

D. F. Conroy  
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would be amended to require the keeping of accurate and complete records of purchases, sales, transportation, storage, weighing, and official inspections and official weighings. These are records that elevators generally keep in the normal course of business. Also, the Administrator of the FGIS could prescribe the keeping of other records concerning the processing of grain, as required to facilitate the administration of the Act.

However, the Secretary of Agriculture would be required to complete a study within six months after enactment of this Bill, that addresses the various record-keeping requirements of the Commodity Credit Corporation, the United States Warehouse Act, and the Grain Standards Act. The Secretary would be required to develop a single record-keeping system for use by grain elevators, that would be applicable to all three programs. Also, the system would be adaptable to individual elevators, based on their size, complexity, and business purposes.

EXPLANATION

Section 1 provides for the establishment of a temporary advisory committee to provide consultation and advice to the Administrator of the Federal Grain Inspection Service with respect to the implementation of the United States Grain Standards Act of 1976, in order to assure that orderly and timely movement of grain from the farmer to the consumer is facilitated by the new requirements of this Act.

The Committee would be composed of 7 members representing grain producers, consumers, and all segments of the grain industry, including grain inspection and weighing agencies. The Secretary would be required to appoint the Committee within 30 days after the effective date of this Act.

SECTION 2—OPERATIONS OF THE ADVISORY COMMITTEE

Section 2 provides that the Committee shall generally operate under the provisions of the Federal Advisory Committee Act.

The Secretary of Agriculture would provide the Committee with necessary clerical assistance, staff personnel, and quarters.

Members of the Committee would not receive any compensation for their work on the Committee, other than travel expenses. The Committee would cease to exist at the expiration of two years proceeding its appointment.

SECTION 3—INSPECTION SUPERVISION FEES

Section 3 would repeal paragraph (2) of section 7(j) and paragraph (2) of section 7A(1) of the United States Grain Standards Act, which require that designated official inspection and weighing agencies and State agencies, to which authority has been delegated for the performance of inspection and weighing at export port locations, pay fees to support the cost of direct Federal supervision of their activities.

This section would also amend section 21 of the United States Grain Standards Act, which provides for appropriations. The authorization for appropriations to cover administrative and supervisory costs would be expanded, in conjunction with the changes made in the Federal fee structures, to include all Federal administrative and supervisory costs.

SECTION 4—RECORDS

Section 4(a) of this bill would amend section 12(d) of the United States Grain Standards Act, which requires commercial grain elevator operators and grain merchandisers who use inspection or weighing services under the Act to keep certain types of records enumerated in the law, and gives the Secretary of Agriculture and the Administrator of the Federal Grain Inspection Service access to such records and the elevator facility. The requirement for the maintenance of

amended to require—

(1) the maintenance of records of purchases, sales, transportation, storage, weighing, and official inspection and official weighing of grain; and

(2) such other grain processing records as the Administrator may prescribe as necessary to facilitate the administration of the Act.

Section 4(b) of the bill would require the Secretary of Agriculture to review the record-keeping requirements for grain elevator operators, under the United States Warehouse Act, the rules of the Commodity Credit Corporation, and the United States Warehouse Act. Based on his review, the Secretary would be required to develop a single record-keeping system that meets the requirements of the Commodity Credit Corporation and these Acts, and which takes into account the varying sizes, complexity, and business purposes of grain elevators.

FUNDING FOR INSPECTION AND GRADING OF OTHER COMMODITIES

Commodity	(\$ millions)	
	From fees	From appropriations
Cotton	50.2	\$8
Tobacco	8	5
Wool	16.3	260
Fruit and vegetables	15.6	
Poultry	9.6	0.3
Eggs	2	3.5
Dairy	2.0	None
Grain		
Costs, 1974	130	
Projected fiscal year 1978	148	15
	128	
Effect of this bill	143	18
	120	(5.3)

1 State and private.  
2 Federal.

Note: Also cost of Warehouse Administration Act is \$7,500,000 all from appropriation.

Source: USDA AMS and FGIS.

THEODORE SORENSEN

Mr. HUDDLESTON. Mr. President, on January 17, the President's designee for the position of Director of Central Intelligence, Mr. Theodore Sorensen of New York, withdrew his name from consideration. Withdrawal came at the beginning of the hearings scheduled by the Select Committee of the Senate on Intelligence with responsibility for considering that nomination.

Following that rather dramatic and unexpected turn of events, there was naturally a rash of press reports attempting to describe the circumstances and the actions and motives of some members of the committee that led to Mr. Sorensen's withdrawal.

Virtually all of those press reports vastly overstated the conditions that actually existed. Some bordered on hysteria.

Today in the New York Times there appeared a story of some length prepared and written by a number of separate journalists which attempted to get the facts and tell the story as it actually happened.

I have read the story as a member of the select committee. I have talked to other members of the Select Committee on Intelligence who contributed to this story or are recorded in it.

We all agree generally it is a factual account of what actually happened, what various members of the committee did or said relating to this particular nomination.

I believe it goes a long way toward setting the record straight as far as this situation is concerned. I believe it is important that the misconceptions and the inaccuracies that had been presented to the American people following the withdrawal of Mr. Sorensen's name as a nominee for Director of Central Intelligence should be corrected.

I think it is important that the Senate itself understand what most members of the select committee felt was their responsibility in this matter.

Mr. President, I ask unanimous consent that the story that appeared today in the New York Times be printed in the Record.

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

THE REJECTION OF SORENSEN: A DRAMA OF HUMAN FAILING

WASHINGTON, February 1.—President Carter's effort to install Theodore C. Sorensen as the Director of Central Intelligence was not blocked. It collapsed.

After his dramatic withdrawal on Jan. 17 at the start of televised confirmation proceedings—Mr. Sorensen suggested and the conspiracy-conscious capital embraced the notion that militarists, spies, right-wing activists and partisan politicians had combined to prevent a liberal, pacifist critic of covert espionage tactics from undertaking institutional reform.

But a reconstruction of the events that led to the collapse of the nomination—a rare defeat for an incoming President—shows that it was instead a drama of narrower human dimensions.

Involved were Mr. Sorensen's own reluctance to become the chief of the intelligence community, personality conflicts, timidity among Senate liberals and Democrats, and, above all, misjudgments and an apparent failure of nerve by the new Administration.

To those involved in it, the episode said at least as much about the style and motives of the new President as it told about the nomination he scuttled.

Mr. Carter promised to select a Cabinet carefully and to consult extensively with the Democratic Congress. But he evidently selected Mr. Sorensen without a thorough inquiry into his background. Mr. Carter never spoke to the chairman of the Senate Select Committee on Intelligence, Senator Daniel J. Inouye of Hawaii, until the nomination was in trouble. Surprised by the extent of dissent the nomination generated among Senate Democrats, Mr. Carter never asked the Senators to put aside their doubts and support his nominee. Mr. Carter backed away from the nomination without consulting the Senate Democratic leader, Robert C. Byrd of West Virginia, about either the chances or desirability of a fight to confirm Mr. Sorensen.

Five days before he took office, the President told Mr. Sorensen it was "up to you" whether the embattled nominee should fight for confirmation.

But then the new President, anxious to avert a narrow, partisan victory or an outright defeat by Congress at the start of his Administration, guided Mr. Sorensen to a decision to abandon the contest. When the nominee's deliberations hinged on an accurate count of support among Senate Demo-

crats Mr. Carter gave Mr. Sorensen a tally that was incomplete and misleading. And he urged Mr. Sorensen to consult a confidant who, Mr. Carter knew, would likely counsel withdrawal.

Still nursing his wounded pride in the Virgin Islands until today, Theodore Chaiken Sorensen, 48-year-old former aide to Presidents Kennedy and Johnson, was described as being puzzled even now over what had happened to his nomination. What follows, based on interviews with more than 40 persons who were involved, including several who reconstructed key conversations but insisted on anonymity, is the account.

