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The PRESIDING OFFICER. Is there objection?

Mr. SIMPSON. May I ask the majority leader to ask that the time be equally divided prior to that time and that it may be yielded back if there be remaining time?

Mr. BYRD. Yes; that is a good suggestion.

The PRESIDING OFFICER. Hearing no objection to the majority leader's request, it will be so ordered.

Mr. BYRD. I thank the Chair.

## ORDER OF PROCEDURE

Mr. BYRD. Mr. President, I ask unanimous consent that the distinguished Senator from Missouri may proceed for 2 minutes as in morning business, that he may be permitted to speak for 2 minutes; that upon the conclusion thereof the Senate proceed to executive session for the consideration of the nomination of Mr. William Webster, and that the time between that moment and the hour of 5:45 p.m. today be equally divided today between the distinguished Senator from Oklahoma, Mr. BOREN, the chairman of the Intelligence Committee, and the distinguished Senator from Maine, Mr. COHEN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask unanimous consent that it be in order, as in executive session, at this moment to ask for the yeas and nays on the Webster nomination.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BYRD. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is sufficient second.

The yeas and nays ordered.

Mr. BYRD. Mr. President, I thank the distinguished assistant Republican leader and all Senators who have contributed in bringing these agreements into effect.

Mr. SIMPSON. Mr. President, may I just respond that it is always a tremendous pleasure to work with the majority leader. He has always been most courteous and most extraordinary to me even when we were in spirited moments.

Mr. BYRD. Mr. President, I thank the Senator.

Mr. SIMPSON. Mr. President, may I inquire, so we might know, if the Webster vote might be the last vote this evening? Is that appropriate, too?

Mr. BYRD. Mr. President, the answer is yes, may I say.

## CLOTURE MOTION

Mr. BYRD. Mr. President, so that all Senators will be on notice, I send another cloture motion to the desk while the Senate is on the motion to proceed.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of S. 1174, a bill to authorize appropriations for fiscal years 1988 and 1989 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal years for the Armed Forces, and for other purposes.

Senators Robert C. Byrd, John Melcher, Quentin Burdick, Wendell Ford, Paul Sarbanes, Jim Sasser, Bill Proxmire, Brock Adams, Max Baucus, Barbara Mikulski, John Glenn, Timothy Wirth, Frank Lautenberg, Patrick Leahy, Daniel K. Inouye, George Mitchell, J.J. Exon, Dale Bumpers, John F. Kerry, and Terry Sanford.

Mr. BYRD. Mr. President, in response to the question by the distinguished assistant Republican leader, there will be no more rollcall votes today following the vote on the nomination of Mr. Webster.

Mr. SIMPSON. I thank the majority leader.

Mr. DANFORTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

## OPPOSITION TO IMPOSITION OF CERTAIN TAXES BY THE EUROPEAN COMMUNITY

Mr. DANFORTH. Mr. President, in late March the Senate passed S. Con. Res. 21, which expresses the sense of the Congress that the administration should vigorously oppose the establishment of a tax on vegetable and marine fats and oils by the European Community, and further states that in the event that such a tax is imposed, then our Government should adopt strong and immediate countermeasures.

Last week, the European parliament met on this matter and did recommend the imposition of such a vegetable oil tax. The effect of that tax would be a tax, the same as a tariff, equal to 90 percent of the selling price of soybeans in the European market.

The European market accounts for nearly half of our export market for soybeans.

This week, the agricultural ministers of the European Community are taking up the question of the vegetable oil tax.

I believe, and Senator HEFLIN believes, that it is exceptionally important for us to get the message to the European Community that this is a very serious matter. When we talk about trade wars, this really comes as close to a real trade war possibility as anything on the horizon.

Therefore, Senator HEFLIN and I are circulating a letter to Hon. Willy De Clera, who is a commissioner of the European Community, to reiterate the

very strong position of the Congress with respect to the vegetable oil tax before any action is taken by the agricultural ministers of the European Community. I hope to have the letter present during the rollcall vote on the Webster nomination. I would invite all interested Senators to sign the letter. So far we have about a dozen or so from both parties who have signed the letter. I would welcome any Senators who are concerned about this proposed vegetable oil tax to sign on during the Webster vote.

The PRESIDING OFFICER. The Senator's time has expired.

## EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now go into executive session to consider the nomination of William H. Webster, which the clerk will report.

## NOMINATION OF WILLIAM H. WEBSTER TO BE DIRECTOR OF CENTRAL INTELLIGENCE

The legislative clerk read the nomination of William H. Webster, of Missouri, to be Director of Central Intelligence.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I am pleased to speak as chairman of the Senate Select Committee on Intelligence in favor of the nomination of Judge William H. Webster to be the Director of Central Intelligence.

The Senate Select Committee on Intelligence reported out this nomination, by unanimous vote, on May 1, 1987, after an exhaustive review of his qualifications, character, judgment and experience. The committee examined in detail Judge Webster's views regarding the role of DCI as well as ways in which, working together, the executive and legislative branches will be able to strengthen the congressional oversight process.

In our deliberations, the Intelligence Committee took great care to pursue at length all issues pertinent to the confirmation process, including issues that emerged during the course of the hearings. These matters involved a number of topics including Judge Webster's record during his nine years as Director of FBI. In particular, the Committee carefully and painstakingly addressed concerns raised about FBI links to Lt. Col. Oliver North in the Iran-Contra matter.

In my judgment, the committee's findings fully supported its unanimous vote to submit Judge Webster's nomination favorably to the U.S. Senate. Based upon the information available to the Intelligence Committee and the sworn testimony of Judge Webster, I personally, and as chairman of the Senate Select Committee on Intelligence, recommend that the Senate confirm Judge Webster's nomination.

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It is my view that Judge Webster is fully qualified in all respects to provide the leadership needed by the Intelligence Community at this critical time.

I would add that I hope the Senate will act promptly on this nomination. While Robert Gates has done an outstanding job as Acting Director, the position of Director of Central Intelligence is an extremely sensitive and important one to our national security and requires permanent leadership as soon as possible. And Judge Webster is clearly qualified to fill that role.

Mr. President, in addition I will submit for the record a more complete summary of the work of the Senate Select Committee on Intelligence in a form of a letter to Senator BYRD and Senator DOLE from Senator COHEN and myself as chairman and vice chairman of the Committee.

Mr. President, I was particularly impressed during the confirmation process with the commitment of Judge Webster to the oversight process. He made it clear that he will place trust in the committee; that oversight is legitimate in his eyes; that we will attempt, working together, to develop the kind of full and candid relationship that will benefit the country.

Much has been said in the special committees investigating the Iranian affairs over the last several days about the need to rebuild a bipartisan spirit in this country, particularly when it comes to national security policy and foreign policy. We must be able to pull together so that we have one foreign policy and one national security policy that is the American policy. Not a Republican policy or a Democratic policy, not a White House policy or a congressional policy, but one that will serve the entire Nation.

I am convinced that working together with this candid spirit we can build, with Judge Webster, through his leadership, the kind of mutual trust that will benefit this Nation and will benefit our national security interests.

Mr. President, I ask unanimous consent that the full text of the letter which I referred to earlier citing in detail the considerations of the committee, the nature of the evidence which we considered, and the process which we followed, be printed in the RECORD at this point.

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

U.S. SENATE,  
SELECT COMMITTEE ON INTELLIGENCE,  
Washington, DC, May 8, 1987.

HON. ROBERT C. BYRD,  
Majority Leader,

HON. ROBERT DOLE,  
Minority Leader,

U.S. Senate, Washington, DC.

DEAR SENATOR BYRD and SENATOR DOLE: In our capacities as Chairman and Vice Chairman of the Senate Select Committee on Intelligence, we would like to submit for the consideration of the Senate a summary of the Committee's hearings and other inquiries with respect to the nomination of Judge William H. Webster to be Director of Cen-

tral Intelligence. The nomination itself was reported to the Senate on May 1, 1987, pursuant to a unanimous vote by the Intelligence Committee.

We have taken great care to examine all the issues that emerged in the course of the hearings, and Judge Webster has responded under oath to all relevant questions. This letter is designed to give the Senate a description of the Intelligence Committee's inquiry prior to formal debate on the nomination. We believe that the Committee's findings support its unanimous vote to recommend, based upon the information available to us, that the Senate confirm Judge Webster's nomination. In particular, based on the sworn testimony of Judge Webster and other information made available to the Committee, concerns raised about FBI links to Lt. Col. Oliver North and the Iran-contra matter were carefully considered by the Committee and were resolved by the Committee.

We hope the Senate will be able to act promptly on this nomination. The position of director of the CIA is an extremely sensitive and important one to our national security and needs to be filled by a permanent director as soon as possible. It was the assessment of the Committee that Judge Webster is qualified to provide the leadership needed by the intelligence community.

## BACKGROUND

On May 1, 1987, the Select Committee on Intelligence voted 15-0 to report favorably to the Senate on the nomination of Judge William H. Webster to be Director of Central Intelligence. The Committee undertook an exhaustive review of the qualifications of Judge Webster to head the Central Intelligence Agency, to manage the U.S. intelligence community, and to advise the President and the National Security Council on intelligence matters. The Committee focused on Judge Webster's conception of the role of the DCI, especially in relation to congressional oversight, and on his stewardship as Director of the Federal Bureau of Investigation. This letter summarizes the Committee's inquiry, with particular attention to issues that arose with respect to matters that are currently the subject of investigations by an Independent Counsel and the Select Committee on Secret Military Assistance to Iran and the Nicaraguan Resistance.

The Committee received sworn testimony from Judge Webster at three public hearings on April 8, 9, and 30 and at two closed hearings on April 9 and May 1. The Committee also examined documents made available by the FBI, the Select Committee, and the Independent Counsel. Committee staff interviewed officials of the FBI and other elements of the Department of Justice.

The closed hearings dealt with classified documents which suggested the possibility of improper efforts by staff members of the National Security Council to influence the FBI. Judge Webster testified under oath at the closed hearings that he was entirely unaware of these apparent efforts. Other information provided to the Committee indicated that no NSC staff contacts with the FBI in fact occurred with respect to the classified matters discussed in the closed hearings.

The Committee explored FBI relationships generally with Lt. Col. Oliver North because of the importance of Judge Webster's role in initiating the FBI investigation of NSC staff involvement in the Iran arms sales. The FBI investigation began on November 26, 1986, the day after Attorney General Edwin Meese announced at a news conference that he had discovered evidence of diversion of Iran arms sale proceeds to

the Nicaraguan contras. In the days before the Attorney General's announcement, documents in NSC files appear to have been destroyed. Moreover, the Attorney General's interviews of Lt. Col. North and National Security Adviser John Poindexter, among others, during the period November 21 through 25, were conducted without the assistance of experienced FBI investigators.

According to testimony received by the Committee, Attorney General Meese talked to Judge Webster on November 21, 1986, about the inquiry Mr. Meese was undertaking for the President. Judge Webster testified that he offered the FBI's assistance, but Mr. Meese declined and Judge Webster did not press the matter. A key issue addressed by the Committee was whether Judge Webster's prior knowledge of questionable activities by Lt. Col. North should have caused him to insist more strongly on FBI participation in the Attorney General's inquiry. Such participation might have led to the securing of NSC files at an earlier date and to more thorough conduct and reporting of the interviews with North and Poindexter, among others.

This concern was intensified when the Independent Counsel's office called to the Committee's attention an internal FBI memorandum dated October 30, 1986, and initiated by Judge Webster, which cited the opinion of a senior Justice Department attorney that Lt. Col. North might become involved in a criminal investigation by an Independent Counsel. The first two public hearings covered this matter, as well as a request by Lt. Col. North through Attorney General Meese also on October 30, 1986 to delay an FBI investigation of Southern Air Transport involvement with private support to the Nicaraguan contras.

After the initial public hearings were completed, the FBI reported to the Committee other instances where Lt. Col. North sought to influence FBI investigations, and the FBI provided information in response to press allegations of additional North-FBI contacts. This information raised the question whether Judge Webster had ignored or not responded to warning signs to stop North's activities. These matters were addressed at the final public hearing, and we believe that the record speaks for itself in that regard.

The entire Senate is generally familiar with Judge Webster's performance as FBI Director over the past nine years. The Judiciary, Intelligence, and Appropriations Committees have reviewed many aspects of the FBI's work under his direction, and the FBI's conduct in the ABCAM case and other undercover operations was examined in depth during 1982 by the Senate Select Committee to Study Undercover Activities of Components of the Department of Justice. In considering Judge Webster's qualifications to be Director of Central Intelligence, the Intelligence Committee has taken this record into account and has questioned the nominee about certain aspects of FBI conduct during his nine years as Director.

The results of the Committee's hearings on Judge Webster's nomination may be summarized as follows:

## CONGRESSIONAL OVERSIGHT

The conduct of the Executive branch in the sale of arms to Iran raised questions of noncompliance with legal requirements for intelligence operations. Therefore, the Committee questioned Judge Webster closely on his understanding and intentions with regard to those legal requirements.

Section 501 of the National Security Act of 1947, as amended in 1980, generally requires the Director of Central Intelligence

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and the heads of all departments, agencies, and other "entities" of the Government to give the House and Senate Intelligence Committees prior notice of covert action operations such as the Iran arms sale. A special provision allows the President to limit prior notice to eight Committee and Congressional leaders. The law also recognizes the possibility that the President may assert a claim of constitutional authority to withhold prior notice in extreme circumstances, but requires in such cases that the Committees be notified "in a timely fashion."

Judge Webster pledged to the Committee that he would recommend to the President against withholding notification of the Committees under any except the most extreme circumstances involving life and death and then only for a few days. Judge Webster also stated that he would like to see the Committees notified "in less than 48 hours if it's possible to do so in a rational, reasonable way."

