of Transportation and related agencies for the fiscal year ending June 30, 1976, and the period ending September 30, 1976, and for other purposes; that the House recedes from its disagreement to the amendments of the Senate No. 49 and 50 and concurs therein; that the House recedes from its disagreement to the amendments of the Senate No. 20, 21, 31, 32, 42, and 47, each with an amendment in which it requests the concurrence of the Senate.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 4073) to extend the Appalachian Regional Development Act of 1965 for an additional 2 fiscal year period; requests a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. JONES of Alabama, Mr. WRIGHT, Mr. JOHNSON of California, Mr. ROE, Mr. HARSHA, and Mr. HAMMERSCHMIDT were appointed managers of the conference on the part of the House.

The message further announced that the Speaker has appointed Mr. Lujan as an additional conferee on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3474) to authorize appropriations to the Energy Research and Development Administration in accordance with section 261 of the Atomic Energy Act of 1954, as amended, section 305 of the Energy Reorganization Act of 1974, and section 16 of the Federal Nonnuclear Energy Research and Development Act of 1974, and for other purposes.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. FORD) laid before the Senate the following letters, which were referred as indicated:

REPORT OF THE COMPTROLLER GENERAL

A letter from the acting Comptroller General of the United States transmitting, pursuant to law, a report on certain deferrals contained in the sixth special message of the President of the United States submitted to the Congress on October 20, 1975 (with accompanying report); referred jointly, pursuant to the order of January 30, 1975, to the Committees on Appropriations, Budget, Labor and Public Welfare, and Finance, and ordered to be printed.

GENERALIZED SYSTEM OF PREFERENCE

A communication from the President of the United States notifying, pursuant to law, the Senate of his intention to designate additional beneficiary developing countries and territories for purposes of the Generalized System of Preference; to the Committee on Finance.

FINAL DETERMINATION OF THE INDIAN CLAIMS COMMISSION

A letter from the Chairman of the Indian Claims Commission transmitting, pursuant to law, a copy of the final determination of the Commission in the case of the Klamath and Modoc Tribe and Yahooskin Band of Snake Indians v. U.S. (with accompanying papers); to the Committee on Appropriations.

REPORT OF THE COMPTROLLER OF THE CURRENCY

A letter from the Comptroller of the Currency transmitting, pursuant to law, his an-

November 13, 1975

United Nations is based; we are unleashing a great evil. The U.N. has enough trouble maintaining a modicum of world peace and desperately clinging to credibility without propagating vicious lies and casting salt into divisive wounds.

It is bitterly disillusioning to see an international organization of the stature of the U.N. General Assembly stoop to such ignoble pursuits. These pursuits, the venting of a vehemence unmatched since Hitler's time, do not do justice to the noble principles in which the U.N. was conceived.

The preamble of the U.N. Charter raises men's hopes for a better future, a future where war, poverty, and oppression give way to world peace, world prosperity, and freedom and respect for all nations and peoples of the world. Article I of the charter states that one of the purposes is:

To achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in promoting and encouraging respect for human rights and for fundamental freedoms, for all without distinction as to race, sex, language, or religion.

Where is the respect for human rights and for fundamental freedoms in the ignominious resolution passed the night of November 10 by the General Assembly?

Mr. President, I have long been a staunch supporter of the U.N. The Charter of the U.N. is one of the most lofty and exalted texts of political history incorporating mankind's greatest hopes. The uniqueness of this document, and the organization it created, is its widespread acceptance. The U.N. has provided and maintained a forum for airing the problems of the world and has proven that nations in disagreement can reason with each other to solve their differences.

But this widespread acceptance, this basic presumption of the existence and worthiness of the U.N. is fragile. Pushed beyond their limits or to the depths of their convictions nations will quit the organization. If the resolution passed by the General Assembly last night is an indication of the general intolerance pervading the U.N., the widespread acceptance of the organization may evaporate and countries may resort to the isolationism and distrust which has thrown preceding generations into the scourge of war.

Mr. President, the United States will never agree to abandon or pervert the noble ideals upon which the U.N. is based. Nor will the United States ever acquiesce to tyranny, even should it appear in the guise of a U.N. mandate. However, if it is determined that the U.N. is no longer living true to its charter, then the United States should consider withdrawing its membership. I think it is time for the United States to assess its role in the U.N. to determine whether or not continued participation is in the best interests of the United States.

If the attempt of the resolution was to ostracize Israel, that thrust has failed. Israel will not lose U.S. friendship, because of this resolution; indeed if the attempt was to isolate Israel and her friends, I say let it be so. Let us see who

are Israel's friends. Let us see who are our friends. And then let us stand together on principles and ideals sound and true.

Mr. President, I cannot condone the irresponsible, spiteful action of the U.N. General Assembly in passing a resolution designed to thwart the interests of peace and sow the seeds of discontent, for, in the words of Secretary General Waldheim, we may indeed lose the future through discord and confrontation.

THE CIA DIRECTOR DETERMINES THE ROLE OF THE CIA

Mr. CHURCH. Mr. President, as I said in the Senate on November 11, the Central Intelligence Agency, if it is to play its intended role, must be nonpartisan, professional, and sufficiently independent of outside pressures to stand firmly behind its assessment of foreign intelligence information.

This does not mean that persons who have held public office are disqualified from serving as the Director of the CIA. Elliot Richardson, for example—having demonstrated the capacity to withstand great pressures within the Government, and the personal strength to take issue with the President, himself, when he felt it necessary—is a man who would be eminently qualified to serve in this office. There are many others.

But a person whose political experience has been highly partisan in character—such as the Chairman of the Republican National Committee—cannot be said to meet this test.

When the picture is further complicated by the apparent intention that the directorship of the CIA is to be used as a springboard for higher office, then it is impossible to conceive that the nominee could discharge his responsibilities in a proper fashion.

These fatal flaws in the nomination of George Bush to be the new Director of the CIA are strongly underscored in two columns which appeared yesterday morning in the Washington Post: one by George F. Will entitled, "George Bush: Political Ambitions" and the other by Rowland Evans and Robert Novak entitled, "And Overlooked Political Realities."

These columnists clearly demonstrate why, under the circumstances, the nomination of George Bush to be Director of the CIA raises such serious questions of impropriety.

I ask unanimous consent that the two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

GEORGE BUSH: POLITICAL AMBITIONS (By George F. Will)

When nominated to be Director of the Central Intelligence Agency, George Bush said he did not think that being Director would forever prevent him from seeking political office. Obviously he hopes it will not, and his hope was stroked by President Ford's declaration that Bush is not excluded from consideration as his 1976 running mate.

Bush may not have to worry about a CIA attachment becoming a political handicap. The Senate may refuse to confirm him.

Like some other ex-Congressmen (he served

two terms), Bush is one of Mr. Ford's guys, which is fine. But at the CIA he would be the wrong kind of guy at the wrong place at the worst possible time.

The CIA is under a cloud of dark suspicion based on proven misdeeds. The suspicion is that the CIA is a threat to civil liberties, and perhaps to tranquility, because it is insubordinate or otherwise immune to proper control.

But lack of control over the CIA is no longer the gravest problem. Congress, awakened from its long sleep, is alert to its oversight duties. And the executive branch, having been reminded of the law, can keep the CIA operating this side of criminality.

Today the most pressing problem is not to prevent the CIA from doing what is forbidden. Rather, the problem is to see that it does what it is supposed to do, which is gather and report accurate information.

But gathering and reporting are different operations. And it is possible to imagine situations in which the CIA would be pressured to suppress inconvenient information, or to report things convenient to the political purposes of an administration.

Imagine an administration looking to the next election and determined to celebrate detente as its finest achievement. Imagine that the administration is excessively anxious to achieve another strategic arms agreement with the Soviet Union.