#### THE SELECTION

On Dec. 22, Senator Robert B. Morgan of North Carolina, a Democrat on the Senate Intelligence Committee, read a speculative account in *The Washington Star* that Mr. Sorensen would be named to direct the Central Intelligence Agency. When Frank Moore, Mr. Carter's assistant for congressional liaison, telephoned on another matter, Senator Morgan told the aide: "Lord, I'm glad you called. Don't appoint him to the C.I.A. job."

The Senator based his objection on a belief that Mr. Sorensen had not been candid with the intelligence committee when he testified that President Kennedy had been unaware of C.I.A. plots to assassinate Fidel Castro, the Cuban Prime Minister. The Senator said as much to Mr. Sorensen, who could not dissuade Mr. Morgan.

The Carter aide reassured Senator Morgan: "he's not going to be appointed," Mr. Moore told him.

That same day, Kenneth P. O'Donnell, a Boston business consultant who had been President Kennedy's appointments secretary, spoke by telephone to Greg Schneiders, a Carter assistant working at the transition offices in Americus, Ga.

Mr. Sorensen protested his old colleague from the Kennedy White House, was a conscientious objector during the Korean war and would be in an untenable position dealing with military officers in the intelligence agencies. "They're not going to stand for it," Mr. O'Donnell said. "I don't want to see Carter get hurt by this."

#### ADVICE RELAYED TO CARTER

The conversation was interrupted by a call to Mr. Schneiders from Mr. Carter in nearby Plains. Coming back on the line with Mr. O'Donnell, Mr. Schneiders said he had passed the advice on to the President-elect.

The next day, Dec. 23, Mr. Carter announced the Sorensen nomination.

Most of the eight Democrats and seven Republicans on the Intelligence Committee, whose consent to the nomination was essential, were mystified. Mr. Carter's aides called the selection "unexpected." As recently as last week, few participants in the episode of the ill-fated nomination understood how and why Mr. Sorensen was chosen.

As an assistant to President Kennedy, he had been known as a brilliant speech writer and "chief of staff for ideas." As a New York City lawyer, he was a sometime adviser to political candidates, had raised campaign funds for Mr. Carter and had contributed ideas for speeches and the Presidential campaign debates. But he had a limited foreign policy background and no experience at managing large institutions.

The explanation for the choice lay in the contact Mr. Carter and his senior advisers had with Mr. Sorensen's keen intellect, in the new President's search for a gifted outsider to control the intelligence agencies—and in an accidental conversation.

#### SORENSEN'S COUNSEL SOUGHT

Jack H. Watson Jr., who planned Mr. Carter's transition and is now the President's Cabinet secretary, elicited Mr. Sorensen's advice in choosing Cabinet nominees. Among

others Mr. Watson consulted was Richard H. Neustadt, the Harvard professor of government who had advised President Kennedy on Cabinet selection.

Mr. Watson's method was to determine the likely challenges confronting Cabinet-rank officials, decide what characteristics were appropriate to the task and, to illustrate the concept in a memorandum to Mr. Carter, name an individual familiar to the President-elect who would meet the criteria.

In his C.I.A. memo, he recommended that Mr. Carter choose an individual with intelligence of a "sharp, high level" who had "profound" personal and intellectual integrity, healthy skepticism and a perspective that would be fresh in the intelligence field. Mr. Watson discussed the characteristics one day with Mr. Neustadt.

"You know who's perfect?" The professor said, "Ted Sorensen."

To Mr. Watson the suggestion was so logical that he was surprised not to have thought of it. He used Mr. Sorensen's name as the illustration in the memo and turned it in to Mr. Carter shortly after the election.

#### DOUBTS ON SUITABILITY

Mr. Neustadt and others began contacting Mr. Sorensen to say they, too, had recommended him for the post. Mr. Sorensen, who had recommended David E. Bell of the Ford Foundation, told Mr. Neustadt the job was "full of snares and headaches," told Mr. Watson, "No, that's not the job for me," and told Senator Edward M. Kennedy he had grave doubts about his suitability.

On Dec. 15, confronted with a speculative newspaper account that he had been chosen, Mr. Sorensen telephoned Mr. Carter to say he would be willing to discuss the matter.

Three days later Mr. Sorensen stopped in Plains for the discussion. Mr. Carter asked if Mr. Sorensen would have any investments that would pose conflicts of interest and Mr. Sorensen said no. The conversation drifted to other areas, then suddenly the President-elect returned to the C.I.A. job.

"Well, I want you to do it," Mr. Carter said. Mr. Sorensen was startled, having presumed that the Carter staff would take time to check his background and suitability for the sensitive position. But he made what he later described as a "lightning" calculation. Even though he had three times denied interest in the job to others, he told Mr. Carter: "Yes."

Mr. Sorensen returned to New York where, the following day, he was said to be surprised by an indication that his background had not been plumbed. Hamilton Jordan, one of Mr. Carter's senior assistants, telephoned to ask whether it was true that Mr. Sorensen had been a conscientious objector. For the first of many times the nominee explained that he had sought and received classification as a noncombatant but had never tried to avoid military service. Mr. Sorensen offered to suggest other matters in his personal history that could give rise to Senate concerns, but Mr. Jordan told him that was not necessary.

#### THE REACTION

To be sure, the Sorensen nomination was greeted icily on the political right. Senator Barry Goldwater, Republican of Arizona, refused to grant even the customary courtesy call by the nominee. Human Events, a conservative publication produced a negative answer to its rhetorical question, "Should a Conscientious Objector Be the New C.I.A. Chief?"

Senator Robert J. Dole, who was President Ford's running mate last fall, sampled sentiment among Republicans and urged on Jan. 8 that the nomination be withdrawn. Representative Lawrence P. McDonald, a Georgia Democrat, organized a Jan. 10 meeting of conservative opponents. Some former and retired intelligence officers, spread word

in friendly Senate quarters that, as one of them stated it, Mr. Sorensen would be "about as well-received at Langley," the C.I.A. headquarters, "as Sherman was in Atlanta."

Human Events would ultimately credit "diligent" conservative groups and Republican senators with having stirred the momentum that thwarted the nomination. Yet Frank McNamara of the American Conservative Union was pessimistic a week before the scheduled confirmation hearings that the opponents could muster more than five of the 15 Senators.

All that week the antagonists searched for a copy of an affidavit Mr. Sorensen had given the defense in the trial of Dr. Daniel Ellsberg and Anthony J. Russo Jr., who were accused of disclosing classified information—the so-called "Pentagon papers"—on United States involvement in Vietnam. The opponents thought it could be a rock setting off ripples in a pool. It was. But the document was found first by a Sorensen supporter, Senator Joseph R. Biden Jr., Democrat of Delaware.

Looking back on it, what astounded Mr. Carter's staff was that the opposition to Mr. Sorensen was not confined to the right. The discovery reflected the new Administration's naivete in assuming that Mr. Sorensen, as an articulate, intellectual, charter member in the Kennedy coterie, would be welcomed back into power.

If Mr. Carter's victory suggested the country had changed since the Democrats last reigned, Mr. Sorensen's reception among Senate liberals and Democrats demonstrated that Congress had changed too.

Senator Kennedy, eager to champion the cause of his late brother's ally was reduced to a circumspect role. Visible activity on behalf of Mr. Sorensen, the latter's strategists decided, would have drawn attention to the nominee's presence as an adviser to Mr. Kennedy at Chappaquiddick, after a young woman drowned when the Senator's car ran off a bridge on that island near Edgartown, Mass.

There were other, seemingly less consequential objections raised in quarters where the Carter camp had expected praise. Jody Powell, the White House press secretary, said later that he had been dumbfounded by "personal, catty, sniping stuff" from liberals who had been expected to rally to Mr. Sorensen's defense.