If he could not support the President's decision regarding covert action notice, Judge Webster testified, he "would have to advise the President of my position on that, and if he would not authorize me to speak to you, I would have to leave." Asked whether he would then inform the Committees, Judge Webster said he "would do so to the extent permitted me by law and I know of no reasons why I could not, but only after I had resigned."

Other legal issues were raised by the absence of a Presidential Finding, as required by Section 662 of the Foreign Assistance Act of 1961, as amended (the Hughes-Ryan amendment), for CIA assistance to the transfer of arms to Iran in November, 1985. On the question of whether CIA covert action could be authorized by a retroactive Presidential Finding, Judge Webster expressed his belief that "an 'ex post facto' finding is contrary to the clear spirit of the statutory requirement." In his view, a retroactive Finding would not give legality to the action and would be merely "damage control."

Judge Webster testified that a strong legal case could probably be made for an oral Finding in an emergency, but he said he believed a written Finding should follow and he "wouldn't quit" until he had one. The purpose of a Finding, he explained, is to state in writing the basis for the action so that it can be reviewed and understood by everyone with responsibility, including the oversight committees.

The fact that the Iran arms sales were conducted by the National Security Council staff raised the issue of whether covert action operations by the NSC staff are covered by the legal requirements for intelligence operations. Judge Webster made clear his belief that the NSC staff is an "entity" subject to the requirements to report to the Intelligence Committees. If the National Security Advisor failed to notify the Committees, Judge Webster said, he would do so himself.

Asked about the desirability of sunset provisions for covert actions, Judge Webster stated that FBI undercover operations are already subject to periodic review and that there should be regular formal review of all covert actions by the DCI and the oversight committees.

Judge Webster stressed that his nine years of testifying as FBI Director on counterintelligence and counterterrorism demonstrate his support for congressional oversight. He stated that he believes he must have congressional support as DCI and that he intends to enhance the capabilities of the intelligence community to serve the national interest "aggressively, objectively and professionally . . . with fidelity to our Con-

stitution, our statutes and all lawful orders. . . ."

## GOALS AS DCI

Apart from oversight issues, Judge Webster discussed his goals as DCI. He explained that he believes in the traditional role for the DCI and therefore will not serve as a member of the Cabinet so as to remove any possible perception that he has a political role in the Administration. He said he has been promised by the President and the National Security Adviser that he will have direct access to the President and that he will be included in Cabinet and other inner circle meetings where emerging issues that depend on accurate intelligence are being discussed. He will participate with the National Security Adviser in making certain the President is aware of intelligence affecting national security, but will also exercise the option to impart "his own unvarnished views" to the President alone.

Judge Webster's primary goal as DCI, as expressed at the hearings, is to gather intelligence about foreign capabilities and intentions to help policymakers make sound decisions. He sees the task as not to shape or manipulate policy, but to provide information in which policymakers can place maximum confidence for its integrity. Covert action should, in his view, be conducted in support of legitimate national foreign policy goals controlled by "careful analysis of ideas and evolution of the plans, a Finding by the President that supports them and oversight by the Intelligence Committees of the Congress to represent the American people in terms of what we are doing."

Among other specific objectives, Judge Webster testified that he places great emphasis on human intelligence and recognizes the need to maintain momentum in recruitment and retention of people with the "enormous wisdom, talent and selfless dedication" of the present men and women in the intelligence community.

Federal law establishes a maximum ten-year term for the FBI Director. When questioned, Judge Webster said he would support a similar law for the DCI to remove the office from the political arena. Further, he will take steps to stand away from political activity and concerns in making speeches and attending functions. He does plan to help gain support from the American people for proper intelligence gathering activities by appropriate public statements.

## FBI-NORTH CONTACTS

As noted above, the Committee examined a series of contacts between Lt. Col. North and the FBI during 1985 and 1986. Judge Webster testified that, to the best of his knowledge, in no instance did FBI personnel convey information to North outside official, authorized channels. On two occasions North directly requested the FBI to delay activity in a criminal investigation. Judge Webster testified that in neither case was the request properly reported to him. In addition to Judge Webster's sworn testimony, the Committee reviewed key documents and Committee staff interviewed FBI and Justice Department officials regarding these North requests.

## DISSEMINATION OF INVESTIGATIVE REPORTS

In a letter dated April 22, 1987, Judge Webster submitted to the Committee the results of an internal FBI inquiry into press reports that the FBI had furnished Neutrality Act investigative reports to North. That inquiry revealed that in January 1985 North contacted the FBI office in Los Angeles to warn that a domestic group's planned invasion of Nicaragua would do extreme damage to the contra movement. North requested an update of the Neutrality Act investiga-

tion of these plans initiated by the FBI in December 1984. The Los Angeles FBI office reported this contact and request by North to FBI Headquarters and to the other FBI field offices investigating the case. When the Miami and Houston field offices provided to FBI Headquarters the results of their investigations on January 5 and 10, 1985, a Headquarters supervisor disseminated the reports to the NSC. It was the supervisor's judgment that the information could have been of use to the NSC for foreign policy considerations.

A summary of the Miami report and the report itself, were sent to Judge Webster, who initialed it to the file. The note indicated that the report was being disseminated to several federal agencies including the NSC without reference to North.

When the FBI's Houston office closed its Neutrality Act investigation on September 12, 1985, FBI Headquarters again disseminated its report summarizing the results to the NSC and several federal agencies. The Headquarters supervisor did so because it was consistent with prior handling of communications in this case.

At the confirmation hearings, Judge Webster reported these results of the internal FBI inquiry and described the matter as having been properly handled by FBI officials. According to Judge Webster, the dissemination of reports to the NSC was handled in accordance with established practices for dissemination to the State Department and other federal agencies of FBI information and intelligence relating to the conduct of foreign affairs.

## INVESTIGATION OF THE "PRINCE"

The two requests to the FBI from North for delays in criminal investigative activity occurred in connection with the case of an alleged bank fraud committed by a self-described "Saudi Prince" going by the name of Ibrahim Al Masoud—in fact, not a Saudi prince but an Iranian named Mousalreza Ebrahim Zadeh who was ultimately convicted in 1987. The investigation was conducted by FBI Field Office in Philadelphia, in conjunction with the U.S. Attorney's office in Philadelphia. In a summary memorandum volunteered to the Committee after Judge Webster's initial confirmation hearings, the FBI advised that North had asked the FBI to delay attempts to interview the "Prince" in July, 1985. The new information also indicated that North may have tried in April, 1986, to delay a grand jury appearance in the case by Richard R. Miller, the President of International Business Communications, Inc., a public relations company and a "consultant" to the National Security Council.

The first North request was made on July 18, 1985, when an FBI Agent in the Washington Field Office interviewed North regarding the "Prince," following up leads sent by the Philadelphia FBI office. The "Prince" had persuaded a Philadelphia bank to accept a \$250,000 check and transfer \$210,000 to him before the check cleared. When the bank discovered that the check had been written on a closed account, the matter was referred to the FBI which opened a bank fraud investigation. Shortly thereafter, the Philadelphia office reported a statement by Miller that the "Prince" was closely associated with the National Security Council, and the Washington office determined that Miller's contact on the NSC staff was North. The FBI Agent assigned to the case in the Washington office requested and received approval to interview North from the White Collar Crimes Section Chief at FBI Headquarters.

After the interview, the FBI Agent prepared a five-page teletype message reporting

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what transpired. According to this report, North specifically requested that attempts by the FBI to interview the "Prince" be held in abeyance so as not to deter the "Prince" from making a substantial contribution to the Nicaraguan contras. The FBI Agent told North that his request would be made known to FBI Headquarters.

The teletype message was addressed to FBI Headquarters and to the FBI Philadelphia office on a "Priority" basis and to the New York and Sacramento offices on a "routine" basis. Judge Webster testified that this teletype message was never received by FBI Headquarters officials or by the Philadelphia or Sacramento offices because of an "unusual technological failure." Judge Webster submitted a detailed explanation of how this could have happened because the FBI was in a period of transition between two teletype systems. The message was received and filed in the New York office, which did not have principal responsibility for the case. It was also filed in the Washington Field Office, where it originated, and was discovered there in April 1987, when the Washington office was asked to pursue a lead in an investigation by the FBI Sacramento Field Office of the wife of the "Prince." Committee staff interviewed FBI officials to establish in detail the probable reasons for the apparent failure of the FBI telecommunications system in this case, and Judge Webster submitted a detailed technical explanation.

The failure of FBI Headquarters officials to receive the July 18, 1985, North interview report was especially significant because North discussed with the FBI Agent his fundraising efforts for the contras. The report quoted North as stating that he advised Kevin Kattke (who had originally told North about the "Prince") that inasmuch as public law forbade expenditures of government funds to aid Nicaraguan insurgents, it was inadvisable for a member of the NSC (North) to meet with the "Prince" directly. The report said North confidentially advised the interviewing FBI Agent that the NSC maintained indirect contact with the "Prince" through Miller for a lengthy period of time due to the desperate need for private funds by Nicaraguan freedom fighters since being cut off from U.S. funding.

The interview report also quoted North as stating that Miller's work for the NSC concerned the funneling of private funds to Nicaraguan freedom fighters, that the "Prince" was offering to provide his oil profits to support the Nicaraguan rebels, and that North had discussed the "Prince's" offer personally with President Reagan and National Security Adviser Robert McFarlane as recently as June.

Judge Webster testified that the July 18, 1985, North interview report should have been referred to him and that, if he had seen it, he would have recognized the significance of the potential violation of law by North. Judge Webster said there would have been substantial interest in a request to delay an interview of the subject of an investigation based on aid to the contras, because that would have been "completely improper." Judge Webster also sent the Committee a memorandum on the internal FBI inquiry into this incident stating that the FBI Agent in the Washington office did not comply with North's request for a delay in efforts to locate and interview the "Prince." Committee staff interviews and a contemporaneous document corroborate this statement.

The Agent in the Washington office sent another teletype message to FBI Headquarters on July 31, 1985, referring to the July 18 message and reporting a further discussion with North in which North advised

that Miller and the "Prince" were in Europe attempting to arrange funds for the contras. According to the internal FBI inquiry, this was the first knowledge by the White Collar Crimes Section at FBI Headquarters of North's facilitating the channeling of funds to the contras, and it was not disseminated outside the Section. Judge Webster testified that he did not receive this information.

In September, 1985, the Washington office agent requested and received Headquarters approval by telephone to notify North of information received from another FBI office establishing that the "Prince" was an Iranian who had previously engaged in bank frauds. A subsequent teletype to FBI headquarters reported that North had been notified and referred back to the original request to interview North (but not to the July 18 message reporting the interview).

The Committee did not examine in detail the question of whether supervisory agents at FBI Headquarters or the agent in the Washington office should have taken further action to bring the information about North's activities to higher levels in the FBI. The Committee could find no evidence that Judge Webster was aware of any of these FBI contacts with North until April 13, 1987, when he made the information available to the Committee.

A second North request to the FBI was made in April 1986, when North contacted FBI Executive Assistant Director Oliver "Buck" Revell with respect to the testimony of Richard Miller before the grand jury in Philadelphia investigating the "Prince." The April 13, 1987, summary of the FBI internal inquiry into this matter stated that Revell recalled "contacting an Assistant United States Attorney in Philadelphia on a secure telephone line and requesting the postponement of Miller's appearance based on the NSC's request." On April 17, 1987, Judge Webster sent the Committee a letter from Revell in which Revell revised his recollection significantly. According to this letter, Revell now recalls that on April 30, 1986, he inquired about the scope of questioning of Miller but did not request a postponement of Miller's appearance. This revision was significant because Revell stated that he had not informed Judge Webster as he should have done if a postponement was requested. Revell's revised account is corroborated by a memorandum prepared by the Assistant U.S. Attorney in Philadelphia on May 2, 1986, which recounts the conversation with Revell and makes no mention of a request for postponement. Revell's letter of April 17, 1987, states that he did not bring this matter to the attention of Judge Webster and did not consult with the Department of Justice because there was no action requested by him of the Assistant U.S. Attorney.

In response to Committee questions, Judge Webster testified that he had been disturbed to discover in April 1987 the material indicating Revell's contact with the Assistant U.S. Attorney. He said he had not previously known of Revell's contacts. Judge Webster characterized the contact as "most unusual" and said that Revell should have consulted him in advance and that Revell normally was very careful to keep him informed and had expressed regret to Judge Webster about his unintentional mistake in this case. Judge Webster also stated that, if he had known of North's request, he would have referred it to the Justice Department.

## KNOWLEDGE OF IRAN ARMS SALES

Judge Webster testified that in early August 1986, Revell told him that North had advised members of the Operations

Subgroup of the NSC Terrorist Incident Working Group (chaired by North) of the Iran arms sale initiative. North had said that the Attorney General had reviewed and approved the Presidential Finding that authorized the activity. Judge Webster testified that he raised the matter shortly thereafter with Attorney General Meese, who confirmed that he was aware of the initiative and had reviewed a Finding although it may have been a draft Finding. Judge Webster testified that he did not inquire and was not advised as to whether the Intelligence Committees had been notified.

## SOUTHERN AIR TRANSPORT INVESTIGATION

The Committee examined the circumstances surrounding a delay in the FBI investigation of the Southern Air Transport Company in connection with the Nicaraguan downing of a C-123 aircraft engaged in delivering arms to the contras in early October 1986. As with the FBI-North contacts discussed above, the Committee's inquiry included examination of key documents and staff interviews with FBI and Justice Department officials, as well as Judge Webster's sworn testimony. Committee staff developed the following chronology on the basis of this information.

On October 8, 1986, the FBI's Miami Field Office opened a preliminary inquiry into possible Neutrality Act violations involving Southern Air Transport, on the basis of press reports that SAT had serviced the C-123 aircraft shot down in Nicaragua. That evening, Lt. Col. North called FBI Executive Assistant Director Revell and told him that SAT was involved in "that other initiative," meaning U.S. arms shipments to Iran. Revell replied that the FBI would not investigate "authorized" activity. Revell also called the Miami Field Office to determine the nature of the FBI's efforts on the case.