Suppose the administration triumphantly signed an agreement limiting the number of strategic vehicles—missiles and bombers—on each side. Critics might say the limit is a false ceiling. Critics might charge that the limit is as high as the Soviet Union can or wants to go during the term of the agreement. Therefore, the agreement is an empty exercise, a limit that does not limit. (That is what Senator Henry Jackson said about the 2,400-vehicle limit agreed to at Vladivostok.)

Then the administration would appreciate a CIA report arguing that the Soviet Union has the ability to surpass the limit in the near future, and would do so if there were no agreement.

Or suppose the administration wanted an intelligence report minimizing this or that verification problem—say, the difficulty of verifying Soviet compliance with range limits on cruise missiles.

Or suppose the administration could get a CIA report supporting the hitherto unsupported Soviet contention that the Soviet Backfire bomber—which can deliver nuclear weapons over intercontinental distances—nevertheless lacks the strategic significance, and should not count against the Soviet total of 2,400 strategic vehicles permitted by the Vladivostok agreement. Such a CIA report would concede a Soviet point without seeming to be a concession, and could grease the skids for a pre-election agreement.

Recent events have made it wise to worry about the possibility that the CIA will become compliant to political pressures in reporting intelligence information, especially information that might tarnish the image of detente.

Defense Secretary Schlesinger, an apolitical man, was the foremost critic within the administration of Secretary Kissinger's policy in negotiating with the Soviet Union—sometimes called "the policy of preemptive concession." Mr. Ford wants to replace Schlesinger with Donald Rumsfeld, another vice presidential aspirant. Thus it is all the more imperative that the CIA be run by a man not susceptible to political considerations or pressures.

The problem with Bush is less that he has a political past than that he so obviously and avidly wants to have a political future.

As chairman of the Republican National Committee during Watergate Bush was very considerate about the man who appointed him. In spite of all the available evidence, he

never expressed independent judgments inconvenient to Richard Nixon.

It might be rash to expect Bush to display at the CIA a capacity for politically inconvenient independence in judging intelligence. That is why the Senate may ask Mr. Ford for another nominee.

OVERLOOKED POLITICAL REALITIES

(By Rowland Evans and Robert Novak)

The wholly predictable storm over President Ford's nomination of former Republican National Chairman George Bush to head the CIA has forced the White House into a dangerously overdue calculation of political realities, with withdrawal of the nomination now a possibility.

The political realities, apparently never considered by the President or the very few top aides privy to his secret plans to replace Central Intelligence Director William Colby with Bush, boil down to this essential: to avoid possible refusal of the strongly Democratic Senate to confirm Bush, he or President Ford must absolutely rule out any possibility of Bush winding up as Mr. Ford's Vice Presidential running mate.

Such a condition has now reached the stage of gospel inside the Democratic Senate establishment, and particularly with Democrats on the Senate Armed Services Committee. Although Sen. John Stennis, conservative chairman of the Committee, has said nothing at all, intimates of the highly influential Mississippian fully agree that all Vice Presidential doors must be closed to Bush to avoid an inflammatory confirmation battle.

Failure of the President to consider this aspect of his appointment of Bush, a highly regarded and extremely popular politician, was further exacerbated during Mr. Ford's appearance on Meet the Press last Sunday. Instead of seeking to calm the boiled waters when asked if he should not eliminate both Bush and Secretary of Defense-designate Donald Rumsfeld from all consideration for second place on the 1976 Republican ticket, Mr. Ford bristled.

"I don't think people with talent ought to be excluded from any further public service," he replied coolly.

Thus, the President's gravely mistaken reading of the political impact of the Sunday Morning Massacre continues in his failure to perceive that to the controlling Democrats on Capitol Hill (and many Republicans as well), the Director of CIA must be above political suspicion.

But some Presidential aides are more keenly tuned in to Congressional frequencies. It is no accident that even though Bush's nomination has been formally sent to the Senate for confirmation hearings, no hearings are now scheduled for several weeks at best—and possibly not until next year.

That raises the question of a deliberate stall, based on the President's suddenly expressed desire to keep Bush at his present post in Peking at least until Mr. Ford's China trip. If, as presently assumed, Mr. Ford goes to China within the next month, Bush would not be available for his confirmation hearing until well into December.

With Congress eyeing either December 12 or December 19 for the start of the Christmas recess, it now looks doubtful that Bush could be confirmed before next year. By then, with far deeper understanding of the anti-Bush sentiment, the President could make another mid-course correction, giving Bush a different post that would keep him available for a possible Vice Presidential nomination next summer (the job Mr. Ford came within a whisker of giving Bush instead of Nelson Rockefeller last year) and naming some one else to succeed Colby.

Precisely that probability was instantly perceived by Capitol Hill operatives when Mr. Ford summoned Colby back to the White

House last week and asked him to stay at the CIA until a successor had been confirmed by the Senate. Earlier, when Colby left Mr. Ford's oval office on the morning of Sunday, Nov. 2, he was preparing to pack out of the CIA instantly.

Still one of Washington's darker mysteries is why the President chose to put the long-suffering Bush through such a wringer without understanding the political realities. White House aides normally involved with CIA affairs, including the Congressional probes, knew nothing of Colby's sudden sacking or his replacement by Bush until too late.

Indeed, on top of the CIA's long misery is the grip of Congressional investigations and press exposes, the Bush nomination is regarded by some intelligence experts as another grave morale deflator. They reason that any identified politician, no matter how resolved to be politically pure, would aggravate the CIA's credibility gap. Instead of an identified politician like Bush—former Member of the House, twice-defeated Senate nominee from Texas and Vice Presidential aspirant—what is needed they feel, is a respected non-politician, perhaps from business or the academic world.

Not all experts agree. One former CIA official wants the CIA placed under political leadership capable of working closely with Congress. But even that distinctly minority position rebels against any Presidential scenario that looks to the CIA as possible stepping-stone to the Vice Presidential nomination.

OIL, GAS, AND CONGRESS

Mr. MATHIAS. Mr. President, as our energy problem becomes more complex and more partisan with each passing day, it becomes difficult to comment with clarity, wisdom, and foresight. Nevertheless, the Washington Post editorial of Thursday, November 6, entitled "Oil, Gas, and Congress" meets this test.

As we face the expiration of price controls, shortages of natural gas, and actions by the OPEC countries to hike oil prices, it would be well for Senators to reflect on the thoughts so well expressed by the Post in its lead editorial of November 6. I ask unanimous consent that the text of that editorial be printed in the RECORD.

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

OIL, GAS, AND CONGRESS

Once again the law controlling oil prices is about to expire. Once again Congress is in the final stages of enacting an extension. But no one knows exactly what form it will take, or whether the President will sign it. The administration seems optimistic that the new bill will be, by its terms, acceptable. But for both consumers and producers, the present situation only deepens the extreme uncertainty that hangs over every aspect of fuel and energy policy in this country. Since a great deal of complex legislation is now proceeding simultaneously, it is helpful to separate the main lines of the debate.

First issue: How much should oil and gasoline cost, and who should decide? Congress likes to carry on this kind of battle in moral terms, but it is essentially a sectional issue. The rising costs of fuel mean a tremendous shift of wealth and power into the states that produce oil and natural gas, at the expense of those that consume it. The prices of some crude oil and all oil products are regulated by the federal government under the last remnant of President Nixon's wage-price control apparatus. That last remnant was to expire in August. Earlier in the summer Pres-

ident Ford proposed gradual decontrol. But the House of Representatives voted it down and supported, instead, more stringent rules to roll back prices. A month after the controls expired, the President and Congress got together on a compromise providing a brief retroactive extension giving Congress time to work out a permanent law. That extension expires on Nov. 15.