Two early advocates, Senator Gary Hart of Colorado and Senator Walter Huddleston of Kentucky, detected the qualms among their colleagues. Mr. Huddleston thought the mood made Mr. Sorensen a "marginal" prospect for confirmation. Mr. Hart warned Vice President-elect Mondale early in January of growing "resentment" over Mr. Sorensen.

Senator Inouye, who lost his right arm in World War II and once said he would give the left if necessary to fight Communists, told colleagues he was particularly troubled by Mr. Sorensen's renunciation of personal violence, which the Senator found incompatible with a job in which violence might one day have to be abetted.

All the early jitters were magnified with sudden vengeance when Senator Biden found the Pentagon Papers affidavit.

#### THE KEY ISSUE

The opponents were already complaining of Mr. Sorensen's support of Dr. Ellsberg and the committee's minority staff had obtained a Justice Department transcript of the nominee's March 15, 1973 testimony in the Pentagon papers trial. The transcript showed Mr. Sorensen had made an affidavit six months earlier that was not admitted as evidence.

Uncertain of what the document contained but wary that the opposition would use it, Senator Biden's aids scoured Washington until they found a copy on Jan. 13.

Describing the preparation of his book, "Kennedy," in 1965, Mr. Sorensen said in the 1972 affidavit that he took 67 boxes of documents, letters and other material from the White House when he left in 1964 and that they included seven boxes of "classified" information.

Mr. Biden found that statement "very disturbing." He took the affidavit to Senator Inouye, the committee chairman, that Thursday—four days before the start of the confirmation hearings—and urged that Mr. Carter be notified immediately.

The implications were clear. Mr. Sorensen, whose prospects had already been described as "marginal" by a supporter, would now have to defend his use of classified information when being considered for a post in which confidentiality was regarded as the first principle of conduct. It would make little difference that Mr. Sorensen's actions had not, technically, broken any law. The affidavit would become a reason for opposition on plausible ground.

#### I WANT TO FIGHT

Mr. Sorensen happened, at that moment, to be with the President-elect at a meeting with the Joint Chiefs of Staff in Blair House. As the meeting adjourned, Mr. Mondale drew Mr. Sorensen into an unoccupied room and said that Senator Inouye had just telephoned him to report the development and recommend that the nomination be withdrawn.

Mr. Carter and Zbigniew Brzezinski, the national security adviser, entered the room, and Mr. Mondale outlined the problem to Mr. Carter. Mr. Sorensen noted that the affidavit was a public record, was defensible and created a clear choice. He could withdraw or fight. "I want to fight," he said. "I agree," Mr. Carter replied.

They telephoned Senator Inouye and asked to have a copy of the affidavit delivered to Mr. Carter, and the Senator requested that Mr. Sorensen come to his office five hours later, at 10:30 P.M.

When Mr. Sorensen got to the Senator's office Mr. Inouye was talking on the telephone with Mr. Carter, who told the Senator he had found nothing objectionable in the affidavit and wanted to proceed with the confirmation process. A few minutes later Mr. Carter repeated the encouragement in a telephone call to Mr. Sorensen.

Mr. Inouye, who earlier had counseled withdrawal, said he thought a concerted effort could produce a 10-to-5 vote for confirmation and "even 9-to-6 wouldn't be so bad." He urged that Mr. Sorensen meet the next day with as many committee members as might be in the city.

Encouraged, Mr. Sorensen went to the C.I.A. headquarters and, until 5:30 A.M. that Friday, drafted an opening statement for the confirmation hearing. He would never read it.

With one hour's sleep, Mr. Sorensen went from the home of his in-laws in suburban Maryland to Senator Kennedy's home in suburban Virginia. They had coffee with Stephen E. Smith, Mr. Kennedy's brother-in-law. Mr. Sorensen was tired but in good spirits. The Senator promised to spend part of the day contacting members of the committee.

Mr. Sorensen roved blithely across Capitol Hill much of the day, looking for committee members to shore up his support. It would take an emotional encounter late in the day to demonstrate to him that the support instead was crumbling.

Mr. Mondale, still working in the Senate office he would vacate in a week—it was across the hall from Senators Inouye and Biden—telephoned Senator Hart, who had gone home to Colorado. Mr. Hart had been an enthusiastic supporter of the nomination. Now he was troubled, not by the contents of the affidavit but by Mr. Sorensen's failure to have apprised the President-elect that it

existed. Mr. Hart's sentiments were understandable. In 1972, he had been manager of Senator George McGovern's Presidential candidacy when Senator Thomas E. Eagleton of Missouri neglected to mention he had undergone hospital treatment for depression, a matter that surfaced after Mr. Eagleton was the Vice-Presidential nominee.

Senator Hart nonetheless recommended a strong, positive defense be made for Mr. Sorensen's conduct.

#### MEETING OF SENATORS

Across the hall, however, Senator Inouye was again coming to the conclusion the nomination was doomed. Closeted at noon with Senator Adlai E. Stevenson of Illinois, and Senators Morgan and Huddleston, they talked of the withdrawal option again. Of the four, only Mr. Huddleston had been enthusiastic about Mr. Sorensen and now his judgment was crucial.

Mr. Huddleston had respected and shared Mr. Sorensen's plans to reform the intelligence community, but the affidavit made him conclude that Mr. Sorensen would not be able to develop the confidence of its officers or of intelligence officials in allied nations.

Senator Stevenson expressed similar but stronger misgivings. If confirmed, Mr. Stevenson said, Mr. Sorensen might be "isolated" by his subordinates, denied knowledge out of mistrust, and rendered incapable of preventing abuses in the name of intelligence.

A central consideration among the four was the committee's own credibility with the intelligence agencies. Mr. Stevenson said the panel had managed to establish confidence that it could be trusted with intimate knowledge of clandestine activities, and that "the credibility we had established would be disestablished" if Mr. Sorensen were confirmed.

After a while, they invited Mr. Mondale to join the discussion. Mr. Morgan left in the meantime, but the three other Senators recited their misgivings and counseled withdrawal. Mr. Mondale promised to advise Mr. Carter.

Not long after the meeting, Mr. Sorensen stopped to see Mr. Stevenson. The Senator was brutally candid, telling him that Mr. Carter should have known of the affidavit and adding: "If you didn't tell him, it reflects badly on your judgment and if he didn't ask you it makes me wonder about his judgment."

The Senator told associates Mr. Sorensen was surprised and disbelieving, at times defiant, as if Mr. Stevenson had been the first to give him a true assessment of his prospects.

"You don't know me very well if you think I would withdraw from a fight," Mr. Sorensen told the Senator.

#### THE VOTE COUNT

Mr. Sorensen continued his rounds, winding up at 5 P.M. that Friday at Mr. Mondale's office. The Vice President-elect was alarmed at the state of affairs. He called Senator Inouye over and the Senator, who had been consulting with colleagues all afternoon, told Mr. Sorensen, "At most we can get you one or two members of the committee."

When Senator Inouye left, Mr. Sorensen said he could not believe the appraisal was accurate. If so, he had lost seven or eight votes overnight. He and Mr. Mondale agreed they needed an accurate head count of committee members.

In one of several conversations with Mr. Carter that evening, Mr. Sorensen asked him to begin calling committee members on Saturday. Mr. Carter agreed, but said he doubted that the Senators would tell him anything more "determinative" than that they would delay a judgment until after the hearings.

On Saturday morning, Mr. Sorensen had breakfast at the C.I.A. headquarters with Clark Clifford, the former Secretary of Defense. The meeting, planned as one of a

series with elder statesmen whose advice Mr. Sorensen felt would be useful to him, turned instead into a strategy session.