On October 10, Revell met with the FBI Terrorism Section Chief and Deputy Assistant Attorney General Mark Richard from the Justice Department's Criminal Division. They agreed that the FBI should continue its preliminary inquiry, while the CIA should be asked about any authorized activity by Southern Air Transport.

On October 14, Revell briefed Judge Webster, who had just returned from an out-of-town trip, on North's concern.

On October 30, Associate Attorney General Stephen Trott called Judge Webster on a secure line and asked, at the request of the Attorney General, that "any non-urgent work" on the SAT investigation be suspended for 10 days. Trott said that there were sensitive hostage negotiations going on and that the Attorney General, while not wanting to "wreck the investigation," was trying to "permit a good climate for the negotiations to the extent possible." Judge Webster called the Assistant Director in charge of the FBI Criminal Investigative Division, Floyd Clarke, who said the investigation was "just at the preliminary stages" and could readily be suspended. Judge Webster added that Clarke should tell him if the suspension caused problems. Those calls were described in a memorandum from Judge Webster to Clarke the next day.

On November 10, FBI officials began to ask Justice Department officials whether they could resume the SAT investigation. Further contacts were made on November 12, 13, and 18.

On November 11, FBI Assistant Director Clarke told Judge Webster that the 10 days were up; Judge Webster agreed to call Associate Attorney General Trott.

On November 12, a memorandum from the Internal Security Section Chief in the Justice Department's Criminal Division in-

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formed Assistant Attorney General William F. Weld that, "unless you advise to the contrary, I intend to advise the Bureau that it is free to resume its investigation without further delay."

On November 20, Associate Attorney General Trott informed FBI Executive Assistant Director Revell that the suspension was lifted.

On November 26, FBI Headquarters told the field to resume its preliminary inquiry.

The Committee also learned that on November 6 and 14, 1986, Lt. Col. North called Revell to ask his assistance in stopping a Customs Service investigation of Southern Air Transport. Revell referred North to Associate Attorney General Trott and, on both occasions, asked whether North knew about SAT involvement in arms shipments to the contras. According to Revell, North replied in the negative.

At the public hearings, questioning of Judge Webster focused on his reasons for complying with the Attorney General's request to suspend the investigation. Judge Webster stated that he was already aware of Southern Air Transport's role in arms shipments to Iran, from his briefing by Revell on October 14, so he understood and accepted the sensitivity of the matter. Assistant Director Clarke told him that a follow-up interview with an informant was all that remained in the inquiry and that this could easily be postponed. Once he had been assured by Clarke that the suspension would not hurt the FBI investigation, Judge Webster saw no need to question the Attorney General's judgment.

Judge Webster was also asked why he had not reacted, on October 30 or later, to an FBI memorandum which he initiated, dated October 30, that included a recommendation by the Justice Department's Counsel for Intelligence Policy that North be excluded from receiving confidential FBI intelligence because "North may soon be involved in a criminal probe concerning U.S. activities in Central America by a special prosecutor. . . ." This recommendation also noted that "it would not be possible to advise other persons on the National Security Council to be assured the technically derived information would not be made available to Lt. Col. North."

Judge Webster explained that he did not read this memorandum until after suspending the SAT investigation and that, in any case, the memorandum did not make an impression on him because it was part of a typically large stack of informational memos and did not require him to take any action.

## MEESE INQUIRY

On November 21, 1986, Attorney General Meese was asked by the President to conduct an inquiry to determine an accurate chronology of the Iran arms sales. According to the Attorney General's testimony before the Committee on December 17, 1986, he met with Judge Webster on the day that he began his inquiry. Meese testified that when he informed Judge Webster of the inquiry, "we agreed that there was no criminal matter involved and that it would not be appropriate for the FBI to be brought in." He added that Judge Webster had offered the FBI's help whenever the Attorney General might wish it.

At the confirmation hearings, the Committee questioned Judge Webster regarding his November 21 meeting with Attorney General Meese. Judge Webster agreed with the Attorney General's description of the meeting, saying that the conversation regarding the Iran inquiry was a short, casual one and that Judge Webster, like the Attorney General, had not seen the Iran arms

sales as a criminal matter on November 21. Judge Webster also noted that he had previously asked the Attorney General whether a Presidential Finding for the arms sales had been cleared with Meese, and had been told that it had. In light of these facts, Judge Webster testified that he did not know of any material ways in which FBI involvement at that point would have changed the manner in which the inquiry was conducted.

Judge Webster was asked why the October 30 memorandum expressing a senior Justice Department official's concern about North did not lead him to entertain the possibility that the Iran inquiry could get into criminal matters. He replied that although he had read that memorandum, it had not stuck in his mind and had no impact upon his thinking on November 21. Judge Webster similarly stated that he had not thought about the possibility that the arms sales to Iran would violate the Arms Export Control Act, because the Act was not something that the FBI commonly handled and because he knew there had been a Presidential Finding. He also stated that, although he knew that Southern Air Transport was involved in the Iran arms sales and might be involved in the supply of arms to the contras, neither that fact nor the White House interest in suspending the SAT investigation had prompted any concern about possible criminality in the Iran arms sales.

A major line of questioning concerned reported document destruction by members of the National Security Council staff between November 21 and the initiation of the FBI investigation on November 26. Judge Webster testified that he met with Attorney General Meese on November 25, after the public announcement of discovery of possible diversion of funds to the contras. At that meeting Judge Webster learned that the Justice Department was going to ask all agencies to preserve relevant records. When the FBI entered the case on the 26th, they were informed by a White House official that documents had been secured on the night of the 25th. Assistant Director Clarke testified that FBI Agents went to the NSC offices and confirmed that the documents were under seal on the 26th.

Judge Webster said that on December 4, when he stated publicly that the FBI had no knowledge of any document destruction, that was an accurate statement. He declined to discuss what knowledge the FBI might now have, because of constraints placed by the Independent Counsel's investigation. Judge Webster did note, however, in response to questions that North's secretary, Ms. Fawn Hall, had not yet begun to cooperate with the FBI as of December 4, 1986.

## OTHER FBI INVESTIGATIONS

Committee Members questioned Judge Webster about the FBI's conduct in several other specific investigations.

(1) Nevada Cases. In the course of impeachment proceedings brought against U.S. District Judge Harry Claiborne, allegations were made of a "vendetta" against Judge Claiborne by the Special Agent in Charge of the Las Vegas, Nevada, FBI Field Office, Joseph Yablonsky. Senator Hecht cited specific instances of alleged misconduct by Agent Yablonsky during the course of the investigation. In response, Judge Webster noted that the FBI's Office of Professional Responsibility investigated allegations and that Agent Yablonsky was officially censured and placed on probation.

(2) FBI "Targeting." In connection with the FBI's ABSCAM and Claiborne cases, Members questioned whether the FBI had "targeted" individuals for investigation. Judge Webster stressed that it is not FBI

practice to target individuals for investigation. While it is appropriate to target problems (e.g., organized crime, labor racketeering), Judge Webster emphasized that it is not appropriate to target individuals. Before the FBI opens a criminal investigation of an individual, the Bureau must have reason to believe a person has been or will be engaged in criminal activity.

Judge Webster recognized shortcomings in the FBI's handling of the ABSCAM case. He stated that the FBI had incorporated recommendations made by the Senate Select Committee to Study Undercover Activities into its undercover practices and procedures which had improved the FBI's operations.

(3) PFLP Case. Earlier this year, acting on the basis of FBI information, the Immigration and Naturalization Service arrested several aliens who were members of the Popular Front for the Liberation of Palestine (PFLP). At issue was what authority the FBI had used to originate the investigation of PFLP members who had not committed terrorist acts in this country. Judge Webster explained that the FBI had acted under classified Attorney General's Guidelines which permit investigations of organizations that the FBI has reason to believe might be engaged in terrorist activities. He maintained that the PFLP is a recognized worldwide terrorist organization and that the FBI was concerned an infrastructure in the United States could develop and become the basis for support of terrorist activities.

(4) Warrantless Searches. Members questioned Judge Webster about the FBI's use of warrantless searches for intelligence purposes. He replied that the FBI operated under the authority of the classified Attorney General's Guidelines for Foreign Counterintelligence Investigations and that FBI Agents made full affidavits of facts supporting the authorization of any warrantless search. Judge Webster stressed the very limited use of warrantless searches in the FBI's work and maintained that current procedures were satisfactory, although he said the FBI would be willing to work with Congress on legislation requiring a court order comparable to the Foreign Intelligence Surveillance Act procedures for wiretapping. He agreed to provide the Committee with additional classified information concerning the use of such authority in specific instances.

(5) Varelli Allegations. Representative Patricia Schroeder has been the subject of allegations by a former FBI informant named Frank Varelli that she was listed in an FBI Terrorist Photo Album. Judge Webster stated that Rep. Schroeder had never been in the FBI album, that she was not the subject of any FBI investigation, and that he had responded to her concerns personally.

Judge Webster was questioned about allegations that certain domestic groups actively opposing U.S. foreign policy in Central America were improperly investigated by the FBI and that the FBI's handling of informants in such investigations was inadequate, especially in light of the FBI's recent experience with former informant Varelli. Members asked what mechanisms were in place to ensure that investigations of domestic political groups are handled properly and lawfully.

According to Judge Webster, the primary authority for initiating such investigations is the Attorney General's Guidelines for Domestic Security Investigations which specify the conditions under which an investigation can be launched. With respect to the handling of informants, Webster emphasized that there are substantial FBI Manual provisions dealing with informants which require strict accountability and record-keep-

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ing. Allegations of impropriety are subject to investigation by the Office of Professional Responsibility. Judge Webster subsequently advised the Committee in a response for the record that the investigation in which Varelli was used as an informant was conducted under the classified Attorney General's Guidelines for Foreign Counterintelligence Investigations.

(6) Donovan Investigation. In 1981, the FBI conducted a background field investigation of former Labor Secretary Raymond Donovan, who was undergoing Senate confirmation. The background check apparently failed to report information in FBI files that had a direct bearing on the nomination. Judge Webster was asked how this had occurred and what had been done to prevent such problems in the future. He confirmed that the investigation was not as thorough and complete as it should have been. He also advised that substantial changes in procedure and practice had been made since this incident and that he felt those changes would make recurrence unlikely.

(7) Files on Bishops. Press reports have alleged that the FBI has maintained information in its files for a number of years on two Catholic bishops who have worked with peace and civil rights groups. Members asked about the FBI's criteria for collecting and filing information on particular individuals. Judge Webster stated that the FBI did not have criminal investigative files on the two bishops. Instead, their names had been cross-referenced and appeared in other files for which the FBI had legitimate investigative interests. Judge Webster also said that he was concerned that FBI cross-referencing guidelines were not adequately clear. He noted that the FBI had recently completed a planning and evaluation study of this process and was implementing changes to tighten up procedures to ensure that there was sufficient reason for names to be included and cross-referenced in files.

(8) Cases Involving the Attorney General. Judge Webster was asked how he and the FBI handled cases in which allegations of wrongdoing reached the level of the Attorney General or his friends and associates, in light of the Attorney General's ability to protect those people by keeping Independent Counsel from investigating them. The "Wedtech" case was cited as a prime example of the Attorney General's possible involvement in wrongdoing, and the Olsen case (involving former Justice Department executives Edward Schmults and Carol Dinkins) was cited as an example of the Attorney General preventing an Independent Counsel from broadening an investigation to include high officials.

Judge Webster stated that the FBI's role was to conduct a preliminary inquiry under the direction of career Justice Department attorneys and then to assist any Independent Counsel. Judge Webster saw the question of the limits of an Independent Counsel's powers as a matter for the courts and Congress to determine. With regard to the "Wedtech" case, Judge Webster stated that the Independent Counsel was investigating the case with whatever FBI assistance he desired and that there was a separate FBI investigation that did not involve a person covered under the Ethics in Government Act. Judge Webster added that, if a case involved the Attorney General himself, he would expect the Attorney General to recuse himself and "would take the necessary steps to be sure that he did recuse himself."

Of course, the above is only a brief summary of the information developed by the Intelligence Committee in its deliberations with respect to the nomination of Judge

Webster to be Director of Central Intelligence. The full transcript of the hearings regarding Judge Webster's nomination, both open and closed, as well as all pertinent documents, are available for review by Members of the Senate. The classified documents are available in our secure committee space for examination under the rules and procedures of the Committee.

Thank you for your consideration.

Sincerely,

DAVID L. BOREN,  
Chairman.  
WILLIAM S. COHEN,  
Vice Chairman.

Mr. BOREN. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Under the unanimous-consent agreement, time is to be shared between the Senator from Oklahoma and the Senator from Maine. The Chair assumes that the Senator from Pennsylvania is the designee of the Senator from Maine at this time and will recognize him.

Mr. SPECTER. Mr. President, I am on the Intelligence Committee and in the absence of any other Senator on this side of the aisle, I seek recognition in my own right.

The PRESIDING OFFICER. The Senator will be assuming control of the time. Under the time agreement, the time between the moment we took the nomination up to 5:45 must be divided equally between the majority and the minority. Under those circumstances, the time allotted will be counted as part of the time designated to the Senator from Maine.

Mr. SPECTER. I understand and I thank the Chair.

I voted in favor of Judge Webster to be the Director of Central Intelligence at the conclusion of hearings conducted by the Select Committee on Intelligence, and I intend to vote for his confirmation before the full Senate because his overall record establishes his qualifications for this most important position.