The conference on the permanent law is now in its final stages. The President has said that he is willing to extend controls to all domestic oil, somewhat below the current market level, if Congress will agree to peel off all controls gradually over the next several years. He considers higher prices necessary to encourage greater production and to enforce conservation. But the congressional conferees are sharply divided over the principle of eventual decontrol.

One point, at least, is unarguable: it would be wantonly dangerous to let all controls end abruptly on Nov. 15, with an immediate jump upward of all prices to the world level. That jolt could well destroy the present economic recovery and throw the country back into renewed recession. But the effect of permanent controls would also be deeply harmful. Over the long haul, controls tend to turn into price-fixing and cartelization agreements. Worse, holding prices down means letting imports rise unnecessarily high. To the extent that the United States has an oil policy these days, that—by default—is it. This country is importing more oil now than before the Arab embargo, and a higher proportion of it is coming from the Persian Gulf. The wisest solution is a bill that will prevent any sudden drastic jump in oil prices, but will commit the country to decontrolling steadily over a period of two or three years. The President is right on this crucial choice, the Democratic majority in the House is wrong.

Second issue: What about the price of natural gas and the shortages in the industrial Northeast? For more than 20 years the federal government has regulated the price of gas sold across state lines, but not within states. The current federal ceiling is one-third the unregulated price within the gas-producing states and one-fourth the equivalent cost of oil. When you think about those disparities, the present shortages in this part of the country—which depends upon interstate sales—are not hard to understand.

The Senate has passed an excellent bill, permitting short-term emergency sales at higher prices this winter and, next spring, beginning the deregulation of prices. Since this deregulation would apply only to new gas production as it comes onto the market, the bill threatens no abrupt surge of costs. But the bill has now gone to the House Commerce Committee, whose chairman, Rep. John D. Dingell (D-Mich.), is evidently determined not to report the half of the bill that provides permanent deregulation. That makes a hard choice for the administration and the Senate majority: Should they settle only for a jerry-rigged emergency sales procedure, or use the shortage as a lever to try to get the whole Senate bill? Probably, on balance, it's better to get whatever can be passed quickly. There are jobs at stake, and a legislative stalemate here would be very bad for public morale. But not much gas is going to be sold under short-term emergency procedures, and Mr. Dingell's tactics are already contributing to a further gas shortage in the winter of 1976-77.

Third issue: Should Congress enact unfocused multibillion dollar subsidies for the production of synthetic fuels? The President and Sen. Henry M. Jackson (D-Wash.) are enthusiastically allied in favor of this one and they are both wrong.

The authorization bill for the Energy Research and Development Administration was in conference a few weeks ago when the Senate members began pasting in a generous \$8 billion fund for loans and guarantees to sup-

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candidate for another four years. In 1948, President Truman wanted Douglas to run for vice-president with him. Once again, the matter arose when Douglas was in a remote western place. President Truman arranged for Mrs. Roosevelt to call Douglas and ask him to run. After full consideration, Douglas finally told the President that he preferred to stay on the Court. He also declined to leave to become Secretary of the Interior in the Truman Administration. This time the negotiations were carried on by Secretary of Defense Forrestal, who urged Douglas that it was his patriotic duty both to serve and to provide a link between the conservative and liberal elements of government. Douglas felt that the President really wanted relief from inconvenient political embarrassment more than he wanted Douglas. In any case, he did not take the position.

All of these political and appointment talks were essentially the flirtations of a man whom the Supreme Court job could not keep busy. There is great unevenness in the rapidity with which individual Supreme Court Justices can do their jobs. Douglas has never felt that the Court was overworked, stressing in public statements that during his time of service there has been a marked decline in the number of opinions produced by each Justice in a year. Beginning in 1955, the Court abandoned its system of arguments for five days a week and a conference to decide the cases, on Saturday, substituting argument on four days a week with conferences on Friday. This Douglas found "symbolic of a slower pace," so that "we have fewer oral arguments than we once had, fewer opinions to write, and shorter weeks to work." Hence, as he said in 1960,

"I do not recall any time in my twenty years or more of service on the Court when we had more time for research, deliberation, debate, and meditation." Without doubt, if the Court decided twice as many cases a year as it has recently, Douglas could do twice as many opinions a year himself and, when the docket was heavier, he did.

The practical consequence of the schedule has been to permit Douglas to travel, write, and study nature; he is by a very wide margin the most traveled and the most published Justice in the history of the Court; in this respect, no other Justice can even be compared. These travels have involved little trips, as for example, one reported in the July, 1963 *Field & Stream* magazine, "Why We Must Save the Allagash," an account of a Maine river of great natural beauty deteriorating from overuse. Douglas pleaded for park status for the Allagash:

"The Allagash needs friends more than it ever needed them before. Roadbuilding would bring in hordes of debris-scattering picnickers that shortly would ruin it as a wilderness sanctuary. Builders of dams would put the glories of the river under dark waters from now until eternity. The Allagash needs protection from both aggressions. All who hunt or fish or canoe; all who stalk game with a camera; or who are hikers or bird watchers; all who enjoy the still quiet of a wilderness—these and more must join hands if we are to find a sane, practical way to preserve the Allagash in its pristine condition for all time."

Douglas' book publications run some twenty volumes; when assembled together they extend for more than a foot and a half. They include *Strange Lands and Friendly People* (1951) reporting travels throughout all of the Arab world except Saudi Arabia and Egypt, and including a visit to Israel. The book shows exceptional flair in picking up personal descriptions of such simple people as the sheep and goat herder in Iran who gave Douglas the hospitality of his tent for a nap. Beyond the High Himalayas (1952), reporting exploration of Central Asia, ranges from a meeting with Nehru in Delhi to visits

to native courts, to dinner with the Wall of Swat, and to extended visits with individual Afghans whom he found "the most friendly and hospitable people I have met." Other travel books include *North From Mala* (1963), and an exploration of Russia, entered from Soviet Central Asia. The works touch on such colorful small details as the service of the head of the lamb, "seared and shrunk, as repulsive a dish as I ever faced"; and go into legal practices, particularly in criminal justice, wherever he saw them. Douglas has picked up firsthand information on the questioning of prisoners, on secret trials, and on conditions in labor camps. In 1958 he took a 7,000 mile auto trip from Karachi in West Pakistan to Istanbul, Turkey.

From all these experiences, Douglas has developed his own philosophy that Americans should make things better rather than simply underwrite the status quo in the countries of the world. He developed his views in *Democracy's Manifesto* (1962), resisting the policy of containment of communism because it puts the problem of communism in negative terms. He believes rather that there should be a counterplan of grand design, such as the Alliance for Progress in South America. The common people, as he found them in the countries around Russia, want to avoid having their country become the battleground of the giants. He reports the masses of these countries are largely illiterate but intelligent all the same, "when it comes to their own needs and their own welfare." He reports that he feels that America is maintaining conditions as they are in lands of constant hunger and of constant exploitation, and sadly reports that "I have never visited a village of Asia where America was revered as a symbol of freedom and justice." American aid, he believes, should be conditioned on reform.