Mr. Clifford agreed that an accurate reading of the Democratic committee members' attitudes was essential and that Mr. Carter also should sound out leading Senate Democrats who were not on the Intelligence Committee. As they conceived it, the President-elect should also bring his weight to bear. They decided to ask Mr. Carter to make the conversations three-pronged; He should first say he considered the growing objections to Mr. Sorensen to be unfair and wanted the nomination confirmed, then ask for assistance and, finally, ask for an appraisal of the situation.

It was early afternoon before Mr. Sorensen could get through to Mr. Carter, who was in Plains. The President-elect was not enthusiastic about the strategy because he was busy, but he offered to call as many Democrats on the committee as possible.

#### CALLS TO FOUR SENATORS

During the day, Mr. Carter reached four of the eight Democrats: Senators Inouye, Biden, Stevenson and Birch Bayh of Indiana. Of the suggested three elements of the conversation Mr. Carter employed only the third, a request for an assessment.

Senator Biden, reached in Wilmington, Del., told Mr. Carter, "I think we're in trouble. I think it is going to be tough," and asked what Mr. Carter intended to do.

"I'm leaving it up to Ted to do whatever he wants," said the President-elect. "I forced the job on him in the first place. He did not really want that job."

Mr. Carter found Senator Stevenson in Washington. The Senator said he had not tally but was not at all sure Mr. Sorensen could make it, called it a "no-win" situation and recommended withdrawal of the nomination. Mr. Carter thanked Mr. Stevenson for his candor.

Senator Bayh, the strongest Sorensen ally on the committee, had been traveling across Indiana since Thursday, virtually out of touch with the rapidly deteriorating situation in Washington. When Mr. Carter located Mr. Bayh Saturday evening, at St. John Baptist Church in Gary, the Senator told him:

"There are questions that have to be answered. I assume they will be."

Mr. Carter and his aides never reached Senator Hart, Senator Morgan or Senator Huddleston. Senator Hathaway, who was at funeral services for a relative in Canada, could not be reached on Saturday, but telephoned Mr. Carter when he returned to the capital Sunday night.

At about 9 p.m. that Saturday, Mr. Carter telephoned Mr. Sorensen. As Mr. Sorensen's associates remembered the conversation, the President-elect said he had called six of the eight Democrats and only one vote was secure. "It's up to you," Mr. Carter told him, adding that he would support the decision if Mr. Sorensen chose to fight.

Mr. Sorensen said he would "have to think about it."

The President-elect said he had just spoken to Clark Clifford. "Call Clark if you want some advice on this," Mr. Carter suggested. "He's sitting by the phone."

Mr. Sorensen telephoned, and Mr. Clifford did not try to dissuade Mr. Sorensen from abandoning the effort.

#### A CALL TO HIS WIFE

About midnight Mr. Sorensen called his wife, Gilian, and said he would withdraw at a news conference Sunday afternoon.

While Mr. Sorensen drafted a withdrawal announcement, two of his New York law partners, Arthur Liman and Mark Alcott, prepared a brief responding to the questions raised about the use of classified data 13 years earlier.

For the second morning in succession, the

newspapers were loaded with leaked versions of the fateful affidavit, speculation that the nomination was in jeopardy and anonymous complaints from the Senate about Mr. Sorensen. The nominee got angrier and angrier, convinced he had been judged without a hearing.

He went to Langley and told his lawyers he would answer the critics at the hearing Monday morning and withdraw there, with a national television audience to hear his side of the story, rather than at a news conference.

Mr. Sorensen telephoned Mr. Carter once more in Plains and described his intentions. Mr. Carter asked him to meet with Mr. Mondale and Hamilton Jordan about the plans.

Early Sunday afternoon, Mr. Mondale met with the two men at Mr. Mondale's home in the District of Columbia.

**THE VOTES AREN'T THERE**

"I recognize that Jimmy Carter has tried and the votes aren't there," Mr. Sorensen said. "Therefore, it's a losing battle." But he said he was determined not to withdraw without a hearing. Mr. Mondale and Mr. Jordan concurred.

Arthur Liman, aware that some 30 hours had passed without a statement of support for Mr. Sorensen from the President-elect and that Mr. Carter had avoided reporters outside the Plains Baptist Church that morning, called Mr. Carter's conduct "unfortunate."

Later that afternoon, Mr. Carter did issue a statement defending Mr. Sorensen's handling of classified documents and saying it would be "most unfortunate" if frank acknowledgement of common practice should "deprive the administration and the country of his talents and services."

The next morning, Monday, Jan. 17, Mr. Sorensen was en route to the hearing in a C.I.A. limousine. Eventually, Jody Powell would say the new President had abandoned the fight on Saturday. Another White House official would explain the capitulation by saying Mr. Carter had limited political coinage in the Congress and "nobody wanted to spend it yet."

As the limousine moved across the capital, the Langley command post notified the driver by radio that Mr. Carter wanted Mr. Sorensen to telephone him right away. The vehicle pulled up to the Old Senate Office Building, and Mr. Sorensen ducked into a phone booth in the building. He told the President-elect he was about to withdraw.

Mr. Carter said he was terribly sorry about the way it had turned out.

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

The PRESIDING OFFICER. The clerk will call the roll.

The second assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. 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 MESSAGE REFERRED**

As in executive session, the Presiding Officer laid before the Senate a message from the President of the United States submitting the nomination of Clifford L. Alexander, Jr., of the District of Colum-

bia, to be Secretary of the Army, which was referred to the Committee on Armed Services.

**MESSAGES FROM THE HOUSE**

At 5:21 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its clerks, announced that the House has agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill S. 474, to authorize the President of the United States to order emergency deliveries and transportation of natural gas to deal with existing or imminent shortages by providing assistance in meeting requirements for high-priority uses; to provide authority for short term emergency purchases of natural gas; and for other purposes.

**ENROLLED BILL SIGNED**

At 5:46 p.m., a message from the House of Representatives delivered by Mr. Berry announced that the Speaker has signed the enrolled bill (S. 474), supra.

The enrolled bill was subsequently signed by the President pro tempore.

**ENROLLED BILL PRESENTED**

The Secretary of the Senate reported that today, February 2, 1977, he presented to the President of the United States the following enrolled bill:

S. 474. An act to authorize the President of the United States to order emergency deliveries and transportation of natural gas to deal with existing or imminent shortages by providing assistance in meeting requirements for high-priority uses; to provide authority for short-term emergency purchases of natural gas; and for other purposes.

**REPORTS OF COMMITTEES**

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary:

S. Res. 65. A resolution authorizing additional expenditures by the Committee on the Judiciary for routine purposes. Referred to the Committee on Rules and Administration.

**EXECUTIVE REPORTS OF COMMITTEES**

As in executive session, the following reports of committees were submitted:

John F. O'Leary, of New Mexico, to be Administrator of the Federal Energy Administration.

(The above nomination was reported with the recommendation that it be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

**INTRODUCTION OF BILLS AND JOINT RESOLUTIONS**

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated.

By Mr. MATSUNAGA (for himself, Mr. RANDOLPH, and Mr. HATFIELD):

S. 572. A bill to promote the peaceful resolution of international conflict, and for other purposes; to the Committee on Government Operations.

By Mr. MATSUNAGA:

S. 573. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for certain additional persons on a space-available basis; to the Committee on Commerce.

By Mr. BAKER (for himself, Mr. TOWER, Mr. BENTSEN, and Mr. SASSER):

S. 574. A bill for the relief of Doctor Lawrence Chin Bong Chan; to the Committee on the Judiciary.

By Mr. PEARSON:

S. 575. A bill to amend section 236 of the National Housing Act, to require the payment of operating subsidies for projects subject to mortgages insured under such section, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

By Mr. MAGNUSON:

S. 576. A bill for the relief of Anacleto Aboyabor Dotollo and Turtosa Acompanado Dotollo; to the Committee on the Judiciary.