Nonetheless, I am concerned by the evidence produced during the confirmation hearings that the FBI, and to some extent Judge Webster himself, did not respond to clear danger signals of seriously improper, if not illegal, activities by LTCOL North. The totality of the evidence suggests that LTCOL North's key position in the National Security Council and the President's strong personal support for the Contras created a climate wherein the FBI may have winked at possible violations of law involving the Contras. At his confirmation hearings, Judge Webster referred to his concern about White House influence, stating:

From time to time I have made it clear to my executives that I wanted to be closely informed about any kind of White House influence, and as recently as September 1986 before all of this broke, I addressed a memorandum to my executive conference reminding them that I wished to be informed of any committee meetings at the White House at which they were invited as my representative or for any other purpose.

Starting in January 1985, LTCOL North established direct contact with

FBI field offices on their investigation of Neutrality Act violations. He requested that he be kept informed of those matters. At his hearings, Judge Webster stated that since the matter was a national security concern, he therefore provided the information to the NSC and other Government agencies.

On July 18, 1985, the FBI's Washington, DC field office cabled FBI headquarters a most important piece of information which, if properly pursued, could have short-circuited LTCOL North's activities as early as 1985. But, the cable to FBI headquarters was never received because, in the words of Judge Webster, of "an unusual technological failure." The cable points out that the FBI—if not its Director—was well aware that LTCOL North:

Personally discussed private aid to the Contras with President Reagan in mid 1985.

Asked the FBI to delay an interview with a fraud suspect.

Was dealing with an alleged Saudi Prince through an intermediary because it was not advisable for North, as a member of the National Security Council, to deal directly in view of a legal prohibition against aiding the Contras.

Although that cable was referenced in subsequent FBI cables, no attempts were ever made to retrieve it. Those facts could have immediately spotlighted and possibly stopped LTCOL North's operations through early FBI investigations. At a minimum, it would have alerted President Reagan to the serious implications of North's activities.

On the record, this key FBI document and several subsequent ones did not reach Judge Webster, so he cannot be held personally responsible for purposes of these confirmation hearings. Nonetheless, FBI agents knew about it and did nothing.

Again, in April 1986, LTCOL North contacted one of Judge Webster's three deputies, Oliver Revell, to request that Revell intercede with an Assistant U.S. Attorney in Philadelphia to delay the questioning of Richard Miller, a "consultant" to North and a witness in the Saudi Prince case. In April 1987, Richard Miller was named as a co-conspirator along with LTCOL North in a tax fraud case involving aid to the Contras and entered a guilty plea. Mr. Revell originally told the Intelligence Committee by letter on April 13, 1987 that he did intercede, but 4 days later, recanted his story. He admits that he never advised Judge Webster of this White House request because he never interceded, although until April 13, 1987, he thought he had. It is Judge Webster's view that Revell erred in judgment by failing to inform him in April 1986 of this request and for not dealing with the Assistant U.S. Attorney through the Justice Department.

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On October 30, 1986, a memorandum was prepared by the Attorney General's, Counsel for Intelligence Policy stating that "North may be involved in a criminal probe concerning U.S. activities in Central America by a special prosecutor." The memorandum contained an even more important danger signal that "it would not be possible to advise other persons in the National Security Council and he assured the technically derived information would not be made available to LTCOL North." Judge Webster testified that he did not remember having read the memorandum, although he concedes that he initialed it.

Questions arise on Judge Webster's and the FBI's failure to focus and act on this memorandum in light of the fact that Judge Webster, and certainly the FBI, knew of LTCOL North's extensive involvement in Contra aid and his involvement, as early as August 1986, with the arms-for-hostage effort. Judge Webster stated in testimony that he was concerned by that August 5, 1986 revelation. At about the same time the October 30 memorandum crossed his desk, Judge Webster wrote a memorandum dated October 31, 1986 concerning a request of Admiral Poindeux relayed by Attorney General Meese to hold up on an investigation of Southern Air Transport because of the hostage negotiations.

Perhaps it is 20-20 hindsight to say that Judge Webster and senior FBI officials should have been alerted to possible violations of Federal law such as the Arms Export Control Act and the Boland amendment. But, there was no focus, there were no questions asked.

In the context of the information which had come to Judge Webster's personal attention, a further question arises as to the adequacy of Judge Webster's reaction when Attorney General Meese told him on November 21, 1986 that he, Meese, had been asked by the President to pull the facts together on the Iran arms transaction. Judge Webster and Attorney General Meese concurred in their testimony that there was no reason for FBI involvement because there was no indication of a criminal investigation. In retrospect again, perhaps more should have been expected of Judge Webster in light of:

The information which had crossed his desk on the possibility of criminal allegations including the October 30 memorandum that North might be involved in a criminal probe concerning activities in Central America.

The Iran arms transaction which was laden with questions on compliance with the Arms Export Control Act; and

The Attorney General's obvious closeness to White House involvement on such matters which would profit from the more-detached participation of Judge Webster.

In evaluating the events of November 21, 1986, questions have been raised about the propriety of Attorney

General Meese's conduct and handling of the inquiry. Judge Webster might have been in an even better position to objectively evaluate those problems and direct an inquiry which would have preserved the records which LTCOL North was able to shred.

Experience has demonstrated the dual conflicting functions of the U.S. Attorney General. He is the senior lawyer of the executive branch, and he is also the Nation's chief law enforcement officer. That duality is compounded when the Attorney General is also a President's confidant. At about this time, Attorney General Meese was making public statements about marching "shoulder-to-shoulder" with the President in response to some high level executive officials who were raising questions about the President's Iranian policies. The relationship between President Nixon and Attorney General John Mitchell is closer to current events than ancient history as a danger signal to possible analogous relationships.

Perhaps even perfect hindsight would not have brought this potential problem into focus, but it raises the problem for the future. Based on the Watergate experience, the time is long overdue that we give serious consideration to separating the roles of the Nation's chief law enforcement officer from the senior executive branch lawyer or Presidential confidant.

It may be that some of these danger signals available to Judge Webster and the FBI are apparent only through 20-20 hindsight. But it may be that more should have been expected from the highly touted Federal Bureau of Investigation and its Director who enjoys a reputation for integrity and competency unsurpassed by anyone in office in Washington today. In any event, there are lessons here which should not be lost. Such issues should be identified and analyzed so that we may benefit in the future.<sup>1</sup>

<sup>1</sup> Although not directly relevant here, it is worth noting that the FBI is now being called upon to serve as the investigative arm for the Independent Counsel, formerly known as Special Prosecutor, who will be investigating Attorney General Edwin Meese in the WedTech matter. That role for the FBI, as well as the Bureau's investigative functions on matters where others in the Executive Branch may be under investigation or have a different interest, should be scrutinized and evaluated in another proceeding.

It may be that it is too much to ask a Federal agency, like the FBI, to be indifferent to the President's stated position when they are investigating allegations of violations of law regarding U.S. assistance to the Contras. It is a very difficult situation to have FBI personnel investigate the Attorney General of the United States, even when they are for the moment under the direction of Independent Counsel, because the Attorney General, after all, was their boss and probably soon again will be their boss.

The adage that no man can serve two masters is firmly established.

Congress, perhaps through the Judiciary Committees, should review the FBI's roles in such situations which have inherent conflict-of-interest implications.

Needless to say, no one is perfect, and we must be careful not to impose standards so rigorous that good men and women fall by the wayside or that other good men and women will be discouraged from seeking important Federal positions. Judge Webster's record as a practicing lawyer, Federal judge and Director of the FBI is excellent. Judge Webster's record outweighs my reservations so I shall vote to confirm him as the new Director of CIA.

The PRESIDING OFFICER. The Senator from Maine has 5 minutes 20 seconds remaining; the Senator from Oklahoma has 10 minutes 4 seconds remaining.

Mr. COHEN. Mr. President, I yield 2 minutes to the Senator from Missouri.

Mr. DANFORTH. Mr. President, I thank the Senator from Maine.

Mr. President, I have known Judge Webster for a number of years. He is a very good family friend and has been for, I guess, most of his life. When I was admitted to the Missouri bar, he was a member of the board of law examiners. I believe I am the only Member of the Senate ever to have tried a lawsuit in front of Judge Webster. I have known him in many capacities for many years. He is the pride of our State. I do not know of anyone in the State of Missouri who is more highly thought of than Bill Webster by people who have known him all of his life, people who have known him in every conceivable setting. And so it is with considerable pride that I rise once again to support the nomination of Bill Webster for this latest example of his support and contribution to his country.

The PRESIDING OFFICER. Who yields time?

Mr. BOREN. Mr. President, I yield 4 minutes to the distinguished Senator from Nevada [Mr. REID].

The PRESIDING OFFICER. The Senator from Nevada is recognized for 4 minutes.

Mr. REID. Mr. President, we are asked today to confirm as Director of the Central Intelligence Agency Judge William Webster. Judge Webster is an honorable and decent man, and if these were ordinary times, I would probably vote to confirm his nomination, although with some reservations.

These are not, however, ordinary times. Once again the CIA has been betrayed by those in the highest corridors of power who are charged with maintaining its health. Each week reveals some new action taken by the former director in direct or implicit contravention of the law and expressed will of Congress.

Judge Webster has been presented to us as the physician to cure these ills. I do not believe he is the man for the job.

As things now stand, I do not believe an adequate explanation has been offered for the conduct of the Federal Bureau of Investigation while it has sat under Judge Webster's steward-

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ship. I do not speak lightly in this vein as one example of this lack of administration is how the FBI has run amok in Nevada, and it did so under the direction of William Webster.

There remain too many unanswered, unjustified, and unacceptable actions during the tenure of William Webster, and while Joseph Yablonsky served as the FBI agent in charge in Nevada. Use of the Bureau to investigate political opponents such as Nevada's Republican attorney general is simply improper. Use of the Bureau to intimidate those with whom the agent in charge disagrees, such as former Detective Chuck Lee, is simply improper. Lee questioned Yablonsky's approach to law enforcement. Yablonsky even placed stakeouts on the movement of respected veteran homicide Detective Robert Hilyard. He even attempted an aborted investigation without foundation or substance of former U.S. Senator, Paul Laxalt. He and his lieutenants were not above the intimidation and use of IRS agents—one of whom lost a high ranking position with the IRS because of these actions. He even planned and/or condoned the use of a convicted felon and brothel owner to get tainted evidence against others.

I want to make it clear that my disapproval has nothing to do with the guilt or innocence of Harry Claiborne, the Federal judge who claimed he was the victim of FBI persecution in Nevada. Rather, it deals with the still unanswered questions surrounding conduct by Judge Webster's subordinates which was nothing short of reprehensible; conduct in which they unquestionably harassed decent, law-abiding, and upstanding citizens; conduct in which they violated the very laws they and Judge Webster had sworn to enforce.

Even this past week the story in the Nevada press is that FBI agents have offered to drop dope charges against a private detective if he would implicate Clark County Sheriff John Moran and Clark County Public Defender Morgan Harris.

William Webster may be a decent and honorable man. But an administrator he is not. William Webster permitted the FBI to be used for indecent and dishonorable purposes. He is not the man to cure the CIA of its ills. Rather, I would urge my colleagues to leave him at the FBI, and give him an opportunity to deal with the sickness the Bureau has shown during his tenure. "Physician," we should say to him, "Go from this house and cure thyself."

Only when that sickness has been purged from the FBI should we permit Judge Webster to accept another patient.

WILLIAM H. WEBSTER / CIA DIRECTOR

(By request of Mr. SIMPSON the following statement was ordered to be printed in the RECORD:)

Mr. DOLE. Mr. President, I am very pleased that the Senate is voting today to confirm William H. Webster

as Director of the Central Intelligence Agency.

This is a critical position, and a critical period for the Agency. When Judge Webster was nominated to fill this vacancy, there was an outpouring of praise and approval. Why? Because throughout his many years in public service, as Director of the FBI, as a Federal appeals court judge, a Federal district judge, and U.S. attorney, William Webster has established a record of integrity and competence.

Today's FBI is a testament to the intelligent, forward-looking leadership of William Webster. Since 1978, when President Jimmy Carter appointed him, he has guided the Bureau with a steady, sure hand and developed it into a stable, aggressive, and effective law enforcement agency.

Judge Webster is a real professional, who understands the ins and outs of the intelligence community. He has a proven record of dedication and achievement in Government service. And I have no doubt that he will continue that course in his new role as Director of the CIA. I urge my colleagues to follow the pattern of the Intelligence Committee, which unanimously approved this nomination.

WILLIAM WEBSTER—A MAN FOR ALL SEASONS

Mr. DECONCINI. Mr. President, I know I speak for all Americans when I express my gratitude to Judge William Webster for devoting so much of his career to the judicial system of this country. All of us are indebted to this extraordinary public servant, and all of us have benefited from his service to his country.

At a time when its need was greatest, Judge Webster took the helm at the Federal Bureau of Investigation where his leadership made possible the replacement of chaos with stability; of shattered effectiveness with significant accomplishment. His keen vision identified weakness and his precision of purpose restored vigor to a beleaguered agency.

Under his guidance, the FBI has emerged fully capable of discharging its responsibilities as the Nation's primary criminal investigative agency, one of which all America can be proud.

As a member of the Senate Judiciary Committee, I have had many occasions during the past decade to become familiar with Judge Webster's high standards, both for himself and for others; with his unassailable personal integrity and with his strength of character as he directed the FBI on a steady course.

Once again, I was privileged to sit on the committee charged with consideration of Judge Webster's nomination. The Intelligence Committee conducted comprehensive and exhaustive confirmation hearings which scrutinized Judge Webster's fitness for the position of Director of Central Intelligence. Throughout this thorough and sometimes grueling review of his record at the FBI, Judge Webster dis-

played, with unflappable patience, his solid qualifications for the job. In an expression of its support for his nomination, the Intelligence Committee unanimously voted to confirm Judge Webster as Director of Central Intelligence.