The fascinations of the world abroad have not diminished Douglas's love for America at home. Two volumes on wilderness areas contain reports on hiking trips from the Sierra Mountains in California north to the Olympics in Washington; on excursions in Alaska; on an area of the Mexican desert south of the border near Tucson; and include chapters on the Everglades in Florida, the White Mountains in New Hampshire, and hikes throughout the mountain areas of the Central Atlantic states. Such explorations were never free of danger: on one occasion he appeared to have been seriously lost in the snow of New Mexico. But his greatest injury came in a horseback riding accident in October, 1949 near Tipson Lake in Washington. Douglas has given his own description of the accident:

"Then the accident happened. I had ridden my horse Kendall hundreds of miles in the mountains and found him trustworthy on any terrain. But this morning he almost refused, as Eion led the way up a steep 60 degree grade. Knowing my saddle was loose, I dismounted and tightened the cinch. Then I chose a more conservative path up the mountain. Keeping in on my left, I followed an old deer run that circled the hillside at an easy 10 degree grade. We had gone only a hundred yards or so when Kendall (for a reason which will never be known) reared and whirled, his front feet pawing the steep slope. I dismounted by slipping off his tail. I landed in shale rock, lost my footing and rolled some thirty yards. I ended on a narrow ledge lying on my stomach, uninjured. I started to rise. I glanced up, I looked into the face of an avalanche. Kendall had slipped, and fallen, too. He had come rolling down over the same thirty precipitous yards I had traversed. There was no possibility of escape. Kendall was right on me. I had only time to duck my head. The great horse hit me. Sixteen hundred pounds of solid horseflesh rolled me flat. I could hear my own bones break in a sickening crescendo. Then

Kendall dropped over the ledge and rolled heavily down the mountain to end up without a scratch. I lay paralyzed with pain—twenty-three of twenty-four ribs broken." [Of Men and Mountains (1950).]

Douglas recovered, though the accident almost proved fatal. He was found some twenty minutes after the accident, carried out an hour or so later, and eventually came out of the hospital short half of one lung, but able to go back to the active life.

Douglas has summarized his wilderness philosophy in a Wilderness Bill of Rights (1965), a volume which begins with a chapter entitled "Sewage, Automobiles, Population and the Rights of Man." This is a volume written with knowledge and with passion, and with a particularly grim set of pictures showing fish dead in the rivers, detergent foam in a Pennsylvania stream, and industrial pollution in New England. It is a solid chart of what to do—how to get multiple use of land without exploitation; how to make fair decisions and wise ones about public land uses; how to control fencing, restrict mining claims which will ruin wilderness areas, and protect against sewage and industrial waste. It is a book which is written with feeling for the ivory-billed woodpecker which needs the grub-and-insect-supplying dead or dying logs of a wild area and for the wood duck which needs rotted holes and tree trunks for nesting. He strongly endorses the proposal to preserve the few wild rivers that are left, saying,

"We need all the free-flowing rivers that are left for adventure-loving Americans of the twenty-first century. A decade ahead will be the one when the fateful decision is made to forfeit them for special interest or to hold them inviolate in perpetuity."

Douglas' personal life has included four marriages, and three divorces. His marriage to the former Mildred Riddle ended in 1953; to the former Mercedes Davidson in 1963. He was divorced from his third wife, Joan Douglas, in 1966, and married Kathleen Heffernan in that year.

Douglas is totally capable of doing his judicial work by himself, and he uses his law clerks probably less than other Justices. He usually writes the first draft of an opinion longhand, preferring this to the method of dictation and frequent revision. Because of his extraordinary brilliance, he is probably the fastest worker of any Justice of this century, except perhaps Justice Holmes. The range of his work is vast, running not merely to great constitutional questions, but also to matters of taxation, matters of business reorganization in bankruptcy, truly difficult and technical questions of law in every area which comes to the Supreme Court. Particularly in business matters, Douglas has been virtually indispensable to the Court for many of his years on it. It is his range which is the most incredible feature of his workmanship; most Justices are richly experienced, but quite possibly no other Justice has ever had so wide a knowledge of so many different things.

Douglas' concentration on writing has given him a flair for style. His power to emphasize with brevity is shown in the *Steel* case where he said, "Today a kindly President uses the seizure power to effect a wage increase and to keep the steel furnaces in production. Yet tomorrow another President might use the same power to prevent a wage increase, to curb trade unions, to regiment labor as oppressively as industry thinks it has been regimented by this seizure."

Douglas often makes his point with a single sentence. Referring to community standards as a test of obscenity, he said, "It creates a regime where in the battle between the liberati and the Philistines, the Philistines are certain to win."

Or, speaking of the exclusion of a doctor from the practice of his profession in New

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York, "When a doctor cannot save lives in America because he is opposed to Franco in Spain, it is time to call a halt and look critically at the neurosis that has possessed us."

Douglas can make his point vividly, as for example where a confession was obtained from a fifteen-year-old Negro boy after an all-night interrogation. Douglas observed,

"Age fifteen is a tender and difficult age for a boy of any race. He cannot be judged by the more exacting standards of maturity. That which would leave a man cold and unimpressed can overwhelm a lad in his early teens. This is a period of great instability which the crisis of adolescence produces. Mature men might possibly stand the ordeal from midnight to 5:00 A. M. But we cannot believe that a lad of tender years is a match for the police in such a contest. He needs counsel and support if he is not to become the victim first of fear, then of panic."

The single most important phase of the work of Douglas is in the field of individual liberty. He served on the Court through New Deal days, through World War II, through the McCarthy repression after the war, through the days of integration and the re-districting and reapportionment of American legislatures under the leadership of Chief Justice Warren. Douglas was on the Court when it held that all citizens did not have a right to counsel, and he was on the Court when it reversed itself and held that they did have a right to counsel. For all this time he occupied himself most intensely with man's liberty and freedom. He has not been a figure alone; he has generally been in alliance with Justice Black, and earlier with Justices Murphy and Rutledge. The Chief Justiceship of Earl Warren has created a most hospitable environment for him, and the appointment of Justice Fortas put on the bench an intimate friend of thirty years' standing. But on his own account Douglas has been an extraordinarily dedicated and effective exponent of constitutional liberty for all.

JUSTICE WILLIAM O. DOUGLAS

Mr. RIBICOFF. Mr. President, the retirement of Justice William O. Douglas marks a major turning point in a remarkable career and the end of an era for the Supreme Court. It is the career of a man almost larger than life—a man of stupendous energy, intellect, integrity, and independence. It is really several careers in one, for Bill Douglas has been a dedicated environmentalist and outdoorsman and a prolific author during his years on the Court. Before his appointment, he was an expert attorney, specializing in securities law, and a distinguished public servant, who served as Chairman of the Securities and Exchange Commission.

On the Supreme Court, Justice Douglas' contribution has been truly historic. He has served on the Court longer than any other Justice, a total of 36½ years. During that time he developed a philosophy—a unique personal philosophy—that has had increasing force within the Court and throughout the Nation.

Time and again, he has warned of the encroachment of big institutions—big Government and big corporations—on the freedom of individual citizens. The basic human freedoms, forever endangered, are at the core of his philosophy. He has seen the Constitution, and particularly the Bill of Rights, as providing a measure of essential protection to the

individual—as an ultimate, inviolable limit on the power of Government.

A restless, vital, unquenchable man, Bill Douglas himself has personified physical and intellectual freedom. He was a tireless walker during his days of good health, a swinger of birches and climber of mountains, an avid fisherman. He was on the Court long enough to change his mind on a number of legal questions, and he was big enough, confident enough of his intelligence, to confess error in those instances. But the core of his philosophy has remained consistent. His life has been of a piece.

Having struggled hard to overcome impediments—his early years were marked by poverty, polio, and the loss of his father—he is a man of deep compassion. In his youth, he rode the rails and shared campfires with men who knew hard times, men who were made outcasts or classified as vagrants, and Bill Douglas knew that a society which treats the downtrodden as undeserving of the basic freedoms, will soon be unsafe for the well-to-do. He has burned with this belief, this compassion, throughout his life.

Always, and above all, Bill Douglas has had courage. He has known physical pain, and has defied it, repeatedly. His year-long struggle to stay on the Court after his stroke is the latest example. He has known bitter, shrill, strident criticism, and he has borne it with grace and good humor. He has never shrunk from controversy where matters of conviction were at stake.

His decision to leave the Court was courageous. But his retirement will not still his voice. I am confident that Bill Douglas will give us plenty to read, and will tell us plenty about what is right and wrong with our Nation and the world. Anyone who knows him must share that confidence. I wish him well in his recovery, and I look forward to seeing him and his lovely wife, Kathy, again soon.