S. 577. A bill for the relief of Neam Vone Sae-Kuan (Paul Kuan); to the Committee on the Judiciary.

S. 578. A bill for the relief of Joaquin T. Quijencio; to the Committee on the Judiciary.

S. 579. A bill for the relief of Imelda C. Jayag Potter; to the Committee on the Judiciary.

S. 580. A bill for the relief of Sang Il Tong; to the Committee on the Judiciary.

S. 581. A bill for the relief of Judith Karen Bliss Halvorson of Edmonds, Washington; to the Committee on the Judiciary.

By Mr. JACKSON (for himself, Mr. MAGNUSON, Mr. CHURCH, Mr. METCALF, Mr. MELCHER, Mr. HATFIELD, Mr. PACKWOOD, and Mr. McCLEURE):

S. 582. A bill to amend the Colorado River Basin Project Act to extend the period during which the Secretary of the Interior shall not undertake reconnaissance studies of any plan for the importation of water into the Colorado River Basin; to the Committee on Interior and Insular Affairs.

By Mr. THURMOND:

S. 583. A bill to amend the corporate name of AMVETS (American Veterans of World War II), and for other purposes; to the Committee on the Judiciary.

By Mr. HEINZ:

S. 584. A bill for the relief of Ilias Tsakalis; to the Committee on the Judiciary.

By Mr. BROOKE:

S. 585. A bill to amend title II of the Social Security Act to increase the amount a recipient may earn before deductions are made from benefits due to excess earnings; to the Committee on Finance.

S. 586. A bill to amend title II of the Social Security Act to shorten the marriage duration requirements for eligibility for benefits for a divorced wife; to the Committee on Finance.

By Mr. STEVENS:

S. 587. A bill to amend section 170 of the Internal Revenue Code of 1954 with respect to certain charitable contributions by members of the Civil Air Patrol; to the Committee on Finance.

By Mr. STEVENS (for himself, Mr. BARTLETT, Mr. GOLDWATER, Mr. MELCHER, Mr. RIEGLE, Mr. THURMOND, and Mr. YOUNG):

S. 588. A bill to amend title II of the Social Security Act to increase to \$5,100 the annual amount which individuals may earn without suffering deductions from benefits on account of excess earnings; to the Committee on Finance.

By Mr. McINTYRE:

S. 589. A bill for the relief of Ioannis Tsiornis; to the Committee on the Judiciary.

By Mr. THURMOND (for himself and Mr. HATCH):

S. 590. A bill to amend title 38, United States Code, to make the Veterans' Administration an executive department, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. PERCY:

S. 591. A bill to reorganize the executive branch of the Federal Government to restructure Federal energy agencies, to establish an Energy Policy Council and a Department of Energy Supply and Natural Resources, to enhance energy conservation programs throughout the executive branch, to study energy regulatory policies, and for other purposes; to the Committee on Government Operations.

By Mr. DOLE (for himself, Mr. CLARK, Mr. TALMADGE, Mr. YOUNG, Mr. McGOVERN, Mr. CURTIS, Mr. HUMPHREY, Mr. PEARSON, Mr. EAGLETON, Mr. HUDDLESTON, Mr. DANFORTH, and Mr. TOWER):

S. 592. A bill to establish an advisory committee to provide consultation and advice to the Administrator of the Federal Grain Inspection Service and to amend the U.S. Grain Standards Act with respect to supervision fees and recordkeeping requirements; to the Committee on Agriculture and Forestry.

By Mr. HUDDLESTON:

S. 593. A bill to amend the U.S. Grain Standards Act with respect to recordkeeping requirements, and to establish an advisory committee to provide consultation and advice to the Administrator of the Federal Grain Inspection Service; to the Committee on Agriculture and Forestry.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MATSUNAGA:

S. 573. A bill to amend the Federal Aviation Act of 1958 to authorize reduced rate transportation for certain additional persons on a space-available basis; to the Committee on Commerce.

Mr. MATSUNAGA. Mr. President, I am introducing today a bill which would amend the Federal Aviation Act of 1958 to authorize reduced fare transportation on a space-available basis for the elderly—age 60 and over—and the handicapped.

There are several existing Federal programs which attempt to make transportation for the elderly and handicapped more readily available and accessible. There are, however, no special programs for these individuals in air transportation. Furthermore, at the present time the Civil Aeronautics Board has only limited authority to permit discount fare transportation for deserving groups, such as the elderly. My bill would make air transportation more widely available to the public.

Every citizen needs the mobility which air transportation affords. Unfortunately, for many consumers, inflation has placed air transportation far beyond their reach. The problem is especially acute for the elderly and the handicapped, many of whom tend to have below-average incomes and often rely upon public transportation.

Fares presently charged for air transportation tend to exclude both the elderly and the handicapped. A survey by

United Airlines, for instance, indicated that only 5 percent of its passengers were 65 years of age and older.

Yet, persons in this age bracket account for 10 percent of the total population. Such disparity is largely attributable to the low income levels of many of the elderly.

The merits and appeal of this proposal are obvious. It would enable those retired persons who generally have the time and desire to travel, but all too often lack the money, to do so. It would enable more of our elderly and handicapped citizens to visit their relatives and close friends living in widely scattered and far-distant areas of the country. Such a program would be of great importance to my own State of Hawaii. One can well imagine the numerous difficulties a large percentage of the senior citizens on neighbor islands encounter in traveling to vital medical facilities on the other major islands.

Well-designed reduced airfare programs for the elderly can be highly successful and beneficial to both the traveler and the airlines. To illustrate, for 7 years—between 1967 and 1973—Hawaiian Airlines offered reduced standby fares for the elderly. During this period when such fares were effective, the senior citizens traffic aboard the carriers grew by 340 percent, while the overall traffic grew by only 80 percent.

My bill would not only remove a barrier to mobility by the elderly and the handicapped, but would enable airlines to decrease their operating losses by filling otherwise vacant seats. This legislation envisions no expenditure of Federal funds. It would work very much to the advantage not only of senior citizens and handicapped but of the transportation industry, as well.

Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

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

S. 573

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the last sentence of section 403(b) of the Federal Aviation Act of 1958 (49 U.S.C. 1373(b)) is amended by inserting "elderly persons and handicapped persons" immediately after "ministers of religion".*

*(b) Such section 403(b) is further amended by adding at the end thereof the following new sentence: "As used in the preceding sentence, the term 'elderly persons' means individuals aged sixty and older; the term 'handicapped persons' means individuals who have severely impaired vision or hearing, and any other physically or mentally handicapped persons as defined by the Board".*

By Mr. PEARSON:

S. 575. A bill to amend section 236 of the National Housing Act, to require the payment of operating subsidies for projects subject to mortgages insured under such section, and for other purposes; to the Committee on Banking, Housing and Urban Affairs.

Mr. PEARSON. Mr. President, in 1974 the Congress amended the National

Housing Act with the intention of securing the long term housing needs of families and elderly in lower-income brackets. A substantial expression of that intention was contained in amendments providing that operating subsidies for section 236 housing projects be made for rent increases resulting from rising utility and tax rates. It is now 1977, and operating subsidies have yet to be paid. And so, Mr. President, I am today offering an amendment that simply seeks to assure that express congressional intention in this area is no longer thwarted.

Mr. President, the Banking, Housing and Urban Affairs Committee was concerned, during consideration of the 1974 amendments, that rapidly rising utility and tax costs might endanger the success of Federal housing projects. The committee rightly feared that after an initial operating expense level was established and rent subsidies set, that there would be no mechanism to adjust the subsidies to meet these rising costs.

The increases would become an ever-growing burden for the tenants, who would then be required, in direct contradiction of the program's goals, to pay much more than 25 percent of their incomes for rent. To avoid this problem, the committee proposed, and Congress passed, a provision that authorized the Secretary of the Department of Housing and Urban Development to pay subsidies for those rent increases justified by increased utility and tax rates. But the Department has not authorized such payments except in those instances when tenants have resorted to the courts.