No less a challenge awaits the next Director of Central Intelligence than that which greeted William Webster at the FBI 10 years ago. In order to restore stability and effectiveness to the intelligence community the new Director of the CIA will have to blend judiciously the four components of intelligence—analysis, counterintelligence, espionage, and covert action, to create a combination best suited to form the structure on which this country's foreign policy can be forged and its defenses built to deflect threats from outside forces. In these times of diminished resources hard choices must be made. I am confident that as Director William Webster will make those choices which will accurately reflect our national priorities.

At a time when it is imperative to remove politics from decision making in the intelligence community, members of the Intelligence Committee were reassured by Judge Webster that he would continue to maintain his apolitical posture, but would make certain he met with the President often so that he could give him his unvarnished views.

He also pledged to the committee that he would inform Congress of covert activities in a timely manner, adding, "Any project that cannot survive congressional notification is suspect from the beginning." Judge Webster buttressed that statement with his declaration that "I believe the Director of the CIA clearly has an obligation of trust to the Senate and to this committee."

Mutual trust and cooperation between the CIA and the Congress are the ingredients required to reinforce the structure on which sound intelligence policy is constructed. Judge Webster in his guarantee that he would resign if the President withheld notification of a covert operation to the Congress told the committee, "I would have to advise the President of my position on this and if he would not offer to speak to you, I would have to leave."

As the country recovers from some of the most serious foreign policy blunders in its history, carried out by those without respect for the law or the will of the American people, it is important to know that in William Webster we have a man who has dedicated most of his life to the law and can be counted on to continue that commitment and to serve the American people to the best of his uncommon ability.

Just as Judge Webster responded to his country's call 10 years ago to restore order to an organization standing in tarnished disarray, his country



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is again asking him to fill another leadership role. This time at the Central Intelligence Agency, where, I am certain, he will answer this call by imparting his own high standards to that organization.

Mr. BENTSEN. Mr. President, William H. Webster has had a long and distinguished career of service as a U.S. attorney in St. Louis, as a U.S. district judge, and as judge on the Eighth Circuit Court of Appeals.

He has served 9 years as Director of the FBI.

He is not a stranger to us here in the Senate; we have confirmed him three times for positions requiring the highest degree of integrity and ability.

He has appeared before the Select Committee on Intelligence many times, and we know him well.

As FBI Director he has been intimately involved in the intelligence activities of the U.S. Government, and has served as Chairman of the Working Group on Counterintelligence and as a member of the Special Interagency Group on Intelligence.

In the course of its hearings on this nomination, the Select Committee on Intelligence conducted three open hearings totaling almost 11 hours over 3 days, plus two closed sessions on matters that were deemed too sensitive for public discussion.

Judge Webster has answered questions on every conceivable subject relating to his conduct as FBI Director, to the activities of the FBI while he has served as Director, and on the manner in which he would conduct himself as Director of Central Intelligence.

Following these hearings the Committee voted unanimously, 15 to 0 to recommend that Judge Webster be confirmed by the Senate.

The position of DCI is one of the most sensitive and important positions in Federal Government.

This country has been without a permanent DCI since William Casey was hospitalized some months ago.

It is vital that we fill this position, and I am pleased that someone of Judge Webster's stature—someone who had certainly earned the right to retire with honors if he had chosen to do so—has agreed to accept the nomination.

**CONFIRMATION OF WILLIAM WEBSTER AS  
DIRECTOR OF CENTRAL INTELLIGENCE**

Mr. DURENBERGER. Mr. President, I am pleased to rise today to support the confirmation of William H. Webster to be the 14th Director of Central Intelligence. Judge Webster faces formidable tasks in this position. Perhaps most important is to renew leadership of the intelligence community that the Congress and the American people can trust.

I spent 8 years on the Senate Select Committee on Intelligence, the last 2 as chairman. I saw first hand how the responsibilities of the intelligence community have changed in the 1980's. The threats we expect our in-

telligence agencies to deal with include state-sponsored terrorism, narcotics interdiction, and technology security. As our expectations for the intelligence community increased, it was inevitable that new lines of authority and accountability would have to be established.

Congressional oversight has played an integral role in the development of new lines of accountability. The Intelligence Oversight Act of 1980 established precise notification procedures in order that Congress could properly exercise its constitutional oversight role. Oversight of sensitive intelligence operations involves the intelligence community, which must operate in secret if it is to be effective, and the Congress, which is accustomed to open debate and public dialog.

Congressional Oversight of Intelligence has evolved considerably since it was formalized in the 1970's—and it will continue to evolve to meet the new intelligence challenges of the late 20th century. But oversight is a process that depends on people to make it work. It involves trust among the parties. Congressional oversight is a form of a social contract which must have commitment from both parties if it is to work effectively.

We have witnessed what can happen when the process breaks down. The select committee hearings have heard detailed testimony, amplifying the testimony heard by the Senate Intelligence Committee last fall, which lays out how a private covert action network was established to circumvent the requirements of the 1980 Intelligence Oversight Act.

Many have been quick to proclaim that oversight failed in the wake of the Iran-Contra affair. But this view reveals a lack of understanding about what oversight can and cannot do. Oversight can impart the wisdom of the Senate into the intelligence process. Oversight can argue for larger intelligence budgets to meet the new threats of the 1980's. And oversights can help to improve the quality of intelligence when it focuses on the intelligence process.

Oversight cannot, however, prevent determined people from evading or circumventing the law of our Nation. Oversight did not fail in the Iran-Contra affair—certain individuals in the administration failed to live up to their responsibilities to keep Congress adequately and fully informed of all significant intelligence activities. This was a failure of people not of the process.

Some have tried to argue that Congress could not be trusted to keep such important secrets as the Iran initiative. I have never understood why Iranian mullahs and middlemen like Gorbaniyar were more trustworthy than the elected representatives of the American people. As the hearings investigating the Iran-Contra affair proceed, it is becoming increasingly clear that Congress was not informed be-

cause Congress disagreed with trading arms for hostages, disagreed with negotiations with a terrorist state, and disagreed with the administration's approach to Nicaragua.

In fact, the track record of the intelligence committees keeping secrets is very good. Under my direction, the Senate Intelligence Committee undertook a study of published media accounts which revealed secret information and relied on leaks for such information. The result of our study were informative: 147 stories were found in a period of 151 days. Of the 147 stories only 13, or 9 percent, cited congressional sources and none were attributed to the Intelligence Committee. Over 90 percent of the leaks came from the executive branch. I think these results show far better than anything else just how specious the argument that "Congress cannot be trusted because it leaks" is.

The problem is simply a lack of trust on the part of officials that were determined to pursue their goals regardless of the will of Congress. The answer is not to pass further restrictive legislation—the answer is to rebuild the trust relationship that is so necessary for oversight to work.

I have long argued that the procedures governing oversight of the intelligence community are sound and not in need of revision. Judge Webster has a tremendous opportunity to revitalize relations between the intelligence community and Congress. I believe that he will do just that. Throughout his long and distinguished career, Judge Webster has shown himself to be a dedicated and honest public servant. I look forward to his confirmation.

Mr. President, I ask unanimous consent that an article by former Director of Central Intelligence, Stansfield Turner, be entered into the RECORD. Admiral Turner's article, in the form of an open letter to Judge Webster, offers much that all future DCI's should take to heart.

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

[From the New York Times, Mar. 13, 1987]

**A LETTER TO WILLIAM H. WEBSTER**

(By Stansfield Turner)

WASHINGTON.—Dear Bill, Thanks for being willing to take the job at the Central Intelligence Agency. The nation needs you there badly. There will likely be months of difficult investigations ahead, but I would like to suggest that there can be opportunity in the adversity.

So many mistakes have been made in the past few years in and around the White House and the C.I.A. that the President has agreed to make radical changes in the way he uses the C.I.A. That will help you immeasurably. Witness two excerpts from his talk to the nation March 4:

"I am also determined to make the Congressional oversight process work. Proper procedures for consultation with the Congress will be followed, not only in the letter but in the spirit.

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"I've also directed that any covert activity be in support of clear policy objectives and in compliance with American values. I expect a covert policy that if Americans saw it on the front page of their newspaper, they'd say, 'That makes sense.'"

The Administration has previously resisted these policies strongly. The C.I.A. has resisted them from time to time. External forces, though, have made such policies inevitable. Congressional oversight, for instance, is the result of the greater and greater democratization of American life since you and I entered Amherst College in 1941. We are much less willing today to yield to authority just because it is authority. You and I have come to see the traditional power of committee chairmen in Congress watered down, junior officers in the military daring to ask why they are doing what they are doing and factory workers advising management.

From the 1940's to the 60's, almost no one outside the C.I.A. sought a say in what was going on inside that secret organization. The public accepted that as a necessary price of the cold war, and the Congress obliged by providing money with few questions asked. By the late 60's, the Congress began to worry about the C.I.A.'s secret activities. In 1974, it passed the Hughes-Ryan Amendment requiring that Congress be informed when the C.I.A. undertook covert actions. A year later, it ordered a halt to a covert action in Angola.

That same year brought the Church committee, whose investigations revealed that unaccountable power can lead to mistakes. The Congress decided that we could not have any unaccountable agency of Government, not even our most secret intelligence organization.

From 1977 to 1981, we worked to make Congressional oversight compatible with secrecy. It quickly became clear that you must have good will and trust on both sides to do that. Without trust, the Congress may insist on knowing details that could endanger the lives of agents or other secrets, and without good will the C.I.A. cannot win the support from Congress that it needs.

In their concern for secrecy, President Reagan and former Director William J. Casey told the intelligence committees as little as possible. The most obvious damage was that the Administration had neither the advice of the Congress on the Iran hostage swap nor its support. What you now face is the possibility of new laws requiring such full disclosure that you might feel inhibited from conducting some sensitive operations.

Building on Mr. Reagan's pledge to make oversight work, however, you can restore confidence and trust. The Congress would prefer this, I believe, but you will have to persuade Congress that secrecy is not being abused. There will always be some resistance from C.I.A. professionals to sharing information with the Congress. Espionage and covert action have traditionally been viewed in the C.I.A. as unique undertakings that demand extraordinary secrecy. There is probably nowhere in our Government where so much secrecy is justifiable. We have just seen, though, where excess secrecy can have disastrous results.

The paranoia with which Vice Adm. John M. Poindexter and Lt. Col. Oliver L. North divided up information and limited its distribution on the grounds of secrecy is just what did them in.

President Reagan's pledge on covert actions should also help. His conversion here comes from having been burned four times by covert actions that the public rejected: the mining of Nicaragua's harbors, publication of a manual for the contras that ap-

peared to condone assassination, support of antiterrorist actions by Lebanese intelligence that got out of the C.I.A.'s control and resulted in some 80 innocent deaths, and the arms deliveries to Iran. None of these passed the verdict of "makes sense."

It is also very difficult to keep a covert action covert if it does not make sense. Under the Hughes-Ryan Amendment, you must obtain Presidential approval and notify the Congress of all covert actions. There are bound to be leaks. This means that we have forsaken the ability to undertake covert actions that would not be accepted by the public. The President, in effect, acknowledged that he is now willing to accept that.

It is not a high price to pay, because it would be contrary to the spirit of our constitutional process to carry out foreign policies in secret that the public and Congress would not accept if known and also because the scope for covert action has narrowed remarkably in the past 20 years, especially actions to change the political complexion of other countries.

For instance, in 1954 Dwight D. Eisenhower decided that he did not like the Guatemalan Government. The C.I.A. with not much more than radios broadcasting reports of the movements of nonexistent troops, helped "our man" into office. That policy would probably not work today because communications are too good in most countries for such deception to deceive. Tomorrow, when commercial photographic satellites are more broadly available, it will be even more difficult. Covert action has an important niche, but it is a more narrow one than we previously thought.

Finally, what I found perhaps most disturbing in the Tower commission report was the evidence that some C.I.A. people were out of control: responding to Colonel North's request for covert help without proper authorization; treading close to, if not over, the law in assisting the contras, and submitting statements that have proved to be false.

The people in the C.I.A. are among the very best in our Government, but the pressures to which we subject them are unique. A few of them may go wrong from time to time. Given the present environment, you have a marvelous opportunity to establish a more careful management system.

In short, this time of trouble is also a time of opportunity to cement the President's pledges and to assert a greater degree of control at the C.I.A. Both are overdue—and both are essential.

Mr. DIXON. Mr. President, I have known Bill Webster personally for a long time. Since our days together at law school at Washington University, I have never doubted my friend's honesty, his integrity, or his unswerving commitment to what is right and fair in Government.

William Webster is committed to good government. He cares deeply about what this Nation stands for, and I sincerely believe this commitment will be reflected as he serves the American people in his capacity as Director of Central Intelligence.

Mr. President, this country needs a man of William Webster's character to lead its intelligence apparatus, a vital tool of U.S. foreign policy. It is unfortunate that this crucially important Government agency has suffered a loss of credibility. Its role in American foreign policy is too vital.

For these reasons, I believe the Senate should unanimously advise and consent to the nomination of William Webster to be Director of Central Intelligence. This agency deserves a commitment to professionalism and excellence from its Director. Judge Webster offers this commitment.

The PRESIDING OFFICER. Who yields time?

Mr. BOREN. Mr. President, I yield 4 minutes to the Senator from Montana [Mr. MELCHER].

Mr. MELCHER. Mr. President, when people of my generation first became aware of the Federal Bureau of Investigation it was during the bank robbery days in the early thirties and the apprehension and disposal of Dillinger.

And in the later time the FBI investigation of organized crime drew the attention of the public, and perhaps many of the public are aware of the FBI's work on income tax evasion, but there are also some duties that the FBI has in connection with Indian reservations and the major crimes that are committed on Indian reservations. It is a requirement of law that the FBI investigate on Indian reservations.