THE U.S. INTELLIGENCE STRUCTURE

Mr. MATHIAS. Mr. President, the Senate Select Committee's investigation of our national intelligence activities has been underway now for many months and is approaching some conclusions. As I said at the beginning of this inquiry, it is important not so much for us to look back, but rather to look ahead in terms of determining what kind of intelligence structure the United States needs and should have, how it should be built and operated, and how it should be monitored. I am hopeful that the results of the intelligence studies underway by committees of both the Senate and House will be some positive steps in this direction.

An enlightened discussion of the perspective in which we must consider our national intelligence activities was written by Thomas Pepper, a member of the Washington bureau of the Baltimore Sun, and was published in the Sun on October 19. I believe Mr. Pepper's article should be brought to the attention of

the Senate and I ask unanimous consent that it be printed in the Record.

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

REVAMPING THE SPY GAME: CAN THE OLD MOLD BE BROKEN?

(By Thomas Pepper)

WASHINGTON.—As the leaves change color on the trees, and time begins to run out on the two congressional committees investigating United States intelligence activities, it is becoming increasingly apparent that normal standards of government performance are not going to bring great and meaningful change to the intelligence community.

If past precedent is any guide, it will take an extraordinary and concerted effort—on the part of the White House, Congress, and the intelligence agencies themselves—to do anything more than repeat the usual Washington cycle of disclosure, alarm, and inertia.

Indeed, without such an effort—of a sort more systematic, for example, than the current attempts to change regulatory policy—one could hazard a guess that the various intelligence agencies would ride out their current troubles, and be back in business, roughly as before, by mid-1977.

Between now and then, a certain amount of day-to-day difficulty is inevitable. Senate and House investigating committees will continue to demand answers to a host of questions, although the committees will soon have to halt their inquiries and put together their reports; both face deadlines of early next year. President Ford has indicated that he will be instituting reorganization procedures—presumably to check past abuses, but also to head off too much Congressional intervention later next year, when legislative changes arising out of the two investigative reports will be ready for passage. Meanwhile, the intelligence agencies themselves can be expected to do a certain amount of internal house-cleaning.

Thus, by spring various reorganization plans are likely to be in the works. And with an election campaign underway, the country can expect—and deserves—more debate than normal about the power and quality of its intelligence services.

There will be charges and countercharges, and bitter disagreements over who is protecting the nation more effectively: defenders of a relatively unfettered intelligence agencies, or critics of allegedly too powerful intelligence services. Then, no matter who wins the presidency—but particularly if a Democrat wins, and brings with him a wholesale change in executive branch appointments—some further reorganization is likely in early 1977.

But what happens after that? Will the dust settle once again? What form will reorganization take?

The answers to these questions would seem to depend, in the end, on the intelligence agencies themselves. A strengthened system of oversight, though it is now the most obvious and most likely result of the current congressional investigations, is not enough.

The intelligence gathering process, if it is to work, must operate under conditions of greater secrecy than any other part of a democratic government. Unlike grand juries, or regulatory agencies and other quasi-judicial bodies that operate with a certain amount of secrecy, intelligence agencies collect much of their information without the knowledge of the people who first produce that information.

Any sharing of how this is done, even within an agency, is considered a risk perhaps greater than the original risk of seeking the information. The risk is even greater when an intelligence agency engages in so-called "covert action," meaning an attempt not simply to collect information, but to change

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the course of events in a way that masks the cause of the change.

Any oversight process, particularly one that might involve public disclosure, increases the risk to intelligence operations. Correspondingly, any requirement for a secret oversight process weakens the independence of the oversight body. In extreme situations, something has to give—either the effectiveness of the intelligence operations, or the effectiveness of oversight. With mutual trust, there would be room for give-and-take; the agencies could give up some of their secrecy, and the monitoring bodies could give up some of their need to know, taking the rest on faith.

But that very trust is the missing ingredient at the moment. The succession of super-discreet congressional subcommittees that took care of intelligence oversight up till now tilted heavily in the direction of intelligence activities. In practice, there was less oversight than this year's revelations would seem to have warranted.

Now the atmosphere is different. Beginning with the Watergate revelations of 1973, and continuing into this year with the two congressional investigations and one by an executive branch commission headed by Vice President Rockefeller, public perceptions of the intelligence agencies have changed considerably. As a group, they stand accused of two severe failings:

First, in their efforts to collect information, the agencies admittedly broke various laws and violated constitutional rights of privacy. The primary examples so far revealed are a mail-opening program run by the Central Intelligence Agency aimed at letters to and from Communist nations; and an electronic eavesdropping program run by the National Security Agency on all international telephone, telegraph, and telex traffic. Also, the Federal Bureau of Investigation has admitted that it conducted illegal burglaries against U.S. citizens.

In addition, the agencies often failed—again, by their own admission—to meet standards of quality they themselves had set for gathering accurate information; standards had told the rest of us to expect. Key examples here are the estimates by both the CIA and the Defense Intelligence Agency of the likelihood (or unlikelihood) of a Middle East war in the fall of 1967. As late as one hour after the Egyptian-Syrian attack had begun, these estimates were still telling the President that no general offensive was in the works.

Thus, judging by revelations so far, the major tasks ahead are:

1. On the input side, to curb abuses of the law.
2. On the output side, to force the system to produce higher quality intelligence.

Some would go still further and say that U.S. intelligence agencies should not engage in "covert action."

Any new congressional oversight body that might emerge from this year's investigations is bound to have these matters very much in mind, and to shift away somewhat from the old system of giving the intelligence agencies the benefit of the doubt.

Just how far the balance will shift remains to be seen, however. A Democratic administration could probably count on greater latitude from a congressional committee dominated by Democrats than the present Republican administration could.

Furthermore, any new Congressional panel—say one patterned after the relatively successful Joint Committee on Atomic Energy—would eventually encounter the same obstacles that haunted its subcommittee predecessors. This conflict between secrecy and oversight would also apply to any new White House monitoring group that Mr. Ford might establish.

The burden of change, then, is likely

to fall mainly on the agencies themselves. Each has a separate history, and a separate set of problems. But they alone possess the necessary information to accomplish the two key tasks.

Within the CIA, for example, there is a definite feeling of satisfaction about changes the agency introduced on its own in the period just before the congressional investigations began. These changes deal both with the problem of abuses and the problem of faulty intelligence estimates of the sort published just before the Middle East war.

But again, if past precedent is any guide, further improvement will be needed. The next major phase in CIA history—following an inevitable period of caution during the current investigations—will depend on how its next generation of executives is selected.

The group that entered intelligence work in World War II—when such work was an honor and a privilege—is now serving out its last few years. Because the CIA was founded in large measure by these same people (and their like-minded, already-retired elders), the agency has never really had a transfer of power from one generation to another.

This is why the nature of any reorganization that takes place over the next 18 months is so important. If all the disclosures of the past two years lead only to a purge of a few top officials, and to the institution of a new but still politicized White House monitoring group and new but customary congressional oversight, the intelligence agencies could easily revert to their old habits—and understandably so.

THE SECOND CONCURRENT RESOLUTION

Mr. BELLMON. Mr. President, today we have taken another major step in the new budget control process as the Budget Committee has reported out for the first time a second concurrent resolution on the budget. While the first concurrent resolution adopted last May established spending "targets" for fiscal year 1976, the significance of the second concurrent resolution is that it establishes spending "ceilings" for fiscal year 1976. Once adopted, these ceilings become legally binding limits on Federal spending for fiscal year 1976. Thus we are taking another step in the process in gaining control of Federal spending not only for fiscal year 1976 but also the transition quarter which follows.