As section 236 tenants have suffered the blows of repeated rent increases, they have been forced from the projects or have brought suit under the 1974 amendment. Those who have litigated the issue have been successful without exception. Every action regarding operating subsidies has been resolved with the same result—the court finds HUD must fulfill its congressional mandate. In a typical decision, the District Court for the District of Utah found:

The Court is convinced that the primary purpose of the 1974 amendments is to aid Section 236 Low-Income Housing Projects. The funds are to go directly to the project owner, but the real purpose of the legislation is to aid the low-income tenants. If the rental payments from tenants in existing projects are allowed to increase too much, many tenants may be forced to leave and the success of the individual project may be jeopardized. It is incumbent upon the Secretary to respond to the Congressional emphasis on fulfilling the purpose of existing projects. . . . It is clear that the wording of the Act gives some discretion to the Secretary. It seems certain to the Court, however, that the Secretary cannot refuse to exercise her discretion at all by completely refusing to implement the operating subsidy program.

Mr. President, I am confident that an action on behalf of all section 236 tenants will be heard and that the courts will eventually require HUD to fulfill its intended role nationwide. But I see no reason to further clog our court dockets, no reason to force expensive litigation. Mr. President, the bill I have just introduced will avoid these problems and

# Smokebombs and Sorensen

The first thing to be said about Theodore Sorensen's withdrawal yesterday from designation as Director of Central Intelligence is that he deserves full personal vindication against a subterranean stream of accusations made against him. For the most part, they were unjust or irrelevant and, as one Senator observed, smacked of conviction without a trial.

Consider, for example, the matter of leaks. Members of the Senate Intelligence Committee, which was to pass on his nomination, are much concerned to demonstrate their capacity to keep secrets. They are said to have been shocked when they learned that Mr. Sorensen acknowledged, in two court affidavits, that he gave classified information to reporters during his years in the Kennedy White House. This is not a subject on which we are disinterested; indeed, one of the affidavits was made in the suit brought against this newspaper concerning the Pentagon Papers. But we do know something about the way government works; about how common—and proper—this practice has been for officials up to and including Presidents; and how few former officials would muster the simple courage Mr. Sorensen did to say so.

Then there is the question of personal use of Government papers, including classified papers, by outgoing Government officials. Mr. Sorensen freely concedes having done so. We are not sure, in the abstract, that this is a salutary practice. But there is no doubt that it is a proper one, validated by the conduct of Presidents, aides, and other high officials for years. Suddenly to single out and assail Mr. Sorensen seems unfair, even captious.

The suggestion of captiousness, even of an ideological campaign, against Mr. Sorensen is heightened by the

circulation of a variety of other rumors or irrelevant reasons for opposing him. These include the fact that he has been married three times, which, one would think, would be especially awkward grist in a Senate recently characterized as undergoing an epidemic of divorce.

What is equally regrettable is that these smokebombs of objection prevented his nomination from being considered on the merits. We were encouraged by his nomination last month and believe he would have performed creditably. Still, his nomination presented other, fairer questions. It was bruited about that he sought to avoid military service as a pacifist. The darker implication here is grossly unfair to him. But the inherent philosophical question would have been legitimate: Can someone with deep nonviolent views fully act on the need—awful, rare but conceivable—to be cold-blooded?

Still more important is the principle of accountability to Congress and to the public for which Mr. Sorensen's nomination seemed to stand. He has long urged the Congress to greater vigilance over the C.I.A. ("The word 'oversight' has two meanings," he once wrote, "and they chose the wrong one.") In his withdrawal statement today, he stated a worthy principle: "I believe in the application of moral and legal standards to national security decisions, including the limitation of covert operations to extraordinary circumstances involving the vital national interests of our country, with timely review by the appropriate Congressional committees and written authorization by the President and his senior Cabinet officials."

It is a worthy standard, one by which both President-elect Carter and the Senate should be judged as they now decide not only who should head the C.I.A., but how.

# Sorensen Critics On Hill Set to Mount Attack

By Henry S. Bradsher  
Washington Star Staff Writer

President-elect Jimmy Carter's nomination of Theodore C. Sorensen to lead the U.S. intelligence community and direct the CIA has run into strong opposition. He will face hostile questioning before the Senate Select Committee on Intelligence beginning tomorrow.

Both the Democratic and Republican leaders in the Senate, Robert C. Byrd and Howard H. Baker Jr., have predicted difficulty in getting Sorensen's nomination approved.

The opposition focuses on several charges:

- Sorensen took secret government documents with him when he left the White House in 1963 and used them to write a book about President John F. Kennedy, whose top aide he was.
- He defended the leaking of the Pentagon Papers to the press.

See SORENSEN, A-12

## SORENSEN

Continued From A-1

- He was involved in policy-making during the early 1960s, when the CIA was plotting to assassinate foreign leaders.
- His governmental experience is only in domestic affairs, and he lacks qualifications in foreign affairs of intelligence.
- He was a conscientious objector in the Korean War.

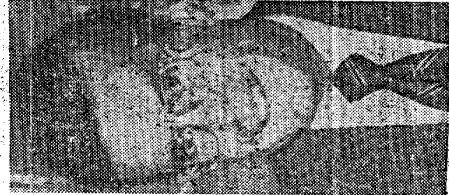
SOME OF THESE charges have come out of an intensive scrutiny of Sorensen's record by the Senate committee. Its staff members expect Sorensen to be on the witness stand all day tomorrow answering questions and possibly into the second day of a scheduled three-day inquiry.

Witnesses who want to testify in support of Sorensen include former senior government official Waverly Harriman, Clark M. Clifford, a former secretary of defense, and two former senior Pentagon officers, Adm. Elmo R. Zumwalt Jr. and Gen. James M. Gavin.

Critics include at least one committee member, Robert B. Morgan, D-N.C. Those listed to testify against Sorensen include Rep. Lawrence P. McDonald, D-Ga. and spokesmen for several private organizations, including Francis J. McNamara of the American Conservative Union. Sorensen, 48, joined Kennedy's staff when he became a senator in 1963 and soon was his closest adviser. Since leaving Washington after Kennedy was assassinated, he has been practicing law in New York. Long before Carter's presidential quest looked promising, Sorensen became a supporter of and adviser to the former Georgia governor.

CARTER REPORTEDLY selected him for the dual job of running all government intelligence operations and heading the CIA because his keen mind and analytical ability were considered more pertinent qualifications for dealing with a troubled and controversial area of government than prior experience in intelligence and foreign policy.

Byrd, the Senate majority leader, said yesterday he considered Sorensen's nomination to be "in considerable difficulty. His chances are, at this point, questionable." The minority leader, Baker, said he thought there would be significant opposition to Sorensen.



TED SORENSEN  
In trouble?

The newspaper Newsday reported yesterday that the committee had circulated to its members copies of an affidavit Sorensen presented to the 1972 Pentagon Papers trial of Daniel Ellsberg. Sorensen reportedly said he took seven cartons of secret material from the White House for use in his book.

The report also said Sorensen repeatedly leaked secret information to the news media. But Washington observers noted that many White House aides do that.

Sorensen yesterday called "totally false" the newspaper report that he took secret documents for the book and leaked classified material to reporters.

Sorensen, in a statement read by his law partner Mark Alcott, said he talked yesterday with Carter, who "reaffirmed his strong determination that I serve as director of central intelligence and I expect to do so."

McNAMARA, a staff director of the late House Un-American Activities Committee, is scheduled to testify that Sorensen submitted an affidavit in the case involving The New York Times' publication of the Pentagon Papers. The American Conservative Union quoted Sorensen as saying in the affidavit: "I believe the national security interests of the

Sunday, January 16, 1977

The Washington Star

United States will be irreparably injured if these documents are suppressed from public and congressional view."