The special duties of the FBI on Indian reservations in Montana caused me to write late in 1985, in November specifically, to the special agent in charge in Butte, MT, about crime on Montana reservations. I received a response from the FBI, in fact from the Director, Judge Webster, in February 1986, and it was a resume of what was occurring.

Might I point out that part of that response was that on the Blackfeet Indian Reservation in Montana, just one of our reservations, there were 99 major crimes with three convictions. This was during a period between June 30, 1983, until August 1, 1985. And those crimes involved death or serious bodily injury or other personal crimes of violence like kidnapping or assault, rape, or robbery, and so forth.

Ninety-nine investigations to three convictions seemed to demonstrate the point that the investigations of these major crimes were not resulting in significant amounts of convictions. I had not been informed of significant improvement since that date in 1985. Not much happened that I was aware of during my recent discussions with Judge Webster over the past several weeks. I have emphasized my concerns that crime on many Indian reservations in Montana was not under control.

He has brought me up to date on some improvement, and I am pleased to say that. But there is still lack of attention. Judge Webster, in a letter to me today outlined the steps that the Federal Bureau of Investigation will take in trying to get better control over crime on Indian reservations.

At the heart of this was a discussion of the reorganization of the FBI in the Montana and Idaho division. Judge

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Webster has also, in light of all this serious concern, recommended that there be a reassessment of the studies that have gone on since 1984 about FBI reorganization.

I am pleased that Judge Webster has set the course for the FBI over the next several months in looking into these problems in depth and attempting to get better coordination between the various agencies that are responsible for law enforcement on Indian reservations. He will also recommend that during the reassessment period, that the FBI will consult with Montana and Idaho Senators and Congressmen, State, local, and Indian officials, and civic leaders. This approach is needed and the coordination of all law enforcement offices is essential.

Butte has been the location of the special agent in charge for the division. It is a proper geographic location and the essential work of adequate investigation and preparation of cases has been successfully carried out in the past in the two States. Coordinating the work of FBI and other law enforcement agencies can be greatly improved, but it depends more on the work on the ground where the crimes are committed, than where the division headquarters are located. The problem is not Butte. It is the lack of coordination. Today's letter from Judge Webster commits the necessary effort to get on top of the problems.

Mr. President, I ask unanimous consent to have printed in the Record my letter to the special agent in charge, dated November 1985, and the response by Judge Webster in February 1986, with attached documents, as well as Judge Webster's letter of today and documents that are attached to it.

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

U.S. DEPARTMENT OF JUSTICE,  
FEDERAL BUREAU OF INVESTIGATION,  
Washington, DC, February 4, 1986.

HON. MARK ANDREWS,  
Chairman, Select Committee on Indian Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN, I am writing in response to the November 22, 1985, letter from Senator John Melcher to Special Agent in Charge William Fallin of our Butte Office regarding the Senator's concerns about the effectiveness of law enforcement of Indian reservations in Montana. The following comments concerning the FBI's role in Federal law enforcement on Indian reservations in Montana relate directly to Senator Melcher's six questions:

1. The Butte FBI Office has overall responsibility for the investigation of Crimes on Indian Reservations (CIR) in Montana. The office consists of a complement of seven Special Agents, a Special Agent in Charge and an Assistant Special Agent in Charge. The Butte Office is responsible for the administration of eight satellite offices in Montana known as Resident Agencies (RA), five of which are responsible for CIR matters. These RAs are located in Cut Bank (2 Agents), Great Falls (3 Agents), Glasgow (2 Agents), Missoula (3 Agents) and Billings (5 Agents). The three additional RAs are located in Helena (2 Agents), Bozeman (2 Agents) and Kalispell (2 Agents).

2. Enclosure 1 sets forth the named RAs that serve Indian reservations in Montana and the distance between each RA and reservation. Enclosure 2 lists the distance between our Butte Office and each Indian reservation within its responsibility.

At the present time, my associates are evaluating a proposal submitted by Special Agent in Charge Fallin to reduce the three-Agent complement in Great Falls to two Agents, and to reestablish the RA at Havre with one Agent. Under this proposal, the Havre RA would handle investigative matters in Liberty County, Hill County, Blaine County and at the Fort Belknap and Rocky Boy Indian Reservations. This new change would afford our assigned Agent immediate access to Fort Belknap (50 miles) and Rocky Boy (25 miles).

3-5. Refer to enclosure 3, which is a two-year statistical analysis of CIR cases opened by our Butte Office from June 30, 1983, through October 8, 1985. Listed declinations are based upon U.S. Attorney guidelines.

6. The FBI's working relationship with Montana tribal and Bureau of Indian Affairs (BIA) offices is projected toward the eventual nationwide shifting of the FBI's primary investigative responsibilities for law enforcement on Indian reservations to the BIA, Department of the Interior (DOI), and the tribal police. During the past five years, extensive efforts have been implemented to accomplish this goal, which has been the policy of the Department of Justice since 1980. This policy encourages U.S. Attorneys having jurisdiction over Indian matters to utilize the investigative services of tribal and BIA police as a means toward Indian self-determination. It is currently published in the United States Attorneys Manual, and reads as follows:

§-20.145 INVESTIGATIVE JURISDICTION.

"The FBI has investigative jurisdiction over violations of 18 U.S.C. 1152 and 1153. Frequently by the time the FBI arrives on the reservation some investigation will have been undertaken by tribal or Bureau of Indian Affairs (BIA) police. It is recognized that the ability of the tribal and BIA police can vary from reservation to reservation, and United States Attorneys are free to ask for FBI investigation in all cases where it is felt that such is required. However, United States Attorneys are encouraged and authorized to accept investigative reports directly from tribal or BIA police and prepare a case for prosecution without FBI investigation in all cases where you feel a sufficient investigation can be undertaken by BIA or tribal law enforcement officers."

In spite of the implementation of this Departmental policy, the FBI continues to conduct the majority of the investigations of major criminal offenses that occur on Indian reservations. In various conferences, meetings and seminars with U.S. Attorneys and FBI officials, it has been determined that a variety of concerns have been expressed in regard to transferring investigative responsibilities in all major felonies to the BIA and tribal police. Among the concerns voiced is the importance of uniformity in delivering law enforcement services to the Indian people, the timeliness and thoroughness of investigation, the reporting of investigation for prosecutive consideration, and the ability to provide coverage of out-of-state leads when the BIA assumes the investigative responsibilities. Some U.S. Attorneys have indicated that they had not been satisfied with BIA's investigative response on cases currently within BIA's jurisdiction and did not favor a blanket transfer of responsibilities. The U.S. Attorneys also questioned the sufficiency of the manpower pool

available to BIA to handle a high volume of investigations.

Consideration is presently being given to exploring the possibility of extending to the BIA and other tribal police departments jurisdiction for negligent homicide investigations. Should such extensions take place, the FBI will follow each of those investigations with the respective agencies.

It should be noted that there will be no transition of law enforcement from the FBI to the Indian police until the Indian police develop a career-type law enforcement service with officers who can practice the law enforcement skills that they are taught and become expert in them. The rapid turnover of officers in the Indian police ranks is a detriment to the effectiveness of Indian police organizations and must be addressed as a number one priority prior to placing undue emphasis on removing the FBI from its law enforcement responsibilities on Indian land.

The BIA has attended various meetings with Department of Interior (DOI) officials in efforts to expedite the shifting of the FBI's role on reservations to the BIA. The DOI has a Division of Law Enforcement Services (DLES), BIA, which does not have line authority or control of BIA investigators on reservations. The BIA investigators are directed by nonlaw enforcement-trained personnel. At the present time, if the Chief of the DLES desires any action to be taken on a reservation, he must request this action through the BIA area Superintendent (not law enforcement trained), who then passes this request on to the Reservation Superintendent (not law enforcement trained) to determine if he desires this action to take place. Due to this type of arrangement, the BIA DLES has been hampered at times in executing its responsibilities.

The BIA is assigned one FBI National Academy (NA) student position in each of the four classes trained annually at the FBI Academy at Quantico, Virginia. During 1982, three student positions were filled; in 1983, four student positions were filled; in 1984, four positions were filled; and in 1985, three positions were filled by BIA students. It should be noted that Indian tribal police officers are allowed to attend the Treasury Department's consolidated Federal Law Enforcement Training Center, Glynnco, Georgia. Coordination for this training is handled by the BIA.

The FBI has conducted numerous local Indian Training Schools for BIA and tribal police in the areas of report writing, investigative techniques, crime-scene search and evidence preservation. The total Fiscal Year BIA and Indian training statistics sponsored by the FBI for 1982 there were 29 schools with 576 attendees; Fiscal Year 1983 there were 33 schools with 693 attendees; Fiscal Year 1984 there were 33 schools with 752 attendees; and Fiscal Year 1985 there were 18 schools with 442 attendees. In December, 1985, our Butte Office conducted a three-day Basic Law Enforcement Techniques Training Session in Browning, Montana, for 20 BIA and tribal police.

This type of training continues to enhance the professional capabilities of BIA and tribal officers. As their professional qualifications are enhanced, the quality of work that they produce will also improve, and we would expect subsequently the U.S. Attorneys will come to rely more and more on their investigative efforts.

In addition to the training given to the BIA and the Indian law enforcement community, the FBI has also conducted two separate cross-cultural Indian seminars for FBI Special Agents working primarily Indian matters. Instructors and guest speakers in-

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cluded prominent individuals from the Indian community and the BIA.

The FBI presently supports the Montana BIA and tribal police through training and during their investigations offers guidance and counseling, as well as the services of the FBI Laboratory and Identification Divisions. The FBI will continue in this regard in the event these agencies assume full responsibility for all investigations on Indian reservations.

Continued coordination by the FBI with leaders of the Indian community on matters of mutual interest is a priority matter to me. In this regard, as recently as October 28, 1985, Supervisory Special Agent (SSA) Allan E. Meyer, Unit Chief, General Crimes Section, Criminal Investigative Division, FBI Headquarters, attended and participated in the ninth Inter-American Indian Conference held in Santa Fe, New Mexico. This forum presented an excellent opportunity for SSA Meyer to discuss several of the previously mentioned matters, and by so doing, open additional lines of communication with other attendees.

I trust that the above information will be of assistance to you and the Committee members.

Sincerely yours,

WILLIAM H. WEBSTER,  
Director.

RESERVATION/RA COVERING RESERVATION

- Blackfeet/Cut Bank.
- Rocky Boy/Great Falls.
- Fort Belknap/Glasgow.
- Fort Peck/Glasgow.
- Flathead/Missoula.
- Crow/Billings.
- Northern Cheyenne/Billings.

DISTANCE BETWEEN RA AND RESERVATION

- Blackfeet/Cut Bank:
- Browning—35 miles.
- East Glacier—48 miles.
- St. Mary—57 (appx).
- Heart Butte—55 (appx).
- Rocky Boy/Great Falls:
- Rocky Boy—93 (appx).
- Havre—113 miles.
- Box Elder—91 (appx).
- Fort Belknap/Glasgow: ---
- Fort Belknap—122 miles.
- Hays—152 (appx).
- Lodge Pole—142 (appx).
- Harlem—135 (appx).
- Fort Peck/Glasgow:
- Fort Peck—22 (appx).
- Poplar—70 miles.
- Wolf Point—49 miles.
- Flathead/Missoula:
- Polson—66 miles.
- Crow/Billings:
- Crow Agency—57 (appx).
- Lodge Grass—79 (appx).
- Pryor—25 (appx).
- Hardin—46 miles.
- Northern Cheyenne/Billings:
- Lame Deer—103 (appx).

U.S. SENATE,

SELECT COMMITTEE ON INDIAN AFFAIRS,  
Washington, DC, November 22, 1985.

Mr. W. D. FALLIN,  
Special Agent in Charge, U.S. Federal  
Bureau of Investigation, Butte, MT.

DEAR MR. FALLIN, I have longstanding concerns about the effectiveness of law enforcement on Indian reservations in Montana. I am contacted frequently by Indian and non-Indian constituents who feel that the attention and services provided by Federal law enforcement officers and prosecutors on Indian reservations in Montana are inadequate.

In order to better understand the Federal law enforcement situation on Indian reser-

vations in Montana, I would like you to provide me with the following information:

1. the location of the FBI field offices in Montana and the number of agents in each field office;

2. which field offices serve Indian reservations in Montana and the distance between each field office and the reservation it serves;

3. for each of the last five years, how many cases did the FBI investigate on each reservation in Montana (please break out by year, by reservation, and by the type of crime);

4. For each of the last five years, provide the number and type of cases, broken out by reservation, investigated by the FBI which were (a) submitted to the U.S. Attorney for prosecution; and (b) prosecuted in Federal Court. For those cases prosecuted, please indicate the final disposition;

5. for each of the last five years, provide the number and type of cases, broken out by reservation, which were submitted to the U.S. Attorney for prosecution and declined. Please indicate the reason for declination by the Attorney;

6. please describe the nature of the FBI's working relationship with the Tribal and Bureau of Indian Affairs enforcement officers on each Indian reservation in Montana. Include in this description any informal or formal arrangements between the FBI and reservation law enforcement that facilitates the investigation of federal crimes on the reservations in Montana.

I appreciate a prompt response to this request.

Best regards,  
Sincerely,

JOHN MELCHER.

DISTANCE BETWEEN BUTTE CENTRAL OFFICE AND RESERVATION

- Blackfeet:
- Browning—238 miles.
- East Glacier—251 miles.
- St. Mary—260 (appx).
- Heart Butte—218 (appx).
- Rocky Boy:
- Havre—266 miles.
- Box Elder—244 (appx).
- Fort Belknap—315 miles:
- Hays—348 (appx).
- Harlem—310 miles.
- Lodge Pole—355 (appx).
- Fort Peck:
- Poplar—494 miles.
- Wolf Point—473 miles.
- Flathead:
- Polson—185 miles
- Crow:
- Crow Agency—367 (appx).
- Lodge Grass—389 (appx).
- Pryor—335 (appx).
- Hardin—269 miles
- Northern Cheyenne:
- Lame Deer—413 (appx).