The second concurrent resolution provides for the following totals:

- First. Revenues of \$300.8 billion;
- Second. Budget authority of \$406.2 billion;
- Third. Outlays of \$375.6 billion;
- Fourth. Deficit of \$74.8 billion; and
- Fifth. A public debt ceiling of \$623.2 billion.

These recommended totals were derived from months of analysis, hearings and other efforts by committee members and staff. While the budget authority, outlay and deficit numbers are higher than many of us would have preferred, most of the growth in spending since the first resolution derives from increases in entitlement and other existing programs rather than from new spending initiatives. Many of these entitlement program increases are directly related to the state of the economy such as unemployment compensation, food stamps, medicare, medicaid and veterans benefits. On balance, we believe that the totals in this

resolution, give us a basis for continued economic recovery without a reoccurrence of double digit inflation.

Fiscal discipline is a challenging project and the budget represented by the second concurrent resolution will necessitate continued restraint on the part of the Senate in every category of spending. This is a tight budget with no room for slippage and I urge my colleagues to continue their assistance in this historic effort.

OIL SPILL LIABILITY BILL

Mr. KENNEDY. Mr. President, I am pleased to join Senator BIDEN as a cosponsor of the Federal Oil Pollution Liability and Compensation Act of 1975. This bill aims to establish a uniform legal framework governing cleanup and damage compensation for oil spills from vessels, onshore and offshore facilities, and deepwater ports, on land as well as in the marine environment.

I want to commend my colleague, the distinguished Senator from Delaware, Mr. BIDEN, for playing a leading role in pressing for more adequate liability legislation.

To date, oil spill liability has been all but ignored, addressed when necessary in a piecemeal, haphazard fashion. The result is an ill-coordinated patchwork of laws and regulations that are in some ways contradictory and in many ways inadequate. I hope that this bill will spur timely action by the Congress to adopt comprehensive oil spill liability legislation. As the Interior Department presses ahead with plans for accelerated Outer Continental Shelf development, and as mammoth supertankers prepare to approach our shores, the need for such legislation is compelling.

My distinguished colleague from Washington, Mr. MAGNUSON, already has responded to that need with the introduction of a comprehensive liability proposal. The administration also has introduced legislation in this area. It seeks to build a domestic liability arrangement upon two international agreements. The administration's bill, S. 2162, would implement the International Convention on Civil Liability for Oil Pollution and the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage, at the same time creating a domestic "superfund" to plug up some of the many gaps in those agreements. Senator MAGNUSON's bill, S. 1754, creates a single Federal liability scheme.

The measure we are introducing today seeks to build on the model already established by the distinguished chairman of the Commerce Committee.

We believe it will further the key goals of liability legislation: First, encourage potential spillers to prevent oil spills from occurring; second, promote rapid and responsible cleanup of those spills that do occur; and third, enable damage victims to obtain timely and equitable compensation.

This bill would provide strong incentives for potential spillers to prevent accidents by imposing fairly stringent, yet economically feasible, liability require-

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ments. Instead of limiting a spiller's liability for both cleanup and damage costs to a single amount, the bill requires him to pay the full costs of cleaning up his spills. An insurable limit is then placed upon a spiller's liability for damage claims. In terms of spills from vessels—which contribute nearly one-third of the total volume of oil pollution—this bill reinforces the prevention incentive by basing the liability limit solely upon a per-ton standard.

By contrast, the administration bill limits a shipowner's liability to \$150 per ton or \$20 million, whichever is less. According to that formula, every ship larger than 133,333 tons—only about one-half the size of the largest tankers currently afloat—faces a maximum liability of \$20 million.

By establishing a liability limit of \$150 per ton, this bill would protect independent shipowners from excessive liability costs while requiring supertankers to bear their fair share of such costs. It would cover spills from onshore and offshore facilities and deepwater ports, as well as vessels. And it further reinforces the prevention incentive by prohibiting a spiller from limiting his liability for spills caused by violations of safety or construction standards. Senator MAGNUSON's bill contains such a provision regarding vessel spills, and our bill extends the concept to all sources of oil pollution.

This measure will promote rapid and responsible cleanup of those spills that do occur by requiring spillers to pay the full cleanup costs. A similar requirement, pertaining only to Outer Continental Shelf oil spills, was imposed by Interior Department regulations in 1969. The Senate voted to incorporate the unlimited cleanup liability provision into statutory form on July 30, with the approval of an amendment I offered with Senator BREN and others to the Outer Continental Shelf Management Act (S. 521). This bill would apply that provision to vessels, deepwater ports, onshore facilities, and offshore facilities not situated on the OCS—as well as to OCS activities.

An important effect of this provision of the bill is to avoid the confusion that would otherwise arise when a spiller nears his liability limit in the midst of cleanup operations. If his liability is limited in advance, a spiller may perform a sloppy cleanup job to avoid exceeding his limit, or he may leave the scene after he reaches his limit. The imposition of unlimited cleanup liability both heightens a potential spiller's vigilance against causing oil spills, and fosters responsible cleanup of those spills that will nonetheless take place.

Finally, the bill enables those damaged by oil spills to obtain timely and equitable compensation from either the spiller or the newly-created pollution fund. The administration's bill, on the other hand, compels claimants to seek compensation from the spiller directly, granting them access to the fund only if a settlement is not reached within 90 days.

Many of the commercial fishermen, in Massachusetts and elsewhere, who live a marginal economic existence and depend upon daily catches during particu-

lar seasons, cannot afford to wait 3 months for their damage awards. If denied the option to approach the fund directly, such claimants will be tempted to accept less-than-equitable awards. Our bill resembles Senator MAGNUSON's in this area, permitting claimants to choose whether they want to arrange a settlement with the spiller, or go directly to the fund. And it authorizes damage compensation in oil spills on land as well as those in the marine environment. One of the laws that the new comprehensive scheme will supersede—the Alaska Pipeline Authorization Act—provides for compensation to those damaged by spills from the Alaska pipeline. In order to include those spills—as well as spills on land from other oil facilities—within the new scheme, our bill governs all oil spills.

CLINTON ANDERSON

Mr. RIBICOFF. Mr. President, I was deeply saddened to learn of the death of my friend and former colleague, Clinton P. Anderson, on Tuesday.

When I served as Secretary of Health, Education, and Welfare, I recall with special respect his efforts to assure that our elderly were provided with adequate medical care. No one was more responsible for making our medicare program a living reality.

It was later my privilege to serve with Clinton Anderson on the Senate Finance Committee. There I learned of his understanding and concern for our Nation's less fortunate, and of his commitment to having sound and well-administered Federal programs to help them.

Whether it was medical care for the needy, the development of peaceful uses of atomic energy, or the protection of our natural resources for future generations, Clinton Anderson was sure to be involved.

As Secretary of Agriculture, a Member of the House, and as a U.S. Senator, he showed a unique ability to understand complex issues and problems, and to offer intelligent and constructive solutions to them.

Clinton Anderson's life was a testimony to intellectual achievement, and to an indomitable sense of personal and political courage.

My deepest sympathies to his wife, Henrietta, and to all his family.

INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION

Mr. KENNEDY. Mr. President, the 10th session of the Executive Committee and the Council of the Intergovernmental Committee for European Migration—ICEM—is currently underway in Geneva. As Senators know, for more than two decades ICEM has been one of the main forums for international action in the field of national migration and refugee resettlement. Although the bulk of the persons moved and resettled by ICEM have been of European origin, in recent years this international humanitarian organization has become increasingly involved in non-European problems as well.

In light of this development and longstanding suggestions that ICEM offer its

services on a truly global basis, in early October the Director of ICEM, Mr. John F. Thomas, convened a group of experts to make recommendations for amending ICEM's constitution and adapting the organization "to the present needs of the world." A report of their findings and recommendations is being submitted to the current meetings in Geneva.