Morgan has said Sorensen will face opposition over his role in the Kennedy administration "during the period in which the CIA hatched plots to assassinate foreign leaders." In announcing Sorensen's appointment Dec. 23, Carter had emphasized that he attended meetings of the National Security Council under Kennedy and knew "at first hand the inner workings of the decision-making process within the White House."

Sorensen told a Senate investigation of the CIA in 1975 he was certain Kennedy knew nothing of assassination plots.

CONTRARY TO THE picture of Sorensen as knowing everything that went on during the Kennedy era is a criticism that he has no experience in intelligence or foreign affairs. This point will be made by McNamara and several other witnesses.

Both Morgan and Sen. Robert Doole, R-Kan., have questioned publicly whether Sorensen's "pacifist background" makes him fit to run the CIA. The American Conservative Union contended that it poses a potential threat to the agency's morale.

# Sorensen Nomination In Trouble

## Senators Cite His Affidavits on Classified Data Use

By Spencer Rich  
Washington Post Staff Writer

The nomination of Theodore C. Sorensen as Central Intelligence Agency director appeared in grave danger yesterday, amid reports that several members of the Senate Intelligence Committee have asked President-elect Jimmy Carter to withdraw Sorensen's name or face the possibility he will not be confirmed.

The Intelligence Committee begins hearings Monday on Sorensen. His problems result from sworn affidavits, which he submitted in the 1971 Pentagon papers case and the 1972 trial of Daniel Ellsberg, that he had taken classified materials from the White House when he left it in 1964 after being a top aide to the late President Kennedy.

Sorensen, who was at the CIA headquarters in Langley, Va., yesterday, issued a statement last night saying Carter "has reaffirmed his strong determination that I serve as director of central intelligence and I expect to do so."

Mark Alcott, a law partner of Sorensen who was acting as his spokesman, said the reaffirmation came during a telephone conversation between Carter and Sorensen yesterday.

Sorensen said in his statement that Carter had read the affidavits which have been on the public record for five years, and "is familiar with all the facts."

He said, "Any charge that I have acted improperly with respect to classified information or White House papers is totally false."

Members of the Senate Intelligence Committee, who received copies of the Sorensen affidavits Friday, said they show that he used some of the materials in his 1965 book, "Kennedy," and received a tax

The affidavits also state, members said, that he leaked classified materials while in the White House for political and other purposes. The affidavits were called to the committee's attention by Sen. Joe Biden Jr. (D-Del.), a member.

Yesterday, three members of the Intelligence Committee, who asked not to be identified, said they had been told that Committee Chairman Daniel K. Inouye (D-Hawaii) and Senate Minority Leader Howard H. Baker (R-Tenn.), as well as several others, had advised Carter that he should consider withdrawing Sorensen's name, because he lacked judgment and respect for the classification process.

Spokesmen for both Inouye and Baker declined to confirm or deny the report. A spokesman said Baker, an ex officio member of the committee and its former senior Republican, had talked with Carter about Sorensen. Baker told reporters on Jan. 7 that there was "significant opposition" to Sorensen.

Senate Majority Leader Robert C. Byrd (D-W.Va.), meanwhile, told reporters yesterday that the Sorensen nomination "is in considerable difficulty" and he "wouldn't be willing to say" at the moment that he will support Sorensen. He said Sorensen's "chances, at this point, are questionable."

See SORENSEN, A7, Col. 2



## Sorensen Nomination to CIA in Trouble

### SORENSEN, From A1

A Carter spokesman in Washington said that the President-elect "is going to stand by this nomination fully." In Plains, Ga., Carter's deputy press secretary Rex Granum said Carter is "aware of the problem."

Sen. Jake Garn (R-Utah), a member of the 15-man Intelligence Committee, said he opposes Sorensen, and he believes Sens. Strom Thurmond (R-S.C.), Barry Goldwater (R-Ariz.) and Robert Morgan (D-N.C.) have also decided to oppose Sorensen.

"First of all, I don't think he has any experience at all," Garn said. "Secondly, I'm very concerned about someone who would leak classified documents out of the White House."

One committee Democrat, who asked not to be identified, said that both Sorensen and Carter "are being urged to withdraw the nomination in a most emphatic way—by senators on the committee and by others. They're not all Republicans. It's coming from both sides.

"I think a majority of the committee would vote against him now. It was marginal to begin with. He wasn't qualified. It never made any sense. The job requires a man of authority, a civilian who can control the entire intelligence community—a Jim Schle-

singer, not a Sorensen. The director of the largest intelligence service in the world is a leaker! It undermines the whole intelligence effort. It raises questions about his judgment.

"He didn't tell Carter. This was nip and tuck before. Now it's impossible."

First reports of Sorensen's difficulties appeared yesterday in the Los Angeles Times and Newsday.

The Pentagon papers case arose in 1971 when the government attempted to prevent The New York Times, Washington Post and other publications from publishing Pentagon documents, which had been obtained from a then unknown source or sources, giving the history of secret government deliberations involving the Vietnamese war.

Later, Ellsberg was accused of leaking the secret documents, which he had obtained when working for the Rand Corp., a government contractor, by duplicating a copy of the papers in Rand's possession.

Ellsberg was tried in 1972 on a 15-count indictment alleging national security violations, but the charges were dismissed after 89 days of trial in 1973 because of the "plumbers" break-in of his psychiatrist's office.

Sorensen filed the affidavits on behalf of Ellsberg and a codefendant in an effort to show that it was not uncommon for high government officials to take documents with them when they left the government and that leaking secret information was done often.

In his affidavits, according to several members of the Intelligence Committee, Sorensen admitted that when he left the White House in 1964, he took with him 67 boxes of material accumulated during his years as President Kennedy's top White House staff aide, including seven boxes of classified documents, such as copies of Kennedy-Khrushchev materials, materials on the Congo, Bay of Pigs, Laos and Berlin crises, and a transcript of the Kennedy-Khrushchev meetings in Vienna.

The affidavits also indicate he donated some of the material to the National Archives and received a tax break.

Senate aides said the hearings are scheduled to go on Monday unless Sorensen's name is withdrawn and that Sorensen is preparing a spirited defense before the committee in the hope of saving his nomination.

Staff writer Helen Dewar contributed to this article.



THEODORE C. SORENSEN  
... "charge ... is totally false"

## SORENSEN APPROVAL BY SENATE IN DOUBT

Use of Classified Material for  
 His Book on Kennedy at Issue

By WENDELL RAWLS Jr.

Special to The New York Times

WASHINGTON, Jan. 15 — President-elect Carter's selection of Theodore C. Sorensen to be Director of Central Intelligence ran into unexpected difficulty in the Senate today, with a growing possibility that the nomination might be withdrawn.

Robert C. Byrd, the Senate majority leader, told reporters that there could be "considerable difficulty" in gaining Senate approval for the nomination of Mr. Sorensen, formerly an aide to President Kennedy, to the top intelligence post.

One apparent difficulty surrounding the nomination was an objection in Senate circles that Mr. Sorensen, on leaving the White House staff in 1964, took with him certain classified information to help in writing a book on the Kennedy Administration.

Sources close to the Senate Select Committee on Intelligence, which has scheduled a hearing for Monday morning on the nomination, said that the opposition also stemmed from his inexperience in foreign intelligence; his role in helping Senator Edward M. Kennedy, Democrat of Massachusetts, explain the Chapquiddick incident; his status of conscientious objector in avoiding military service; and the role of his law firm, the New York firm of Paul, Weiss, Rifkind, Wharton & Garrison, which represents several multinational corporations and such foreign Governments as Zaire, Sierra Leone and Iran, where the C.I.A. has influence.