JUNE 30, 1983 TO AUGUST 1, 1985

Reservation	No. of cases by offense	No. of cases convicted by offense	Total cases/convictions
Blackfeet	198A-99 C-82	3	181/9
Rocky Boy	198A-21 B-1 C-24 D-5	2	51/2
Fort Belknap	198A-19 C-25 D-1	1	45/2
Fort Peck	198A-54 C-50	16	104/49
Flathead	198C-5 D-1	0	6/1
Crow	198A-21 B-1	3	51/3

JUNE 30, 1983 TO AUGUST 1, 1985—Continued

Reservation	No. of cases by offense	No. of cases convicted by offense	Total cases/convictions
Northern Cheyenne	C-27 D-7 198A-39 C-13 D-1	0 0 4 3 1	53/8
Total	491	74	491/74

<sup>1</sup> Offense Description  
Crime on Indian Reservation—Involving death or serious bodily injury and other personal crimes of violence, i.e., kidnapping, assault, rape, robbery, etc.—198A  
Crime on Indian Reservation—Other personal crimes—198B  
Crime on Indian Reservation—All property crimes—198C  
Crime on Indian Reservation—Embezzlement and/or fraud involving tribal funds—198D  
<sup>2</sup> One misdemeanor.

Cases closed by declination

Blackfoot	54
Rocky Boy	18
Fort Belknap	20
Fort Peck	25
Flathead	0
Crow	12
Northern Cheyenne	25
Total	154

U.S. DEPARTMENT OF JUSTICE,  
FEDERAL BUREAU OF INVESTIGATION,  
Washington, DC, May 19, 1987.

Hon. JOHN MELCHER,  
U.S. Senate,  
Washington, DC.

DEAR SENATOR MELCHER: I appreciate very much the opportunity to discuss the law enforcement situation in Montana and especially the management of our Butte Division, which encompasses both Montana and Idaho. This is, of course, a continuation of our previous discussions and correspondence and of the briefing provided to you by Executive Assistant Director John Glover.

First, I understand your deeply felt concern that there be more effective law enforcement on the Indian Reservations and I agree that greater effort should be made to improve the combined effectiveness of the law enforcement agencies involved in this effort. I believe that significant progress has been made, as reflected in our current statistics, but recognize that other agencies are also involved and other statistics may vary from ours. The FBI will undertake to see what additional means are available within the law enforcement community, including the FBI, to improve coordination on the reservations and will fully support your efforts in this regard.

Second, I know that you understand my desire to improve the management of our field offices, especially those offices with significant numbers of resident agencies scattered throughout large territories. The Attorney General has been furnished with a number of studies and recommendations that have been made dating back to 1984. None of these studies or recommendations suggest any diminution in the investigative strength of the FBI currently assigned to our Butte Division. In fact, in recent years there has been a significant increase in the division's target staffing level. I have previously assured you that I would not undertake to dictate a decision during the time I remained in office should the Senate confirm my nomination as Director of Central Intelligence. That has been, and will continue to be the case.

Because of your deep concern, and in deference also to Senator Baucus, I will recommend that a reassessment of the accumulated studies be made under the direction of our Inspection Division and that the new Director and the Attorney General take no

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action on this matter until a more current assessment has been completed. I will also recommend that all of the Senators and Congressmen from Montana and Idaho, as well as other state, local and tribal officials and civic leaders be consulted and their views incorporated in the assessment. Finally, I'm certain that the Attorney General and/or the new Director will discuss their final conclusions with you at the appropriate time.

I believe all of the above is in accordance with our discussions and I trust will be satisfactory to you. With best wishes,

Sincerely,

WILLIAM H. WEBSTER,  
Director.

## CRIME ON INDIAN RESERVATION 198 CLASSIFICATION ACCOMPLISHMENTS

Butte	Com-plaints	Indict-ments and infor-mations	Arrests	Pretrial diversion and convic-tions
Fiscal year				
1985	13	65	21	49
1986	16	84	22	31
1987 (1st Qtr)	6	6	1	70

## BUTTE'S PERCENTAGE OF TOTAL BUREAU

Com-plaints	Ind's	Arrests	PTDs and convic-tions	
Fiscal year				
1985	24 (55)	23 (287)	16 (129)	17 (293)
1986	15 (105)	21 (399)	12 (178)	22 (326)
1987 (1st Qtr)	6 (9)	6 (43)	3 (36)	46 (461)

Figures in parentheses are Bureau totals.

## CASES

Butte	OO pending beginning of year	OO cases received	OO cases closed	OO pending end of year
Fiscal year				
1985	102	303	269	137
1986	137	182	219	196
1987 (1st Qtr)	200	38	30	208

## BUTTE'S PERCENT OF TOTAL BUREAU OO CASES

Pending	Received	Closed	Pending end of year	
Fiscal year				
1985	18 (564)	26 (1160)	36 (751)	14 (973)
1986	31 (973)	17 (1876)	26 (1372)	15 (677)
1987 (1st Qtr)	15 (677)	21 (284)	17 (288)	16 (273)

## CRIME ON INDIAN RESERVATION DEATH OR SERIOUS BODILY INJURY

Com-plaints	Informa-tion and subse-quent	Arrests	Convic-tions	
Fiscal year:				
1985	11	31	17	30
1986	11	45	28	39
1987 (1st Qtr)	0	4	1	2

198A	OO cases pending beginning of year	OO cases received	OO cases closed	OO cases pending end of year
Fiscal year:				
1985	46	346	137	36
1986	66	114	127	61
1987 (1st Qtr)	33	30	29	34

Mr. BAUCUS. Mr. President, I am pleased that FBI Director William Webster has assured Senator MELCHER and myself that the Bureau's Butte, MT division office will remain in Butte, pending a study of FBI operations on the division's Indian reservations.

The Butte FBI office has a distinguished record of effectiveness. This effectiveness is enhanced by Butte's central location, convenient to Montana's and Idaho's Indian reservations, where many of the Bureau's investigations are conducted.

The Butte office also contributes substantially to the local community, employing approximately 70 people. These jobs are important to Butte, a community rich in history, but more recently hit hard by the downturn in the natural resource industry.

I am confident that when the FBI completes its study of Bureau operations on Indian reservations, it will become clear that Butte is the best location for coordinating investigations on these reservations.

I thank Mr. Webster for his thoughtfulness in calling for this study and I anxiously await its recommendations.

Mr. BOREN. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. Two minutes and fifteen seconds.

Mr. BOREN. Mr. President, at this time, in case other members of the committee appear, I reserve the remainder of my time.

Mr. COHEN. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. Four minutes and seventeen seconds.

Mr. COHEN. Mr. President, on May 1, 1987, the Senate Intelligence Committee voted 15-0 to report favorably to the Senate on the nomination of Judge William H. Webster to be Director of Central Intelligence. This unanimous vote came after extensive deliberations on his qualifications for the position.

The committee's inquiry focused on questions regarding Judge Webster's conception of the role of the DCI, his views on the congressional oversight process, and his record as Director of the Federal Bureau of Investigation. We paid particular attention—both in open and closed hearings—to several issues which relate to matters currently being investigated by the select congressional committees and the independent counsel. Judge Webster has responded under oath, both orally and in written form, to all of the questions submitted to him by the committee relevant to these issues. Based on our inquiry and those responses, I feel it imperative that the Senate confirm him as expeditiously as possible.

The Central Intelligence Agency and the intelligence community at large have been without a permanent Director since William Casey was hospitalized last December. While Robert Gates, his former deputy, has served

admirably as Acting Director through these difficult times, a position as critical to the Nation as the Directorship of Central Intelligence cannot be allowed to languish unoccupied.

The chaos which has characterized some elements of this country's national security apparatus has been chronicled almost daily since last November in the press, in the proceedings of select congressional committees and through the work of the independent counsel. The Senate Intelligence Committee undertook the initial inquiry into the Iran-Contra affair in full knowledge of the contributions intelligence activities make to the formation and implementation of United States, foreign, and defense policies. The importance of maintaining a congruence between the foreign policy goals of the country, as articulated by the administration and in laws passed by Congress, and the execution of those policies by the intelligence community lies at the heart of intelligence oversight.

It is for precisely this reason that we conducted exhaustive interrogation of candidates for the position of DCI. It was clear that a complete and public disclosure of all matters which might be relevant to the tenure of the Office was in order. Investigating committees of the past have been criticized for putting too much information relating to the conduct of covert operations before the public, and in so doing, causing irreparable damage to the process by which the Nation safeguards its security. It is a criticism which expresses a fundamental insensitivity to the needs of a democracy and underestimates the wisdom of the people, in whose hands the strength of the Nation ultimately rests.

Secrecy can find its proper function in a democracy only to the extent that it is used to accomplish goals and policies expressed through democratic legal processes and is limited by the bounds of the constitutional framework. In many ways, entrusting the leadership of an agency whose mandate is to support policy through secret means is the most delicate of all Executive appointments, for any abuse of the position carries catastrophic potential for our sometimes precarious system of checks and balances.

It is for this reason that the committee had to seek Judge Webster's firm pledge to abide by the legislation governing the oversight of intelligence, and for this reason that his reactions to a seemingly endless stream of documents and press reports detailing allegations of impropriety by the Bureau or other Government entities had to be examined in full view of the public.

If the CIA and other agencies of the intelligence community are to retain support for their activities in the aftermath of the investigative processes which are currently underway, they must be visibly occupied with the business of correcting past excesses. The

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public will need convincing that tenderness to be engaged in activities which might not support open scrutiny have been addressed, and that the preferences of the leadership of the intelligence community lie in the support of foreign policy rather than in its conduct.

Judge Webster has demonstrated his commitment to these challenges, and he has evidenced his own predispositions by requesting from the start to sit on the President's Cabinet in an advisory capacity only, without the prerogatives of membership. His statements regarding retroactive and oral findings indicate his commitment to a policymaking process which can boast both demonstrated authorization and prior policy consideration. His 9-year tenure as Director of the FBI has invested him with an appreciation of the rule of law, a general knowledge of the role of intelligence in support of policy, and specific expertise in the areas of counterintelligence and counterterrorism—areas which are currently in sore need of his stewardship.

I believe we are fortunate to have before the Senate the nomination of a man with such demonstrably appropriate qualifications for the position. I urge Senators to vote to confirm Judge Webster with the same enthusiasm which our committee has reported his nomination.

Mr. President, I think we are seeing right now the importance of this particular nomination.

I think everyone recognizes that we have a Central Intelligence Agency that necessarily has to function in the dark. Of necessity, it also must operate within the law, and therein lies the particular rub we face. How do we integrate intelligence activities into the formulation of foreign policy? How can intelligence operations be conducted, most of them in private and secret, and occasionally even in the dark, and at the same time within the rule of law?

That is what we are spending a lot of time on in the Iran-Contra hearing, focusing on the words "rule of law."

The rule of law is important to this democracy. It is the very cement that holds conflicting and competing interests together in our united Nation. When that cement either cracks or loses its adhesive power, then we can find those conflicting interests and opinions left floating almost on the debris of democracy.

I think it is terribly important that we establish the meaning of the rule of law in the minds of our elected officials.

I think we found 10 years ago, and again recently, that secrecy can lead to unaccountability; and if you have unaccountability, that in turn can lead to a sense of arrogance, and that arrogance inevitably leads to abuse. When the abuse is finally exposed, that can lead to public embarrassment at the least and political paralysis at the worst, and we have witnessed a certain

degree of that paralysis over the past 4 or 5 months.

So we must take extraordinary care in how we oversee the Central Intelligence Agency. There is perhaps no more important function than to take an equal amount of care in the selection of people nominated to head the agency.

Bill Webster, I believe, is a man of extraordinary capability, dedication, idealism, and intelligence. I am satisfied, as vice chairman of the committee, that he measures up to all the qualities we need and seek in the director of this Agency.

We understand that we need to have covert operations as an option to be employed by the President from time to time. That option must be exercised very selectively and must be employed with great care.

There can no longer be covert actions which seek to exclude notification to Congress, because that will lead to destruction of our intelligence agencies.

We are satisfied, I think, that Bill Webster understands his role as Director of the Agency and the role of the Agency within our system, and I believe he will make a fine contribution to our country.

Mr. President, I yield back the remainder of my time.

Mr. BOREN. Mr. President, I yield the remainder of the time on this side to the distinguished majority leader.

Mr. BYRD. I thank the able chairman and manager of the nomination.

Mr. President, in legislative session today, I will introduce legislation to set fixed terms for the Director and the Deputy Director of the Central Intelligence Agency.

The CIA's involvement in the Iran arms-for-hostages deal, evidence that has emerged in the Iran-Contra hearings that former CIA Director Casey was far more deeply involved than originally thought in helping the Contras get military supplies, and the controversial nomination of Robert Gates as CIA Director earlier this year suggest that it would be wise to provide a degree of independence to the two top people at the CIA.

The legislation I will introduce sets fixed terms of 7 years for the Director and Deputy Director of Central Intelligence.

Members might not agree to a 7-year term. They may think it ought to be 10 years or some such term. In any event, the legislation would set the fixed term of 7 years for the Director and Deputy Director of the Central Intelligence Agency.

The Director may not serve more than one 7-year term. The legislation also would stipulate that the two positions shall not be occupied simultaneously by individuals who were employed by the CIA at any time in the 7 years prior to their nomination.

In the mid-1970's, in part in response to revelations about CIA excesses, there were a number of bills and rec-

ommendations to set a fixed term for the Director of Central Intelligence, but none of them became law. Congress has continued to struggle with the issue of the CIA's accountability on covert operations. I do not take issue with the need of any administration—Republican or Democratic—to collate intelligence and conduct covert operations when necessary.