Because of the widespread congressional and public interest in the activities of ICEM, I ask unanimous consent that the text of this special report be printed in the RECORD.

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

SUGGESTIONS FOR AMENDMENTS TO THE CONSTITUTION OF THE INTERGOVERNMENTAL COMMITTEE FOR EUROPEAN MIGRATION—ICEM

1. Having carefully followed the evolution of the migration trends in the world, the Director of ICEM has repeatedly stressed that the conditions prevailing in Europe and in other continents when ICEM was established in 1951 have radically changed. New refugee problems in several continents, substantial decrease of emigration from Europe, new intercontinental migration flows, great increase of intracontinental movements, especially in Europe and in Latin America, very great growth of movements within each country are only some of the world-wide significant developments (see among others document MC/1033 of 20 October 1972).

2. As a consequence of the outstanding changes mentioned above ICEM has increasingly been requested by governments and international organizations to make its services and its 25 years of experience available for new programmes and in different parts of the world. The recent problems of the Asians from Uganda, the Chileans from Chile, the Indo-China refugees and the technical advice requested on many intracontinental questions are an unquestionable proof that ICEM is needed in various continents and for greatly diversified purposes.

3. In recent years an abnormal situation has also developed, which is characterized by the fact that on one side the so-called traditional programmes of ICEM included in the regular budgets are decreasing or suffering from lack of funds, while on the other side, the "special programmes" carried out outside of the traditional activities and of the ICEM budget are increasingly growing.

4. Many Member Governments have already pointed out the described situation on the occasion of ICEM's Twentieth Anniversary and in a number of other sessions of the Council and the Executive Committee. Many Member Governments have also frequently stressed the necessity to amend the Constitution of the Committee and to adopt ICEM to the present needs of the world.

5. The Director believes that the time has come for Member Governments to give serious consideration to the amendment of the Constitution. Article 29 of the same clearly establishes the procedure to be followed for the presentation, examination and adoption of the amendments and explicitly foresees that "texts of proposed amendments shall be communicated by the Director to Member Governments". On the basis of the above Article 29 the Director requested Professor Robert Ago, the ICEM Legal Consultant, to convene a group of very high-level experts, mostly specialized in international law, for a study of this matter and the formulation of a report outlining the manner in which the Constitution could be amended. The group of experts, which met in Geneva on 6 and 7 October, prepared the attached report with the annexed suggestions for possible amendments. The experts, although of different nationalities, participated in the study

No. 451, Senate Resolution 305, which has been cleared on both sides.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate hereby is authorized and directed to pay, from the contingent fund of the Senate, to Elizabeth C. Wexler, widow of Stephen J. Wexler, an employee of the Senate at the time of his death, a sum equal to ten and one-half months' compensation at the rate he was receiving by law at the time of his death, said sum to be considered inclusive of funeral expenses and all other allowances.

THE SCOPE OF THE CLOSED SESSION

Mr. ALLEN. Will the Senator yield?

Mr. ROBERT C. BYRD. Yes.

Mr. ALLEN. I wonder if it is appropriate to ask a question about the scope of the secret session that we are going to have to hear a report of the CIA Investigations Committee? I direct the inquiry to the distinguished Senator from Idaho (Mr. CHURCH).

Is the distinguished chairman of the Committee on Intelligence Investigations going to allow the Senate to express itself on the advisability of publicly releasing the names of the CIA operatives who may possibly have had some role with respect to assassination plots?

Mr. CHURCH. I know of no way to prevent Senators from raising that question. I anticipate them. The purpose of this session is not to place the report before the Senate as such, since the committee, on its own responsibility, has already voted to make it public, but to answer any questions Senators may raise and to explain the position of the committee and the basis for its decision to include certain names in the report and to exclude others.

Mr. ALLEN. Has that chain of action been set into motion to such an extent that it could not be stopped by appropriate advice from the Senate itself?

Mr. CHURCH. The committee was given authority by the Senate, under Senate Resolution 21, to issue such reports as it deemed advisable, and the committee, by unanimous vote—that is, without a dissenting vote—agreed that this report should be made public and so voted. It is the opinion of the Parliamentarian that if the Senate were to desire to override the committee, it would have to take affirmative action to do so.

Mr. ALLEN. Could that be done at this secret session?

Mr. CHURCH. I think it is always within the prerogative of the Senate, if it wishes to override the committee, to initiate such action and, by an affirmative vote, undertake to override the decision of the committee.

Mr. ALLEN. Has the action of the committee gone so far that advice from the Senate itself to the committee not to take this step would be ineffectual?

Mr. CHURCH. The report has been printed; it will be available to the desk of every Senator today, and the committee, itself, has ordered the release of the report immediately following the close—

Mr. ALLEN. These names are in the printed report?

Mr. CHURCH. They are in the printed report.

Mr. ALLEN. They are on the desk of every Senator?

Mr. CHURCH. Yes.

Mr. TOWER. Will the Senator yield?

Mr. ALLEN. I yield; yes.

Mr. TOWER. Let me pose an inquiry to the Chair.

Mr. President, in a closed session, once that session has been concluded, to open the record or to make it public, does that require an affirmative vote by the Senate?

The ACTING PRESIDENT pro tempore. There is an injunction of secrecy on the proceedings and it will take an affirmative vote to make those public.

Mr. MONDALE. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. MONDALE. Do I understand correctly that the report itself would not be considered a part of the proceedings within the meaning of that ruling?

The ACTING PRESIDENT pro tempore. That is correct. It will take affirmative action on the part of the Senate relative to the report to make it secret, but the previous ruling, as to the proceedings, is that it takes affirmative action.

Mr. MONDALE. As I understand this ruling, then, the discussion that occurs on the Senate floor, as we hear this report, is subject to the secrecy injunction rules, but the report, itself, is not.

The ACTING PRESIDENT pro tempore. The Senator is correct, unless the Senate takes affirmative action.

Mr. TOWER. A further parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. TOWER. Is it within the power of the Senate to enjoin the publication of the report?

The ACTING PRESIDENT pro tempore. By a majority vote of the Senate, it is within the power of the Senate.

Mr. TOWER. I thank the Chair.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order there will now be a period for the transaction of routine morning business until 9 a.m. with statements therein limited to 3 minutes.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Marks, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT OF THE COUNCIL ON WAGE AND PRICE STABILITY—MESSAGE FROM THE PRESIDENT

The ACTING PRESIDENT pro tempore laid before the Senate the following message from the President of the United States which, with the accompanying report, was referred to the Committee on Banking, Housing and Urban Affairs:

To the Congress of the United States:

In accordance with section 5 of the Council on Wage and Price Stability Act, as amended, I hereby transmit to the Congress the fourth quarterly report of the Council on Wage and Price Stability. This report contains a description of the Council activities during the past few months in monitoring both prices and wages in the private sector and various Federal Government activities that lead to higher costs and prices without creating commensurate benefits. It discusses in some detail the Council's studies in steel, aluminum, automobiles, industrial chemicals and tires, as well as its findings before various Federal regulatory agencies. In addition, it contains a discussion of wages and prices for the second quarter of 1975 and the outlook for the remainder of the year.

We are continuing our efforts against inflation and progress is being made. The Council on Wage and Price Stability plays an important role in supplementing fiscal and monetary policies, and will continue to call my attention to wage and price developments or actions by the Government that could be of concern.

GERALD R. FORD.

THE WHITE HOUSE, November 20, 1975.

MESSAGE FROM THE HOUSE

At 1:29 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its reading clerks, announced that the House has passed the bill (H.R. 8578) to amend the Community Services Act of 1974 to increase the Federal share of financial assistance to community action agencies, in which it requests the concurrence of the Senate.