### Baker and Goldwater Consulted

In advance of the scheduled hearing, several senior members of the committee were consulting today among themselves and with Carter aides as to how to proceed with the nomination.

It was not immediately known whether Senator Daniel K. Inouye, Democrat of Hawaii, had advised Mr. Carter, either directly or indirectly through Vice President-elect Mondale, a former member of the committee, to withdraw the nomination.

Several members of the committee, however, made clear in separate interviews that the committee's questions and concern over Mr. Sorensen had been conveyed to Mr. Carter in Plains, Ga.

Senator Howard H. Baker Jr. of Tennessee, the ranking Republican member on the committee, said "I know there has been a great deal of concern" about the Sorensen nomination.

Senator Baker said there were "rumors" on the Senate floor yesterday that Mr. Carter had been asked to withdraw the nomination, but he said he did not have any first-hand knowledge of a specific move by committee members to prevail upon Mr. Carter to cancel it.

The key as to what action might be

Continued on Page 16, Column 1

## SORENSEN APPROVAL BY SENATE IN DOUBT

Continued From Page 1

taken by the committee rested with Senator Inouye, who could not be reached for comment. It was learned, however, that Mr. Inouye in the past two days had discussed the nomination, and its possible withdrawal, with Senator Baker and Senator Barry Goldwater of Arizona, another senior Republican member of the committee.

Rex Granum, Mr. Carter's deputy press secretary, said in Plains that the President-elect "is certainly aware that there is a problem" with the Sorensen nomination.

Asked whether the nomination would be withdrawn, Mr. Granum said, "Well, we all know that there has been an expression of a problem."

Mr. Granum said Mr. Carter had been informed either directly by Senator Inouye or indirectly through Mr. Mondale of the problem concerning the nomination.

The problem apparently first developed



Theodore C. Sorensen

on Thursday, when, according to one member of the intelligence committee, the group was presented with information "about the performance of Mr. Sorensen in relation to classified information."

The committee was shown an affidavit Mr. Sorensen gave for the trial of Daniel Ellsberg, who was involved in the unauthorized release of the Pentagon papers, in which Mr. Sorensen said he had used classified White House material in writing his book on the Kennedy Administration, then took a tax deduction when he returned the material to the Government. Mr. Sorensen did not break any laws in the action because what he did was then legal.

Efforts by The New York Times to reach Mr. Sorensen yesterday and today have been unsuccessful.

The effect of the presentation of the affidavit to the committee, according to one member, was to "raise increased reservations" about Mr. Sorensen in the top intelligence post.

According to one Republican member of the committee who declined to be quoted, Mr. Sorensen's statement about his use of classified information "can be interpreted in several ways," and "as he explained it to me, it was not sinister."

Even before the Sorensen affidavit was shown to the committee, the nomination had encountered some reservations in conservative circles of the Senate.

Senators Robert J. Dole, Republican of Kansas, and Robert B. Morgan, Democrat of North Carolina, had expressed misgivings because of what they called Mr. Sorensen's "pacifist background."

Senator Morgan, who served on the special Senate committee that investigated allegations of wrongdoing by the Central Intelligence Agency, said Mr. Sorensen also would face opposition because of his role in the Kennedy Administration "during the period in which the C.I.A. hatched plots to assassinate foreign leaders."

The Sorensen nomination was the first of Mr. Carter's prospective appointments to run into serious difficulty in the Senate. The rest seem likely to be approved speedily after Mr. Carter is inaugurated as President on Jan. 20.

WKE Comments Conf

# Mr. Sorensen torpedoed

Approved For Release 2005/11/28 : CIA-RDP90-01089R000100070001-5

On any scale of relevance to the Central Intelligence Agency and its future, the issues that figured in the torpedoing of Theodore Sorensen's candidacy as its director would rank well down.

The charges that suddenly surfaced last week are not trivial, yet they are hardly serious disqualifications.

Mr. Sorensen's former draft classification, for instance, strikes us as a sideshow of the sleaziest sort. When Mr. Sorensen registered for the draft in 1946 he sought and obtained classification 1AO — a designation given to those agreeable to hazardous duty as non-combatants. Mr. Sorensen's conscientious objections were known, and publicly noted, 16 years ago. And in any case the CIA is not an army — indeed, its involvement in secret para-military operations is among the practices that need searching re-examination. Must a prospective CIA director come before the Senate accoutered like a dragon, brandishing his saber?

Similarly, in the affidavits he filed in the *New York Times* and Ellsberg cases, Mr. Sorensen was only one of more than a dozen reporters and former officials who sought to establish perspective on the uses and abuses of government secrecy. That perspective was needed then, and is no less needed today. The hypocrisy, the gap between law and custom, pretense and practice, is nowhere else so great.

There are two workable approaches to official secrecy. Ideally, government should use the privilege of secrecy, as the Prayer Book once advised people to marry, "soberly, advisedly, discreetly" and above all sparingly — and expect officials and reporters to respect secrets on pain of severe legal penalty. But that is the ideal. The other system, the system in use, is to wield the "secret" and "classified" stamps with abandon, relying on curiosity and self-interest to force exceptions.

Mr. Ellsberg's handling of the Pentagon Papers was only an especially spectacular example of the working system described above. Yet it was honestly feared, both in government and the press, that the Pentagon Papers episode signalled a departure from the unwritten rules. Officialdom, or much of it, considered that Daniel Ellsberg had overstepped; the press, or much of it, viewed the Justice Department's invocation of prior restraint against the *Washington Post* and the *New York Times* — and its subsequent prosecution of Mr. Ellsberg — as equally aggressive. Did these legal steps herald a new literalism in the enforcement of laws and rules that had previously been observed most casually, and flouted when the mutual interest of press and government could be served thereby?

It was in the context of the battle over the

Pentagon Papers, and only in it, that Mr. Sorensen's true confessions about his use of classified papers were offered. He was not boasting; he was attempting to school the courts in an "anomalous" practice.

Max Frankel, then Washington Bureau Chief of the *Times*, deposed in another of the same group of affidavits that "without the use of 'secrets,' there could be no adequate diplomatic, military, and political reporting of the kind our people take for granted . . . and there could be no mature system of communication between the government and the people." The Navy, Mr. Frankel continued, used secrets to "run down" Air Force weaponry, and the Army to suggest its "superiority" over the Marines. President Kennedy had divulged his "secret" conversations with Mr. Gromyko about Berlin, while President Johnson later relayed (to Mr. Frankel personally) the skinny on his "secret" conversations at Glassboro, N. J., with Premier Kosygin.

Mr. Sorensen in his statement to the Intelligence Committee conceded that he used classified papers in his book, *Kennedy*, but protested most persuasively that he did not depart from accepted practice as understood (and accepted by the General Services Administration and government archivists) in the mid-1960s. His critics made effective use of hindsight and *ex post facto* rules.

By the tests implicit in the hostility of some members of the Senate Intelligence Committee, few if any people with extensive experience in government and few Washington reporters (including some of Mr. Sorensen's severest critics) could qualify for presidential appointments. Many have handled secrets without authorization.

The feeling can't be avoided that the stir over these matters — Mr. Sorensen's draft status, his use of classified documents — was a smoke-screen for unstated personal and political objections. Mr. Sorensen could not be described as an ingratiating or popular man, and his aspiration to play reformer to the CIA had been advertised. If the other issues hadn't queered his chances, something of equal irrelevance might have served the same purpose.

The trouble with this is not that Mr. Sorensen was an obvious and natural choice for the post of CIA director; in some ways the appointment was puzzling. The trouble is that Mr. Sorensen has been smoothly axed for reasons which, as stated, have little to do with his qualifications for the job, and less to do with the future direction of the agency. We hope Mr. Carter, undaunted by this setback, will not desist from his attempt to bring a fresh approach and new perspectives to a department of government that needs both.

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