The CIA's role in this administration's assistance to the Contra rebels in Nicaragua, however, suggests that perhaps it would be wise to insure that the Director of Central Intelligence, and his Deputy, have a degree of independence that would make it possible for the Agency to resist pressure to engage in questionable or illegal activities. As well, reports that intelligence studies were tailored to support desired administration conclusions on Soviet designs on Iran, which apparently provided intellectual justification for the Iran arms-for-hostages deals, suggest that the CIA needs protection from political pressure to insure that its intelligence analysis is unbiased.

A number of important executive branch officials serve fixed terms: the FBI Director serves a single 10-year term; the Director of the Office of Personnel Management serves for 4 years; the Chairman of the Federal Reserve Board serves for 4 years. It is time for the Director and Deputy Director of Central Intelligence to be added to this list.

I thank the Senator from Oklahoma for yielding.

Mr. BOREN. Mr. President, does any time remain?

The PRESIDING OFFICER. All time has expired.

Mr. COHEN. Mr. President, I ask unanimous consent to proceed for 30 seconds.

The PRESIDING OFFICER. Without objection it is so ordered.

Mr. COHEN. Mr. President, I want to take a moment to express my thanks to the chairman of the Intelligence Committee. He conducted two sets of hearings—one on Mr. Gates and one on Mr. Webster—and conducted them with intensity and great integrity. It was because of his patience and perseverance that every Member of the minority had a full opportunity to develop, explore, and exchange views on this important nomination. I thank him for his patience and courtesy.

Mr. BOREN. Mr. President, I ask unanimous consent that I may proceed for 1 minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BOREN. Mr. President, I thank my colleague from Maine for the very generous comments he has just made. It is a great privilege and pleasure to be able to serve with him in the leadership of that committee. He serves ably as vice chairman and has made an immense contribution to the spirit of

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bipartisanship which appropriately reigns in that committee.

That committee spans the entire political spectrum of the Senate. The members of the committee put in long hours, and because of the nature of the work, the amount of time they spend is often unrecognized.

Under the leadership of the Senator from Maine and the spirit he exemplifies, the members of the committee are developing the kind of spirit that I think the country needs and will serve our Nation's security interests as well. I thank him for the very gracious comments he made.

I urge my colleagues to join in the unanimous recommendation of the Committee on Intelligence that Judge Webster's nomination be confirmed, so that he can get on with the important work at hand in the Central Intelligence Agency.

Mr. MURKOWSKI. Mr. President, I am delighted to rise in support of the nomination of William Webster as Director of Central Intelligence.

There is probably no more demanding job for an unelected official than that of DCI. The Director must have an intellectual grasp of an increasingly complex array of programs ranging from traditional espionage, to some of the world's most advanced technical systems, to the analysis of political and economic developments in virtually every country in the world. He must have impressive administrative skills to lead a diverse set of agencies, both civilian and military, that make up the intelligence community. The degree of direct authority varies from one agency to the next, making the management challenge that much more difficult.

The DCI must have political skills of a high order if he is to successfully defend the interests of Intelligence against the competing demands of other government programs. And those same political abilities will, of course, be repeatedly tested in his regular dealings with the Congress.

There can be no doubt about the importance of this vote. The headlines of the last few months have underlined over and over again the critical role played by the DCI and the agencies he leads in defending national security. Intelligence agencies are the eyes and ears—the tripwire—of national defense. For instance, we are on the brink of a breakthrough in arms control negotiations with the Soviet Union. The ultimate success of that effort will depend heavily on the monitoring capabilities of U.S. intelligence.

These are demanding times for the intelligence community. While the tasks and demands grow in scope and complexity, the budgetary resources are increasingly constrained.

With all these considerations in mind, the Intelligence Committee conducted protracted hearings, in open and closed session, over several days. The result, I am happy to say, is a superbly qualified nominee. William

Webster has the required ability and experience and proven integrity for this position. His nine year record as Director of the FBI confirms this. His candor and patience in responding to the committee's painstaking confirmation process demonstrates his readiness to work constructively with the oversight committees of the Congress. In several instances Judge Webster volunteered information that had recently come to his attention, but which was not then known to the Intelligence Committee.

Mr. President, I am pleased to say that we are entrusting the intelligence community to excellent hands.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of William H. Webster, of Missouri, to be Director of Central Intelligence? On this question the yeas and nays have been ordered, and the clerk will call the roll. The legislative clerk called the roll.

Mr. CRANSTON. I announce that the Senator from Illinois [Mr. SIMON] is necessarily absent.

Mr. SIMPSON. I announce that the Senator from Kansas [Mr. DOLE], the Senator from Delaware [Mr. ROTH], the Senator from Idaho [Mr. SYMMS], and the Senator from Connecticut [Mr. WEICKER] are necessarily absent.

I further announce that, if present and voting the Senator from Kansas [Mr. DOLE] and the Senator from Idaho [Mr. SYMMS] would each vote "yea."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 94, nays 1, as follows:

[Rollcall Vote No. 115 Ex.]

## YEAS—94

Adams	Garn	Mikulski
Armstrong	Glenn	Mitchell
Baucus	Gore	Moynihan
Bentsen	Graham	Murkowski
Biden	Gramm	Nickles
Bingaman	Grassley	Nunn
Bond	Harkin	Packwood
Boren	Hatch	Pell
Boschwitz	Hatfield	Pressler
Bradley	Hecht	Proxmire
Breaux	Heflin	Pryor
Bumpers	Heinz	Quayle
Burdick	Helms	Riegle
Byrd	Hollings	Rockefeller
Chafee	Humphrey	Rudman
Chiles	Inouye	Sanford
Cochran	Johnston	Sarbanes
Cohen	Karnes	Sasser
Conrad	Kassebaum	Shelby
Cranston	Kasten	Simpson
D'Amato	Kennedy	Specter
Danforth	Kerry	Stafford
Daschle	Lautenberg	Stennis
DeConcini	Leahy	Stevens
Dixon	Levin	Thurmond
Dodd	Lugar	Trible
Domenici	Matsunaga	Wallop
Durenberger	McCain	Warner
Evans	McClure	Wilson
Exon	McConnell	Wirth
Ford	Melcher	
Fowler	Metzenbaum	

## NAYS—1

Reid

## NOT VOTING—5

Dole	Simon	Weicker
Roth	Symms	

So the nomination was confirmed.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the nomination was confirmed.

Mr. SIMPSON. Mr. President, I move to lay that motion on the table. The motion to lay on the table was agreed to.

Mr. BYRD. Mr. President, I ask that the President be immediately notified of the confirmation of the nominee.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, I have eight nominations which were submitted by the Committee on the Judiciary earlier today. These eight nominations have been cleared on both sides of the aisle.

Mr. President, I ask unanimous consent that the Senate proceed to the consideration of the eight nominations en bloc, that they might be confirmed en bloc, that a motion to reconsider en bloc be laid on the table, that the President be immediately notified of the confirmation of the nominees, and that the nominations be spread severally and independently on the record.

The PRESIDING OFFICER. Is there objection?

Mr. SIMPSON. Mr. President, we have no objection to this procedure. I would say that this is acting extraordinarily swiftly. I think it is an accommodation to the majority leader. We acted on these today at 2 o'clock. They have now come forward. We appreciate the excellent efforts of the Judiciary Committee and we thank the majority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed en bloc are as follows:

## THE JUDICIARY

Michael S. Kanne, of Indiana, to be U.S. circuit judge for the seventh circuit;

Roger B. Andwelt, of the District of Columbia, to be a Judge of the U.S. Claims Court;

James H. Alesia, of Illinois, to be U.S. district judge for the northern district of Illinois;

Joseph P. Stadmueller, of Wisconsin, to be U.S. district judge for the eastern district of Wisconsin;

Charles W. Larson, of Iowa, to be U.S. attorney for the northern district of Iowa;

K. Michael Moore, of Florida, to be U.S. attorney for the northern district of Florida;

George J. Terwilliger III, of Vermont, to be U.S. attorney;

Michael W. Carey, of West Virginia, to be U.S. attorney for the southern district of West Virginia.

Mr. BYRD. Mr. President, I am pleased to support the confirmation of Mr. Michael W. Carey as the U.S. attorney for the southern district of West Virginia.

Mr. Carey is a native of Charleston, and is a fine public servant. He has served as an assistant U.S. attorney for the past 7 years, following his graduation from the West Virginia University College of Law, where he was first in his class, Order of the

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Coif, and editor-in-chief of the law review.

He is well respected by his peers, and earlier today, his nomination was unanimously reported out of the Judiciary Committee, where I was happy to have voted for him.

I am very pleased that the President has made this exceptional appointment, and I know that Mr. Carey will continue to serve the citizens of West Virginia in an exemplary way.

In these times of skepticism in the confidence of our public servants, it is heartening and reassuring that a person of Mr. Carey's ability and integrity holds this office, requiring the highest degree of public trust.

## LEGISLATIVE SESSION

Mr. BYRD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

## MORNING BUSINESS

Mr. BYRD. Mr. President, I ask unanimous consent that there be a brief period for the transaction of morning business, not to extend beyond 10 minutes, and that Senators may speak therein for not to exceed 6 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

## "FOLLOW THROUGH" PROGRAM

Mr. GRASSLEY. Mr. President, the Follow Through Program is a popular program that helps disadvantaged children. It maintains, or follows through, the developmental support that is available to children enrolled in Head Start, or similar preschool programs, once they enter elementary school.

For more than 15 years recipients of grants under this program have been awarded noncompeting continuation grants. The Department of Education is now proposing to make this a competitive grant program as a result of legislative language in the Human Services Reauthorization Act of 1986. We think that the program should be competitive. That would allow additional schools the opportunity to compete for the benefits of this program.

Proposed regulations implementing the competitive grant process were published on April 30, just a few weeks ago. Final regulations are expected on July 31. Initially, applicants were expected to return applications for the Follow Through grants by June 30, before the regulations would have been finalized. The Department hoped that it would be able to review and approve the applications in just 2 months, so that they could announce awards by September 1. That would have pushed the start up date for new programs to October 1, after school has started.

Even if the Department of Education had been able to adhere to this optimistic schedule, such timelines would not have allowed existing or new programs sufficient time to develop plans and complete applications. Existing programs would have had trouble maintaining their teaching staff or making plans for the next year if funding would have been uncertain. New applicants would not have had adequate time to prepare fully developed Follow Through proposals for initial start-up programs. Moreover, since this is a school based program, most local school districts would have had difficulty completing proposals during the final weeks of their school year.

When these concerns were brought to my attention, I proposed to introduce an amendment to the Supplemental Appropriations Bill. That amendment would have simply delayed the implementation of the Department's rules for 1 year. Senator KENNEDY, chairman of the Committee on Labor and Human Resources, was joining me as a co-sponsor.

Mr. President, I am pleased to say that the Department of Education responded quickly and responsibly to the concerns which I and my colleagues from Massachusetts brought to their attention. When we relayed to the Department our concern about the timing of the competitive process for Follow Through grants, the Department agreed to delay the competition until the next year. The Department has notified current grantees that awards for the 1987-88 school year will be distributed according to the regulations that are currently in place. They will receive their awards on June 30.

While this step means that competition will, in effect, be delayed a year, we believe such a delay is fully justified. The delay will enable existing programs to plan for the forthcoming year, thereby preventing unanticipated staff displacement and program dislocation. Additionally, the extended application time will ensure better competition among more applicants with better proposals.

Mr. President, there is going to be a Follow Through Program and next year it will be conducted, as we intended, on a fully competitive basis. Delaying the effective date of the new regulations ensures that, for this year, the method and the timing for the grant award process will be both reasonable and practicable.

We have a precedent for such a delay. In 1984 the Department of Education proposed that funding for its research and laboratory centers be changed to a competitive process. At that time, Senator Packwood was concerned that the process would be disruptive to the existing programs. He was successful in having an amendment adopted which delayed the competition for 1 year.

I should like to add, Mr. President, that staff members from my office

and Senator Kennedy's office have discussed this problem with staff representing Senator PELL; chairman of the Subcommittee on Education, Arts and Humanities; and Senator STAFFORD; ranking member of that subcommittee. They share our concern and also believe that a single year delay in the competition for Follow Through grants is a reasonable and desirable step in these circumstances.

I am pleased that the Department of Education acted as it did. It thereby obviated the need for to take legislative action this year.

The regulation the Department has proposed is a good one, Mr. President. It not only introduces competition into the program, but it redirects it in a fundamental way by focusing on the demonstrations and dissemination of promising approaches for educating young children from poor families.

I am delighted that the Department of Education has responded so quickly and responsibly to our concerns.

## THE FOLLOWTHROUGH PROGRAM

Mr. KENNEDY. Mr. President, I should like to add my strong support to the statement offered by the Senator from Iowa.

What we are proposing is a single year delay in the grants competition for followthrough projects. The key word is delay. We want the competition to take place, but at such time and under such circumstances as to be in everyone's best interest. That is precisely what this 1-year delay will accomplish.

I am pleased that the Department of Education recognized our concerns and was willing to work out an accommodation on this matter. I believe that this delay will result in a better competition with better quality proposals than would otherwise be the case.

I commend the Senator from Iowa for his efforts on this matter.

## THE "FOLLOW THROUGH" PROGRAM

Mr. STAFFORD. Mr. President, I join my colleague from Iowa, Senator GRASSLEY, in his support for the Department of Education proposal to delay implementation of recently published regulations regarding changes in the Followthrough Program. The substance of these regulations will provide needed revision of the Followthrough Program. Current recipients of grants under this act have received continuation funds for many years. Competition for grant awards will revitalize this program and encourage new districts to participate. The Department of Education's decision to wait until the next fiscal year to implement these regulations is an appropriate step to take at this time. It will give local districts the time necessary to properly prepare for a grant competition.