ENROLLED BILLS SIGNED

The message also announced that the Speaker has signed the following enrolled bills:

H.R. 12. An act to amend title 3, United States Code, to provide for the protection of foreign diplomatic missions, to increase the size of the Executive Protective Service, and for other purposes.

H.R. 8841. An act to extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, November 20, 1975, he presented to the President of the United States the enrolled bill (S. 6) to amend the Education of the Handicapped Act to provide educational assistance to all handicapped children, and for other purposes.

HOUSE BILL REFERRED

The bill (H.R. 8578) to amend the Community Services Act of 1974 to increase the Federal share of financial assistance to community action agencies, was read twice by its title and referred to the Committee on Labor and Public Welfare.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States transmitting a secret report entitled "Equipment Shortages: A Result of Emergency Support of U.S. Allies" (with an accompanying report); to the Committee on Government Operations.

REPORT OF THE COMMODITY FUTURES TRADING COMMISSION

A letter from the Chairman of the Commodity Futures Trading Commission transmitting, pursuant to law, a report of the activities of the Commission since April 21, 1975 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT OF THE INDIAN CLAIMS COMMISSION

A letter from the Chairman of the Indian Claims Commission transmitting, pursuant to law, a report on the final determination of the Commission in the case of Confederated Tribes of the Goshute Reservation, et al v. United States (with accompanying papers); to the Committee on Appropriations.

APPROVAL OF REA INSURED LOAN

A letter from the Acting Administrator of the Rural Electrification Administration transmitting, pursuant to law, a statement in connection with the approval by the Administration of an insured loan to Western Illinois Power Cooperative, Inc., of Jacksonville, Ill. (with accompanying papers); to the Committee on Appropriations.

REPORT OF THE OFFICE OF MANAGEMENT AND BUDGET

A letter from the Deputy Director of the Office of Management and Budget reporting, pursuant to law, on the necessity for supplemental estimates of appropriations for the Veterans Administration; to the Committee on Appropriations.

PROPOSED CONSTRUCTION PROJECTS FOR THE AIR NATIONAL GUARD

A letter from the Deputy Assistant Secretary of Defense notifying the Senate, pursuant to law, of certain proposed construction projects for the Air National Guard; to the Committee on Armed Services.

PROPOSED LEGISLATION BY THE SECRETARY OF TRANSPORTATION

Five letters from the Secretary of Transportation transmitting drafts of proposed legislation and a statement of the need thereof (1) to revise and improve the laws relating to the documentation of vessels, and for other purposes; (2) to revise and improve the laws relating to the documentation of

seamen; (3) to simplify the tonnage measurement of certain vessels; and (4) to eliminate Federal documentation of pleasure vessels (with accompanying papers); to the Committee on Commerce.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Deputy Comptroller General transmitting, pursuant to law, a list of reports issued by the General Accounting Office for the month of October 1975 (with accompanying papers); to the Committee on Government Operations.

PROPOSED LEGISLATION OF THE GENERAL SERVICES ADMINISTRATION

A letter from the Acting Assistant Administrator of General Services transmitting a draft of proposed legislation to amend the Federal Property and Administrative Services Act of 1949 (with accompanying papers); to the Committee on Government Operations.

PROPOSED LEGISLATION BY THE DEPARTMENT OF THE ARMY

A letter from the Acting Secretary of the Army transmitting a draft of proposed legislation for the relief of Vojislav S. Bozic, et al (with accompanying papers); to the Committee on the Judiciary.

REPORT OF THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education, and Welfare transmitting, pursuant to law a report on the administration of certain sections of the Public Health Service Act for the fiscal year 1975 (with an accompanying report); to the Committee on Labor and Public Welfare.

PROPOSED REGULATIONS OF THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Two letters from the Executive Secretary to the Department of Health, Education, and Welfare transmitting pursuant to law, copies of proposed regulations to be published in the Federal Register (with accompanying papers); to the Committee on Labor and Public Welfare.

PROSPECTUS OF THE GENERAL SERVICES ADMINISTRATION

A letter from the Acting Administrator of General Services transmitting, pursuant to law, a revised prospectus for construction of a U.S. courthouse in lieu of the previously authorized Federal office building for Madison, Wis. (with accompanying papers); to the Committee on Public Works.

NOTE

In the RECORD of November 17, 1975, on page S20167, middle column, a communication from the Federal Election Commission is erroneously described. The RECORD should read as follows:

REPORT OF THE FEDERAL ELECTION COMMISSION

A letter from the Vice Chairman of the Federal Election Commission transmitting a report relating to allocation of campaign contributions and expenditures (with an accompanying report); to the Committee on Rules and Administration.

PETITIONS

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following petitions which were referred as indicated:

A resolution adopted by the Village of Richfield, Ohio, relating to revenue sharing; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, with an amendment:

H.R. 568. An act to grant an alien child adopted by an unmarried United States citizen the same immigrant status as an alien child adopted by a United States citizen and his spouse (Rept. No. 94-464).

By Mr. PERCY, from the Committee on Government Operations, without amendment:

H.R. 6692. An act to authorize appropriations for the period July 1, 1976, through September 30, 1976 (Rept. No. 94-467).

By Mr. PERCY, from the Committee on Government Operations, with amendments:

S. 2444. A bill to provide for the orderly transition to the new October 1 to September 30 fiscal year (Rept. No. 94-468).

S. 2445. A bill to provide permanent changes in laws necessary because of the October-September fiscal year (Rept. No. 94-469).

By Mr. METCALF, from the Committee on Interior and Insular Affairs, without amendment:

S. 2220. A bill to authorize and direct the Secretary of the Interior to reinstate oil and gas lease New Mexico 18302 (Rept. No. 94-470).

By Mr. METCALF, from the Committee on Interior and Insular Affairs, with an amendment:

S. 190. A bill for the relief of John Oakeson and H. F. Mulholland (Rept. No. 94-471).

By Mr. PROXMIRE, from the Committee on Banking, Housing and Urban Affairs, without amendment:

S. 2672. A bill to extend the State Taxation of Depositories Act (Rept. No. 94-472).

By Mr. MCCLELLAN, from the Committee on the Judiciary, with an amendment:

S. 22. A bill for the general revision of the copyright law, title 17 of the United States Code, and for other purposes (together with additional views) (Rept. No. 94-473).

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

H.R. 5197. An act to authorize the employment of certain foreign citizens on the vessel *Seafreeze Atlantic*, official number 517242 (Rept. No. 94-474).

By Mr. ALLEN, from the Committee on Agriculture and Forestry, without amendment:

H.R. 2343. A bill to designate the new Forest Service laboratory at Auburn, Alabama, as the "George W. Andrews Forestry Sciences Laboratory" (Rept. No. 94-475).

By Mr. EASTLAND, from the Committee on Agriculture and Forestry, without amendment:

H.R. 10027. An act to authorize the Secretary of Agriculture to enter into cooperative agreements which benefit certain Forest Service programs and to advance or reimburse funds to cooperators for work performed, and for other purposes (Rept. No. 94-476).

By Mr. MONDALE, from the Committee on Labor and Public Welfare, with an amendment:

S. 422. A bill to provide for the development and implementation of programs for children and youth camp safety (together with minority views) (Rept. No. 94-486).

By Mr. EASTLAND, from the Committee on Agriculture and Forestry, with amendments:

S. 698. A bill requiring the Secretary of Agriculture to convey certain lands to Mr. and Mrs. Pat Clark of Las Vegas, Nevada (Rept. No. 94-477).

By Mr. RANDOLPH, from the Committee on Public Works, without amendment:

S. 999. A bill to designate the Federal office building located in Dover, Delaware, as the "J. Allen Frear Building" (Rept. No. 94-484).

S. 2533. A bill to provide that the reservoir formed by the lock and dam referred to as the "Jones Bluff lock and dam" on the Ala-

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